

IN THE COURT OF THE 3rd A.D.J., AT HOSAPETE

Spl.C.No.01/2016

P.W. 17

Name : Sri.S.S.Nakul
Father's Name : Sri.S.K.Satish
Age : 41 years
Occupation : Private Secretary to Finance Minister,
Government of India.
Residence : Delhi.

Duly Sworn on : 09-07-2025.

Examination-in-chief by: learned Spl.P.P.

From 06.08.2015 to 24.06.2016, I served as C.E.O., Z.P., Ballari.

8 talukas were coming under the territorial jurisdiction of said Z.P. Hagaribommanahalli taluk was also included in the territorial jurisdiction of said Z.P. C.E.O., Z.P. is the competent authority for appointment and removal of a P.D.O. of a grama panchayath. I know the incident which took place at Marabihal grama panchayath. Accused No.2 – Sri.Vasanthraj Abraham was working as P.D.O. in Marabihal grama panchayath. I had received a requisition from A.D.G.P., Lokayuktha, Bengaluru for grant of sanction for prosecution of Accused No.2 – Sri.Vasanthraj Abraham. Along with the said requisition letter, said A.D.G.P. had annexed several documents. I have gone through the said documents and thereafter by exercising my jurisdiction I have issued sanction for prosecuting Accused No.2 – Sri.Vasanthraj Abraham. I have retained a set of copies of the said documents and the said copies are with me. I have gone through the said

documents. (The witness shows a copy of the sanction order issued by him containing his signature. Both the learned Spl.P.P. and the learned defense counsel and the Court have seen the said copy.) Hence, the sanction order dated 26.04.2016 is already marked as Ex.P.32 and now my signature is marked as Ex.P.32(a). I have perused 25 documents before issuing Ex.P.32 sanction for prosecution of Accused No.2 – Sri.Vasanthraj Abraham.

Cross-examination by Sri.K.B.R. Advocate for Accused No.2:-

It is true that in Ex.P.32 in the subject it is mentioned as raid case. Now I am seeing Ex.P.2(A) over the video. It is true that in Ex.P.2 the signature of the Secretary of the grama panchayath by name Sri.Totaiah is found which is already marked as Ex.P.2(A)(a). It is true that as per Ex.P.2(A) there is no signature of Accused No.2 – Sri.Vasanthraj Abraham on the resolution dated 30.06.2011. It is true that on the said date Accused No.2 – Sri.Vasanthraj Abraham did not participate in the general body meeting of grama panchayath and did not select beneficiaries under the said resolution dated 30.06.2011. The witness volunteers to state that after the said resolution, Accused No.2 – Sri.Vasanthraj Abraham had released a sum of Rs.50,000/- each (in 4 installments each) to 4 beneficiaries listed in the said resolution dated 30.06.2011. I have not secured the attendance register of the said date to know whether Accused No.2 – Sri.Vasanthraj Abraham has attended the duty on the said date. I do not have information if Accused No.2 – Sri.Vasanthraj Abraham was on leave from 28.06.2011 to 10.07.2011. I do not have information if Accused No.2 – Sri.Vasanthraj Abraham was on leave from 28.07.2011 to 04.08.2011. I do not have information if the P.D.O. - Smt.Mangala Gowri

and Secretary – Sri.Totaiah had made spot inspection in respect of sites of 3 beneficiaries. I do not remember as to whether or not I have considered any documents regarding the fact to the effect that the P.D.O. - Smt.Mangala Gowri and Secretary – Sri.Totaiah had made spot inspection in respect of sites of 3 beneficiaries. I do not remember if I have gone through the records regarding the fact that said Sri.Totaiah has signed on behalf of the grama panchayath in the 3 mortgage deeds pertaining to 3 beneficiaries. It is not true to suggest that since I have not perused the documents I am deposing falsely that I do not remember. I do not have information if P.D.O. - Smt.Mangala Gowri has again visited the spot and held spot inspection to come to conclusion that Rs.50,000/- per house is not sufficient and that additional Rs.25,000/- is required for each house. It is not true to suggest that since I have not considered the documents I do not have information about the said fact. It may be true that the 3rd installment was paid by P.D.O. - Smt.Mangala Gowri as per Ex.P.6. But, however, as per the voluntary statement of the witness, the remaining installments are paid by accused No.2 – Sri.Vasanthraj Abraham. Now I see Ex.P.6 containing signature of Secretary – Sri.Totaiah and it is true that said Sri.Totaiah has held spot inspection of the said 4 sites. Said signature of Sri.Totaiah is now marked as Ex.P.6(b). I am not able to identify the signature of P.D.O. - Smt.Mangala Gowri in Ex.P.6 which is now shown to me through video. It is not true to suggest that even though the document is now shown, since you are not verified the documents at the time of issuing of sanction for prosecution I am deposing falsely that I am not able to identify the signature of P.D.O. - Smt.Mangala Gowri in Ex.P.6. It is not true to suggest that I have not verified any documents before issuing sanction for prosecution of accused No.2 – Sri.Vasanthraj Abraham for the

alleged offences. It may be true that as per Ex.P.7 which is now shown to me through video P.D.O. - Smt.Mangala Gowri has released 3rd installment amount in respect of the beneficiary by name Smt.Nagarathna. It may be true that as per Ex.P.7 which is now shown to me through video P.D.O. - Smt.Mangala Gowri has released 4th installment amount in respect of the beneficiary by name Smt.Nagarathna. It may be true that as per Ex.P.7 which is now shown to me through video P.D.O. - Smt.Mangala Gowri has made inspection of the site of the beneficiary Smt.Nagarathna. It is true that Ex.P.8(A), 8(B), and 8(C) show that P.D.O. - Smt.Mangala Gowri has put her signatures in separate sheets containing the particulars of payments as mentioned in the said sheets.

Question:- Without verifying the documents, even though the accused No.2 – Sri.Vasanthraj Abraham has not committed the alleged offence, you have issued false sanction for prosecution of the accused No.2 – Sri.Vasanthraj Abraham for the alleged offences?

Answer:- When the accused No.2 – Sri.Vasanthraj Abraham got the information regarding ineligible beneficiaries it is his duty and responsibility to report to Executive Officer of Taluka Panchayath or the C.E.O. of the Z.P. about the said fact and he has failed to discharge the said duties and as such he is also responsible for the alleged offences.

Question:- The accused No.2 – Sri.Vasanthraj Abraham has not participated in selection of beneficiaries on 30.06.2011, he has not participated in spot inspection proceedings, he has not participated in mortgage transactions, he was absent from duty from 28.06.2011 to 10.07.2011 and from 28.07.2011 to 04.08.2011 and as such there is no

role on the part of accused No.2 – Sri.Vasanthraj Abraham in any of the overt acts in connection with the alleged offences; and even then without properly perusing the records, you have issued sanction order for his prosecution falsely?

Answer:- When the accused No.2 – Sri.Vasanthraj Abraham got the information regarding ineligible beneficiaries it is his duty and responsibility to report to Executive Officer of Taluka Panchayath or the C.E.O. of the Z.P. about the said fact and he has failed to discharge the said duties; and that apart, he has made certain payments to the ineligible beneficiaries; and as such he is also responsible for the alleged offences.

It may be true that P.D.O. - Smt.Mangala Gowri has made some of the payments in respect of ineligible beneficiaries. I do not have information if in the departmental enquiry against the accused No.2 – Sri.Vasanthraj Abraham in connection with the very same charges involved in this case, the Enquiry Officer has found that charges against the accused No.2 – Sri.Vasanthraj Abraham are not proved and that the enquiry is initiated against Sri.Totaiah.

Re-examination - Nil -.

(Typed to my dictation in the open Court)

R O I & A C

(D.P.KUMARA SWAMY)

III Additional District & Sessions Judge,
Ballari (sitting at Hosapete)