

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

Spl.C.No.5002/2019

P.W. 01 C.W. 01

Name : T.R. Banakar
Father's Name : Revana Siddappa
Age : 44 years
Occupation : Agriculturist
Residence : Hunisikatte Village, Harapanahalli
Taluk

Duly Sworn on : 14-07-2023.

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

I own an Agricultural Land bearing Survey No.50-H measuring situate at Anajigere. I am growing Silk Cocoons in an Area measuring 2.50 Acres. I have got erected a Shed consisting of Bamboos; and have placed the same with the aid of Chandrike to an extent of 400; I had purchased the said Chandrike for Rs.29,000/-. I was to get subsidy of Rs.18,175/- but I was told that an amount of Rs.16,170/- approximately.

I was to get subsidy of Rs.21,000/- towards erection of the Shed.

The beneficiaries who had erected the Sheds and purchased Chandrike subsequent to me have received the Subsidy, but I did not receive the Subsidy. When I enquired Accused No.1, he had called me on 03.01.2017 in the evening and intimated me to come over to the Office of Assistant Director of Silks, Davanagere on 04.01.2017. Accordingly I had been to the Office of Assistant Director of Silks, Davanagere on 04.01.2017 at about 01.00 p.m. in the Afternoon, wherein the Accused

No.1 demanded bribe amount of Rs.4,000/- from me, for which I came outside the said Office; got the Mobile recorder in the On Mode and again went inside the Office; and had conversation with the Accused No.1 contending that Rs.4,000/- will be heavy amount for me and requested to reduce the said bribe money; for which Accused No.1 asked me to pay Rs.3,500/-. At that time myself and Accused Nos.1 and 2 were present in the said Office. Accused No.2 intimated me to talk with the Range Officials as he had already had conversation with them. Thereafter I returned to my native. Since my conscious did not permit me to give bribe, so on the next day, i.e., on 05.01.2017 went to the Office of A.C.B. Davanagere at about 05.20 p.m. in the evening. I intimated the said facts to the official there; and got conversed with the Recordings recorded in the Mobile Phone with the said Official, for which the said Official had put the said Conversation in his Laptop and got played it. They have taken Complaint from me.

Now a document/Complaint is shown to the Witness and questioned him to identify whether the said document contains his Signature. Witness identifies the said Complaint and his Signature. On identification the said Complaint is marked as Ex.P1 and Signature of the Witness is marked as Ex.P1(a).

On the same day the A.C.B. Police Officials at Davanagere has got secured two panchas viz., Devaraj/C.W.3 and H.B.Mohan/C.W.2; the said Official got introduced me to the said Panchas; has got played the Mobile Recorder before them; and intimated them that they have to take up trap proceedings at Harapanahalli tomorrow and started to demonstrate about the proceedings, wherein the said Official had received an amount of Rs.3,500/- from me; has applied Phenolphthalein Powder to the said Currency Notes; took Sodium Carbonate and mixed it with water in a bowl,

which was not having any Colour; insisted H.B.Mohan/C.W.2 to take the Currency amount from my pocket and to count it; and asked H.B.Mohan/C.W.2 to dip his hands in the bowl containing Sodium Carbonate, immediately the said Sodium Carbonate turned into Rose Colour. Thereafter the said liquid which has turned into Rose Colour was taken into a bottle, sealed it. And Thereafter the said Official informed us that the same procedure will be followed tomorrow, on trap.

I had given 6 Currency Notes of Rs.500/- denomination; 3 Currency Notes of Rs.100/- denomination and 4 Currency Notes of Rs.50/- denomination. I can identify the said Currency Notes.

(Now the materials sealed in the white colour cloth bag, are unsealed in the presence of the Learned Spl. PP for the State and Sri.K.M.R., Adv representing Sri.B.A.D. Adv for Accused No.1; Sri.U.B.R., Adv for Accused No.2; and found Indian Currency Notes {6 Currency Notes of Rs.500/- denomination; 3 Currency Notes of Rs.100/- denomination and 4 Currency Notes of Rs.50/- denomination}. Now the said Currency Notes have been shown to the witness and questioned him to identify them. Witness identifies the said Currency Notes, to have given to the A.C.B. Police Official, Davanagere on 05.01.2017. On identification, the said Currency Notes collectively are marked as M.O.1.

The entire demonstrative activities were taken place on 05.01.2017 inbetween 08.00 p.m. to 10.00 p.m. in the night. The A.C.B. Police Official has conducted Mahazar to that effect and has taken the said Currency Notes/M.O.1 into his Custody.

Now a document/Pre Trap Mahazar is shown to the Witness and questioned him to identify whether the said document contains his Signature. Witness identifies his Signature. On identification Pre-trap

Mahazar is marked as Ex.P2 and Signature of the Witness is marked as Ex.P2(a).

Thereafter I was asked to come on the next day morning; with that I returned to my residence.

Again I have appeared before the A.C.B. Police Official in his Office at Davanagere at 09.00 a.m. in the Morning. By the time I reached the Office, even both the Panchas had come to the said Office. Thereafter A.C.B. Police Official had taken his Departmental Vehicle and another Vehicle, in order to proceed towards Harapanahalli.

On the earlier day, the A.C.B. Official had instructed H.B.Mohan/C.W.2 to note down the Serial Nos. of the Currency Notes and accordingly he had taken down the Serial Nos. of the said Currency Notes, placed by me. On 05.01.2017 H.B.Mohan/C.W.2 had kept the said Currency Notes smeared with Phenophthalein Powder (hereinafter called as tainted Currency notes for the sake of convenience) in the left side Front Top Pocket of my Shirt. On 06.01.2017 again the said Notes were verified from my Shirt Pocket; again Phenophthalein Powder was smeared on the said Currency notes by P.C. Kalleshappa; and again the said tainted Currency Notes were placed in my Shirt Pocket. Before leaving the Office, the A.C.B. Official has instructed me, as to what is to be done when we reach Harapanahalli, contending that Bribe Money/Tainted Notes is to be given only on demand, otherwise not; and on tendering the said Bribe Money/Tainted Notes asked me to place a Signal by scratching the Cheek. Thereafter we left the A.C.B. Davanagere Office at about 09.30 a.m. in the morning and when we came outskirts of Davanagere City for about 1 km, I was asked to make a telephone call to Accused No.1, accordingly I have called Accused No.1 from my mobile phone to his mobile phone, for which

Accused No.1 asked me to come to the Office of the Technical Section Office, Silk Department, Harapanahalli. We had gone upto Kottur Circle at Harapanahalli in two Vehicles; we have kept both the Vehicles near Kottur Circle and thereafter myself, H.B.Mohan/C.W.2 and P.I. Prakash Patil, we three went on the motor-bike to the Technical Section Office, Silk Department, Harapanahalli. At that time A.C.B. Police Official had given me voice recorder, with a ON mode. We all the three went to the Office of Silk Department, Harapanahalli, wherein myself and H.B.Mohan/C.W.2 went inside the Office and P.I. Prakash Patil stood outside the Office. When we went inside the Office Accused No.1 asked us to sit in the Office, wherein I asked Accused No.1 about the completion of my work, for which he gave three forms to me to affix my signature, I have affixed my Signatures to the said forms and handed over the same to Accused No.1; and thereafter Accused No.1 asked me as to what happened about yesterdays conversation, for which I was about to give the money to the Accused No.1, but Accused No.1 asked me to come out and took me out of the Office; and asked me to pay Rs.3,500/-, accordingly I have given the said amount of Rs.3,500/- to the Accused No.1, for which Accused No.1 counted the said Currency Notes and has put the said Currency Notes in the front upper Pocket of his Shirt. At that time I have called Accused No.2 through my mobile phone to his mobile phone on keeping the call recorder of my mobile phone in the ON mode and told him that I have given the money to the Accused No.1, and asked him to speak with Accused No.1, and then handed over my mobile phone to the Accused No.1 to speak with Accused No.2, wherein Accused No.2 told Accused No.1 that he is busy with the work and to bring the said documents to him, so that he can complete the work. Thereafter myself and Accused No.1 again went inside

the Office, wherein I have made the Signal by scratching my cheek; on seeing the said Signal P.I. Prakash Patil and other Police Personnel came inside the Office; and caught hold the hands of the Accused No.1; wherein P.I. Prakash Patil and P.S.I. S.K. Prahalad got themselves introduced to the Accused No.1 as A.C.B. Police Officials; and told Accused No.1 that T.R.Bankar had given Complaint against you. A.C.B. Police Officials had got prepared a mixture of Sodium Carbonate with water in a bowl; got removed some sample of the said liquid in a separate bottle; and the said bottle was sealed by affixing the words 'AG'; and the remaining liquid was poured in two separate bowls, wherein Accused No.1 was asked to dip his both the hands in the said two separate bowls; when the Accused No.1 dipped his hands in the said two separate bowls, the colour the said liquid turned to Rose Colour.

The A.C.B. Police have asked the Accused No.1 to return the Amount, accordingly Accused No.1 returned the said Amount to the A.C.B. Police. Thereafter A.C.B. Police asked Accused No.1 to remove his Shirt; the said Shirt was dipped into a small bucket, the liquid in the said bucket also turned into a Rose Colour.

Thereafter the A.C.B. Police have got drawn the Mahazar at that time; and have taken my Signature over the said Mahazar.

Now a document/Trap Mahazar is shown to the Witness and questioned him to identify whether the said document contains his Signature. Witness identifies his Signature. On identification the said Trap Mahazar is marked as Ex.P3 and Signature of the Witness is marked as Ex.P3(a).

The A.C.B. Police have asked Accused No.1 to give his Statement, wherein Accused No.1 has contended that without any demand the

Complainant, i.e., me has given the Money; and in further Statement Accused No.1 has contended that at the instance of Accused No.2, he/Accused No.1 has taken the money from the Complainant, i.e., from me.

Thereafter A.C.B. Police have taken Accused No.1 to the Government Hospital, Harapanahali for his Medical Checkup; thereafter at about 06.30 p.m. in the evening we returned to the Office of the Assistant Director, Silk Department, Davanagere, wherein Accused No.2 was present in the said Office. P.I. Prakash Patil and P.S.I. S.K. Prahallad told Accused No.2 that there are allegations against him made by the Complainant as well as the Accused No.1; there is phone conversation inbetween you/Accused No.2 and the Complainant demanding bribe; so Accused No.2 was also arrested by the A.C.B. Police. While enquiry, A.C.B. Police have secured some incomplete records from both the Office of the Accused Nos.1 and 2; and some records were not traced. Accused No.2 was taken to C.J.Hospital, Davanagere for Medical Checkup. It was about 08.00 p.m. in the night. At that time A.C.B. Police have got drawn the Mahazar and have taken my Signature to it.

Now a document/Mahazar is shown to the Witness and questioned him to identify whether the said document contains his Signature. Witness identifies his Signature. On identification Mahazar is marked as Ex.P4 and Signature of the Witness is marked as Ex.P4(a).

I can identify the Shirt.

(Now the material sealed in the green colour envelope is unsealed in the presence of the Learned Spl. PP for the State and Sri.K.M.R., Adv representing Sri.B.A.D. Adv for Accused No.1; Sri.U.B.R., Adv for Accused No.2; and found a Stripped Shirt. Now the said Shirt is shown to the

witness and questioned him to identify it. Witness identifies the said Shirt, to be of Accused No.1, which was worn by him on 06.01.2017. On identification, the said Shirt is marked as M.O.2.

Now I identify the Accused Nos.1 and 2 who are in the Open Court today in the Accused Box.

Cross-examination by Accused Nos.1 and 2 :-

(Sri.K.M.R. Adv representing Sri.B.A.D. Adv for Accused No.1 and Sri.U.B.R. Adv for Accused No.2 submits that Accused Nos.1 and 2 will Cross-examine P.W.1 after completion of Examination-in-chief of C.W.2 and C.W.3. Hence, Cross Examination of P.W-1 by Accused Nos.1 and 2 is deferred till Examination-in-chief of C.W.2 and C.W.3.).

(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)