

**IN THE COURT OF THE 3<sup>rd</sup> A.D.J., AT HOSAPETE**

**Spl.C.No.5003/2017**

P.W. 07 C.W. 01

Name : Rudresh.K.P.  
Father's Name : Veerappa  
Age : 45 years  
Occupation : C.P.I. Shikaripura, Shivamogga  
Residence : Shivamogga.

Duly Sworn on : 15-09-2023.

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

I was serving as Police Inspector, Lokayuktha Police Station, Hosapete since December, 2012 to February, 2014.

On 06.06.2013, I have received the application from the Office of the A.D.G.P. Bengaluru for enquiry; the said application was presented by K.V. Ravindranath Babu, Ex M.L.A. of Kudligi Constituency. On conducting the enquiry I have submitted the report on 05.11.2013 to the Office of the A.D.G.P Bengaluru through S.P. Ballari.

On 06.12.2013 A.D.G.P. Bengaluru has authorised to lodge a Complaint, on the basis of the said Report. I have received the said report through S.P. Ballari on 31.12.2013.

Now I see the letter issued by the S.P. Ballari on 19.12.2013 alongwith the petition filed by K.V. Ravindranath Babu, Ex M.L.A. of Kudligi Constituency. On identification, the said letter alongwith the xerox copy of the petition is collectively marked as Ex.P11; and Signature of the Witness is marked as Ex.P11(a).

On the basis of the Authorisation Letter I have filed a Complaint. Now I see the said Complaint. On identification, the same is marked as Ex.P12; and Signature of the Witness is marked as Ex.P12(a).

I have registered the Crime. Now I see the F.I.R. On the basis of the identification, F.I.R. is marked as Ex.P13; and Signature of the Witness is marked as Ex.P13(a). I have sent the copy of the Complaint and F.I.R. to this Court.

On 21.01.2014 I have requested the Horticulture Department, Hosapete to send panchas to conduct the Panchanama, by sending a requisition. Now I see the said requisition. On identification, the said requisition is marked as Ex.P14; and Signature of the Witness is marked as Ex.P14(a).

C.W.2 and C.W.3 appeared before me on 22.01.2014 at about 11.00 a.m. in the morning, at that time Accused No.1 and Bill Collector U.M.Prakash were present in our Office; I have given instructions to the said panchas about conducting of Seizure Panchanama. At that time Accused No.1 and Bill Collector U.M.Prakash have produced 19 Volumes of Case Registers and files, measurement books, cash book, Challan Register, Pass book pertaining to State Bank of Mysuru, Chikkajogihalli Branch; Market and Bus-stop Auction Register, collection Register for the years 2011-12, D.C.B. Register for the year 2009-10, Rent Recovery Register for the years 2010-2011, Action Plan documents, 2<sup>nd</sup> Stage Action Plan documents, Assessment Register for the year 2010-11, Audit Report for the years 2011-2012, 46 Files pertaining to 13<sup>th</sup> Finance Scheme for the years 2011-12, 6 Files pertaining to NAREGA for the years 2011-12; and 38 files pertaining to Works details taken up under Nidhi-II Assessment Recovery. I have seized the said documents with registers in the presence of both the panchas viz., C.W.2 and C.W.3; drawn the Seizure Mahazar. Now I see the said Seizure Mahazar, on identification, the said Seizure Mahazaris already marked as Ex.P1. Signature of the Witness is available on each page of the Seizure Mahazar/Ex.P1, but on identification,

Signature of the Witness available on the last page of the Seizure Mahazar/Ex.P1 is marked as Ex.P1(b). 19 Volumes, big Books Registers, etc., seized under the Seizure Mahazar/Ex.P1 are collectively marked as M.O.1.

I have filed the P.F. pertaining to M.O.1.

I have recorded the Statements of C.W.2 and C.W.3 on the same day.

On 03.02.2014 I have given requisition to the B.S.W. Hosapete to send panchas to conduct the Panchanama. Now I see the said requisition. On identification, the said requisition is marked as Ex.P15; and Signature of the Witness is marked as Ex.P15(a). Accordingly, C.W.4 and C.W.5 appeared before me on 04.02.2014 at about 08.30 a.m. in the morning, at Lokayuktha Police Station, Hosapete, at that time Assistant Engineer, P.W.D. Hosapete/C.W.23 was present in our Office; I have given instructions to the said panchas about conducting of Spot Panchanama and intimated them that C.W.23 will help for the said proceedings. We have left our Office by 09.00 a.m. in the morning and went to Chikkajogihalli Panchyath Office, it was about 10.45 a.m., wherein Accused No.1 and Bill Collector U.M.Prakash, Accused No.4 were present, so also I have secured the presence of C.W.6 and C.W.7; wherein we have verified the work done at Tudi Pipeline Work as per File No.32; construction of tike (Platform surrounding the tree) takenup at Aralikatte as per File No.5; verified Pipeline Work as per File No.13; the said verification work was done inbetween 11.00 a.m. to 12.30 Noon. Again from 12.45 p.m. in the afternoon we have verified the laying of pipeline as per File No.10; verified the construction of water tank as per File No.37; laying of

pipeline work at C.J.Halli Thanda as per File No.39; the said verification work was done inbetween 12.45 p.m. to 01.15 p.m. in the afternoon.

I have made enquiries with Accused Nos.1 and 4 as to whether they have informed about the works to the Publicatlarge, but it was revealed that they had not given the said information to the Public.

Again we started verification of pipeline works of lower ward of Chikka Jogihalli Thanda, as per File No.14; construction of the Public Road as per File No.43; the said verification work was done inbetween 01.20 p.m. to 02.00 p.m. in the afternoon.

We went to Kurihatti by 02.45 p.m.; we have verified construction work of Water Tank as per File No.15; construction of Public Road near the School, as per File No.38; the said verification work was done inbetween 02.45 p.m. to 03.30 p.m.

Thereafter we went to Makanadaku Village, wherein we have verified the construction of Water Tank as per File No.24; construction of public road as per File No.31; the said verification work was done inbetween 04.00 p.m. to 04.45 p.m.

Thereafter we came to Inspection Bunglow at Chikkajogihalli by 05.00 p.m. and drawn the running Mahazar of the verification of the above stated works from 05.00 p.m. to 06.30 p.m. I can identify the said Mahazar; the said Mahazar is already marked as Ex.P6. Signature of the Witness is available on each page of the Mahazar/Ex.P6, but on identification, Signature of the Witness available on the last page of the Mahazar/Ex.P6 is marked as Ex.P6(e).

I have requested the Panchas to come on the next day for conducting of further Panchanama Proceedings.

On 05.02.2014 we have left the office at 08.00 a.m. in the morning and went to Chikkajogihalli Village near Inspection Bunglow, it was about

09.45 a.m., wherein Accused No.1 and U.M.Prakash Bill Collector have produced 2011-2012 NAREGA work book; the same was seized in the presence of both the panchas. Now I see the said M.B. Book No.1/11-12. On identification, the same is marked as M.O.2. Signature of the Witness is marked as M.O.2(a).

We have left the Inspection Bunglow at about 10.15 a.m. and reached the Stalls constructed under Nidhi-II scheme; the same was verified by the Engineer who had accompanied me; the said verification work was done inbetween 10.15 a.m. to 10.45 a.m.

Thereafter we went to Chikkajogihalli B.C.M. Hostel by 10.50 a.m. wherein Plantation work was taken place, we have verified the said Plantation work shown by Devadas/C.W.18, as per the records 240 plants were planted, but actually there were only 96 plantation plants available in the Compound of B.C.M. Hostel, Chikkajogihalli; the said verification work was inbetween 10.15 a.m. to 11.30 a.m.

Thereafter, we went to J.N.U. Navodaya School, wherein Plantation work was taken place, we have verified the said Plantation work shown by Devadas/C.W.18, as per the records 395 plants were planted, but actually there were only 291 plantation plants available in the Compound of J.N.U. Navodaya School, Chikkajogihalli; the said verification work was inbetween 11.35 a.m. to 12.15 p.m.

Thereafter, we went to Government School, Chikkajogihalli Thanda, wherein Plantation work was taken place, we have verified the said Plantation work shown by Devadas/C.W.18, as per the records 380 plants were planted, but actually there were only 270 plantation plants available in the Compound of Government School, Chikkajogihalli Thanda; the said verification work was inbetween 12.20 p.m. to 01.00 p.m.

Thereafter, we went to the Road running from Chikkajogihalli Thanda connecting to N.H.13, wherein Plantation work was done on both the sides of the said Road, we have verified the said Plantation work shown by Devadas/C.W.18, as per the records 380 plants were planted, but actually there were only 230 plantation plants available on either sides of the said Road; the said verification work was inbetween 01.10 p.m. to 02.10 p.m.

Thereafter, we returned to the Inspection Bungalow, Chikkajogihalli by 02.20 p.m. and drawn the running Mahazar of the verification of the above stated works from 02.20 p.m. to 03.00 p.m. I can identify the said Mahazar; the said Mahazar is already marked as Ex.P7. Signature of the Witness is available on each page of the Mahazar/Ex.P7, but on identification, Signature of the Witness available on the last page of the Mahazar/Ex.P7 is marked as Ex.P7(d).

I have filed the P.F. pertaining to M.O.2.

On the same day, I have recorded the Statements of C.W.4 to C.W.18.

Due to my transfer, I have handedover the Charge of this Case for further Investigation to P.I. Mahanthesh Hosapete.

I can identify Accused Nos.1 and 4 who are present in the Open Court today.

**Cross-examination by Accused Nos.1 to 6:-**

(Sri.G.V.P. Adv for Accused Nos.1 to 6 prays time to Cross Examination P.W.7. Hence, Cross Examination of P.W-7 by Accused Nos.1 to 6 is deferred).

**(Typed to my dictation in the open Court)**

**ROI & AC**

**(ABDUL-RAHIMAN .A. NANDGADI)**  
III Additional District & Sessions Judge,  
Ballari (sitting at Hosapete)

**IN THE COURT OF THE 3<sup>rd</sup> A.D.J., AT HOSAPETE****Spl.C.No.5003/2017**

P.W. 07 C.W. 01

Duly Sworn on : 09-02-2024.

**Cross-examination by Sri.G.V.P. Adv for Accused Nos.1 to 6:-**

I have perused the Complaint filed by Ravinranath Babu, Ex M.L.A. of Kudligi Constituency. It is false to suggest that, I have not investigated the allegations made by Ravinranath Babu, Ex M.L.A. of Kudligi Constituency in his Complaint, in this case. It is true to suggest that, Investigation Report for having done the Investigation on the basis of the allegations made by Ravinranath Babu, Ex M.L.A. of Kudligi Constituency, is not filed alongwith the Chargesheet in this Case. It is true to suggest that, I have filed a Report with the A.D.G.P. Bengaluru, on having Preliminary Enquiry in this case, before registering the Crime. During the Course of my Preliminary Enquiry, I have not called Ravinranath Babu, Ex M.L.A. of Kudligi Constituency, made enquiries with him and secured documents from him. I have not recorded the Statement of Ravinranath Babu, Ex M.L.A. of Kudligi Constituency, in this Case. I have verified the records with the Makanadaku Grama Panchyath, during the course of my Preliminary Enquiry. Even I have visited the Spots, where the work had taken place, during the course of my Preliminary Enquiry. I have visited the Spots, where Plantation of Trees were done. I have not recorded the Statements of the Public of the vicinity of the Spots, where I have visited during the course of my Preliminary Enquiry. I have personally inspected the construction works on the Spots, but I have not sought for the assistance of any qualified Engineer, for inspecting the constructions works done on the Spot. I have not exactly stated about the deficiency of the work of Construction done on the Spots, in my Preliminary Report. But, I

have stated the approximate value of misappropriation done, in the Preliminary Report. I have not received back the Preliminary Report given by me from our Head Office, but I have received only Permission to register the Crime against the Accused Persons. So, I have not placed the preliminary Report alongwith the Complaint, in this case.

I have not secured the Preliminary Report and attached to this Case, during the course of my partial Investigation.

Chargesheet filed in this Case also contains the documents secured during the course of my Preliminary Enquiry. I have secured the documents and enquired with Srinivas, P.D.O./Accused/D.O. No.1, during the course of my Preliminary Enquiry.

I have shown misappropriated Amount of Rs.10,08,172/-, in my Preliminary Report. I have not secured the documents, showing misappropriation Amount of Rs.10,08,172/- shown by me in my Preliminary Report, during the course of my Investigation.

It is false to suggest that, I have not secured the documents showing specific amount of misappropriation done by each of the Accused persons, in the Investigation conducted by me, in this case; having totally misappropriated an amount of Rs.10,08,172/-, as per my Preliminary Enquiry.

I have not shown the misappropriated Amount done under several heads, in the Panchanama drawn by me.

I have not secured the Written Report of Assistant Engineer, Sundar Wadavelu/C.W.23, prior to preparing the Panchanamas/Ex.P6 and Ex.P7. C.W.23 was also present at the time of drawing the Panchanamas/Ex.P6 and Ex.P7. Prior to preparing the Panchanamas/Ex.P6 and Ex.P7, I have

not sought for the rough notes from C.W.23 with regard to mis-appropriation of funds. Witness volunteers that C.W.23 requested that he will submit his Report, subsequently after conducting the Panchanamas/Ex.P6 and Ex.P7, on having reference with S.R. Values.

It is false to suggest that, since myself and C.W.23 were not in a position to ascertain the exact amount of mis-appropriation, at the time of conducting the Panchanams/Ex.P6 and Ex.P7, so we have not shown the said mis-appropriated value in the said Panchanamas.

It is false to suggest that, I have not verified the documents secured by me from the Accused/D.O. No.1, but it is true to suggest that I have not shown the amount of mis-appropriation taken place in my Investigation Proceedings

I have secured the Work Orders of the work done by the Accused/D.O. Persons. I have not shown during the course of my Investigation, as to how much amount of work, as per the Work Orders were completed; what amount of work has remained uncompleted; and what is the deficiency of the work, to be completed, as per the Work Order, in my Investigation Proceedings.

I have not noted the measurements of the length and curves of the roads and the water pipe line, found in the work done by the Accused Persons/D.Os, in my Spot Panchanamas/Ex.P6 and Ex.P7. Witness volunteers that they have measured the lengths and curves of the roads and the water pipe line, but have not mentioned in the Panchanamas/Ex.P6 and Ex.P7.

I have inspected the Planatation Work done by the Accused Persons/D.Os. I have shown the year of plantation of the trees in my Investigation Proceedings. As per the Work Order, both Grama Panchyath

Authorities and Forest Department have to undertake the maintenance work of the Plantation. The said period of maintenance was for 2 years.

I have not shown in my Investigation Proceedings about the responsibility of maintaining the Plantation, casted upon the Grama Panchyath Authorities, as per the Work Order.

During the course of my Investigation, I have not come across as to exactly what amount of misappropriation is done by each of the Accused persons.

I have seen the Report submitted by the Assistant Engineer, Sundar Wadavelu/C.W.23, but I have not secured the copy of the same.

It is false to suggest that, Assistant Engineer/Sundar Wadavelu/C.W.23 has given his Report on the day of conducting the Panchanamas, as per Ex.P6 and Ex.P7. It is false to suggest that, Assistant Engineer/Sundar Wadavelu/C.W.23 has given his Report contending that there is no deficiency in the work allotted to the Accused persons.

On the day of conducting the Panchanamas/Ex.P6 and Ex.P7, Assistant Engineer/Sundar Wadavelu/C.W.23 has recorded rough notes of the work done on the respective Spots. I have drawn the Panchanamas/Ex.P6 and Ex.P7 on the basis of the Rough notes prepared by Assistant Engineer/Sundar Wadavelu/C.W.23. I have mentioned in the Panchanamas/Ex.P6 and Ex.P7 that the said Panchanamas have been drawn on the basis of the Rough Notes prepared by Assistant Engineer/Sundar Wadavelu/C.W.23. It is false to suggest that, the Panchanamas in which I have mentioned that they are based on the Rough Notes prepared by Assistant Engineer/Sundar Wadavelu/C.W.23, is not produced in this Case.

Prior to submitting the Preliminary Enquiry Report, I have not obtained any Opinion of Technical Experts like Engineers.

It is false to suggest that, Accused persons have done the works as per the Work Order; no any work is in deficiency; no any mis-appropriation is done by the Accused persons, but I have recorded the Panchanamas/Ex.P6 and Ex.P7 falsely; and deposing falsely that Accused persons have mis-appropriated an amount of Rs.10,08,172/-.

It is false to suggest that, I have not recorded the Statements of the Witnesses, as contended by me in my Examination-in-chief.

It is false to suggest that, I have not personally verified the documents, seized by me in this Case.

It is false to suggest that, Accused/D.O. No.1 has not produced documents before me mentioned in Ex.P1; and I have got seized the said documents under the Mahazar/Ex.P1.

It is false to suggest that, I have not visited the Spots alongwith Assistant Engineer/Sundar Wadavelu/C.W.23; and conducted the Panchanamas, as per Ex.P6 and Ex.P7.

It is false to suggest that, I have not recorded the Panchanamas, as per Ex.P6 and Ex.P7 on the Spots.

I had got clicked Positive Photographs, while conducting the Panchanamas, as per Ex.P6 and Ex.P7. Witness volunteers that those photos are not available in the file. It is true to suggest that, I have not shown in the Investigation Proceedings about having clicked Positive Photographs, while conducting the Panchanamas, as per Ex.P6 and Ex.P7.

I do not know as to when the Assistant Engineer/Sundar Wadavelu/C.W.23 has given his Report, after conducting of the Panchanamas/Ex.P6 and Ex.P7.

It is false to suggest that, I have not conducted any Investigation in this Case on the basis of the allegations made by K.V. Ravindranath Babu, Ex. M.L.A. of Kudligi Constituency, in his Complaint.

It is false to suggest that, I have given a false Preliminary Report in this Case, prior to registration of the Crime.

**Re-Examination - NIL**

**(Typed to my dictation in the open Court)**

**R O I & A C**

**(ABDUL-RAHIMAN .A. NANDGADI)**  
III Additional District & Sessions Judge,  
**Ballari (sitting at Hosapete)**