

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

Spl.C.No.5006/2019

P.W. 06 C.W. 25

Name : S.T.Wodeyar.
Father's Name : Anandagiri Wodeyar
Age : 46 years
Occupation : A.C.P. C.C.B. Hubballi
Residence : Hubballi.

Duly Sworn on : 07-06-2024.

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

I was serving as the Police Inspector, Lokayuktha Police, Davanagere, since 02.06.2013 to 11.10.2013.

On 08.07.2013 C.W.1/P.W.1 appeared before me at Lokayuktha Police Station, Davanagere and intimated me that one of the Government Official is demanding bribe from me to complete the Official Work. Inorder to get the said facts verified, I had handed over a Voice Recorder to him, on instructing as to how the said Voice Recorder is to be used. So also, I have informed C.W.1/P.W.1 to keep the Voice Recorder in a 'ON' Mode while having conversation with the Government Official.

On 10.07.2013 at about 04.00 p.m. in the evening C.W.1/P.W.1 appeared before me at Lokayuktha Police Station, Davanagere alongwith Voice Recorder and Written Complaint. On verifying the contents of the Complaint and on playing the Voice Recorder, I have registered the said Complaint at Lokayuktha Police Station Crime No.54/2013 for the offence punishable U/Sec 7 of Prevention of Corruption Act; and sent the said F.I.R. to the Jurisdictional Magistrate/Spl. Court through C.W.17. Now I

see the said Complaint, which is already marked as Ex.P1. On identification, Signature of the Witness on the Witness is marked as Ex.P1(b). Now I see the said F.I.R. On identification, the said F.I.R. is marked as Ex.P13, Signature of the Witness is marked as Ex.P13(a).

On the same day, i.e., 10.07.2013 I have issued requisition to the Commissioner, City Corporation, Davanagere for furnishing two officials, to act as a Pancha in the Mahazar Proceedings. Accordingly, two Officials were provided by the Commissioner, City Corporation, Davanagere; the said two persons viz., D.Krishna Murthy Rao, F.D.A./C.W.2/P.W.2 and Krishna, F.D.A., /C.W.3/P.W.3 appeared before me in the evening at about 05.30 p.m. I informed the said Officials about the Complaint lodged by the Complainant against a Government Official; and informed them that Mahazar Proceedings will be taken on the next day; and requested them to appear before me on the next day, i.e., 11.07.2013 at 07.30 a.m. in the morning.

On the same day, I have intimated the Complainant/C.W.1/P.W.1 to keep the said facts confidential; and intimated him to come on the next day, i.e., on 11.07.2013 at about 07.30 a.m. in the morning.

On the same day, I have recorded the Statement of C.W.17.

On 11.07.2013, at about 07.30 a.m. in the morning, the Complainant/ C.W.1/P.W.1 and two official Panchas viz., C.W.2/P.W.2 and C.W.3/P.W.3 appeared before me at Lokayuktha Police Station, Davanagere, wherein even our Lokayuktha Police Staff who were also present. I have got introduced both the Official Panchas to the Complainant; got readover the contents of the Complaint before the Complainant/C.W.1/P.W.1 and the Panchas; the said Panchas enquired the Complainant / C.W.1/P.W.1 about

the truthness of the contents of the Complaint, for which the Complainant has answered them in the Affirmative.

At that time, our Lokayuktha Police Staff took out the Voice Recorder which was given by the Complainant/ C.W.1/P.W.1 to us on 10.07.2013; the said Voice Recorder was played in the presence of both the Panchas and the Complainant. I have handedover the said Digital Voice Recorder to C.W.18 to transcribe the Voice Recordings into Writing.

At that time, I have requested the Complainant / C.W.1/P.W.1 to give money, which is to be given to the Accused/D.O.; accordingly the Complainant / C.W.1/P.W.1 has handedover Rs.2,000/-, consisting of two Indian Currency Notes of Rs.1,000/- denomination. I have handed over the said Money to C.W.2/P.W.2 and asked him to state the Sl. Nos. of the said Currency Notes, vis-a-vis I have requested C.W.3/P.W.3 to record the said Sl. Nos. of the said Currency Notes in one White Paper; accordingly C.W.2/P.W.2 has stated the Sl. Nos. of the said Currency Notes, which was got written by C.W.3/P.W.3 in a white paper. I have affixed my Signature on the said White Paper alongwith the Panchas and Complainant/C.W.1/P.W.1. I can identify the same. Witness identifies the said White Paper, which is already marked as Ex.P9. On identification, Signature of the Witness is marked as Ex.P9(b).

Thereafter, I have instructed C.W.20 to apply Phenolphthalein Powder to both the currency Notes; accordingly he has applied Phenolphthalein Powder to the Currency Notes; and handed over the said Currency Notes to C.W.2/P.W.2 and asked him to count the said currency Notes. C.W.2/P.W.2 has counted the said Currency Notes. At the same time, I have asked C.W.3/P.W.3 to check the front left side Shirt Pocket of

the Complainant / C.W.1/P.W.1; accordingly he has checked the same, which was empty. Thereafter I have asked C.W.2/P.W.2 to keep the said Currency Notes containing Phenolphthalein Powder in the front left side Shirt Pocket of the Complainant/ C.W.1/P.W.1; accordingly he has kept it. Thereafter, I have instructed the Complainant / C.W.1/P.W.1 not to touch the said Currency Notes on and often, till the said Currency Notes are given/handed over to the Accused/D.O.

Thereafter, I have instructed C.W.19 to prepare Sodium Carbonate Solution liquid in one Glass Bowl. Certain Amount of Sodium Carbonate liquid was taken as a sample and was stored in a Glass Bottle, the said Bottle was sealed with the aid C.W.22/A.R.Ramesh and the said Glass Bottle was numbered as Article No.1.

Thereafter, I have asked C.W.2/P.W.2 to dip his hands in the Remainder of the Sodium Carbonate liquid available in the glass Bowl; accordingly he has dipped his hands, due to which the Sodium Carbonate Liquid has turned to pink Colour. I have instructed to store the said Pink Colour Sodium Carbonate Liquid in a Glass Bottle; and the said Bottle was sealed and numbered as Article No.2.

Thereafter, I have specified the properties and nature of Sodium Carbonate Liquid and Phenolphthalein Powder to the Complainant/ C.W.1/P.W.1 and both the Panchas/C.W.2/P.W.2 and C.W.3/P.W.3.

Thereafter, C.W.18 presented Written Transcription of the Voice Recordings found in the Digital Voice Recorder before me. I have copied the said Voice Records in two C.D's. I have shown the said Written Script of Digital Voice Recordings to both the panchas and got their Signature affixed to the said Written Transcription. Now I see the said Written

Transcription, which is already marked as Ex.P8. On identification, Signature of the Witness is marked as Ex.P8(b).

Thereafter, I have got played one of the C.Ds in which Voice Recordings from Digital Voice Recorder was copied, in the presence of the Panchas and the Complainant/ C.W.1/P.W.1; and when they affirmed about the presence of the Voice Recordings, as per the Voice Recorder, I have got seized the said C.D. and have got numbered the said C.D. as Article No.3. Another C.D. in which Digital Voice Recordings was copied, was kept with me for the purpose of Investigation.

Thereafter I have instructed the Complainant/ C.W.1/P.W.1 to inform his friend/Koteppa/C.W.4/P.W.5/C.W.4/P.W.5 to get him accompanied with him, when he goes to the Accused/D.O. for enquiry of his work; and when the Accused/D.O. demands the bribe; to give the Phenolphthalein coated Currency Notes to the Accused/D.O. and to make a Signal by removing the Spectacles from his eyes. Again the Complainant / C.W.1/P.W.1 was supplied Digital Voice Recorder and informed him to keep the same in the 'ON' Mode while having conversation with the Accused/D.O.; and then to present the same before me.

I have instructed C.W.2/P.W.2 to accompany the Complainant/ C.W.1/P.W.1, when he goes before the Accused/D.O., in order to enquire about his work; and to be with the Complainant; to hear the conversation taken place in between the Complainant / C.W.1/P.W.1 and the Accused / D.O.; and to verify as to where the Accused / D.O. will keep the tainted notes to be given by the Complainant / C.W.1/P.W.1.

Further, I have instructed the Complainant / C.W.1/P.W.1, both the Panchas/C.W.2/P.W.2 and C.W.3/P.W.3 and the Official Staff, not to disclose the said facts till the completion of the Raid Proceedings.

Thereafter, myself, Complainant, both the panchas and Official Staff got hand washed our respective hands and got video graphed the above stated entire proceedings through our staff. The said videographed data was reduced in a C.D.; the said C.D. was got seized and it was numbered as Article No.4. I have got copied the contents of the said C.D. in another C.D., in order to utilise the same for Investigation purpose.

All the Articles, i.e., Article No.1 to Article No.4 were sealed with a Seal bearing English Alphabets 'AI'.

I have got recorded the said proceedings in the form of Mahazar; got affixed the Signatures of the Complainant, both Panchas and C.W.21/Malatesh, who had computerised the said Mahazar on it. Now I see the said Mahazar, which is already marked as Ex.P3. On identification, Signature of the Witness is marked as Ex.P3(d). The said Mahazar proceedings were conducted in between 07.30 a.m. to 09.00 a.m. in the morning.

On 11.07.2013 at about 09.30 a.m. myself, Complainant/ C.W.1/P.W.1, Krishna Murthy/C.W.2/P.W.2 and Staff viz., K.R.Pompapathi/P.W.18, Malatesh/P.W.21 and Manjunath/C.W.19 in one Vehicle; and Dy.S.P., Lokayuktha, Davanagere/C.B.Patil, C.W.3/P.W.3/Krishna in another vehicle proceeded towards Harapanahalli. When we reached near Kottur Cross, Harapanahalli, I asked the Complainant / C.W.1/P.W.1 to call his friend/Koteppa/C.W.4/P.W.5/C.W.4/P.W.5; and ask him to accompany

him/Complainant/ C.W.1/P.W.1. Accordingly, friend of the Complainant Koteppa/C.W.4/P.W.5/C.W.4/P.W.5 came on his Motor-cycle. Complainant / C.W.1/P.W.1 has introduced his friend Koteppa/C.W.4/P.W.5/C.W.4/P.W.5 to me. Thereafter Complainant and his friend Koteppa/C.W.4/P.W.5 went on the Motor-cycle of Koteppa/C.W.4/P.W.5; and we followed them. We have parked our Vehicle at some distance near the Office of the Accused/D.O. Again I have reminded the Complainant about the earlier instructions, with regard to use of Voice Recorder; handing of Phenolphthalein coated currency notes to the Accused/D.O, when demanded. The Button Spy Camera was handed over to the friend of the Complainant by name Koteppa/C.W.4/P.W.5 and informed him about its use. It was about 11.20 a.m.

Thereafter, Complainant/C.W.1/P.W.1, his friend Koteppa/C.W.4/P.W.5 and Shadow Panch Witness Krishnoji Rao/C.W.2/P.W.2 went to the Office of the Accused/D.O.; and myself, another Panch Witness Krishna/C.W.3/P.W.3 and our Staff were standing out of the Office of the Accused/D.O., for receiving the Signal from the Complainant/C.W.1/P.W.1.

After some times, Complainant / C.W.1/P.W.1, his friend/Koteppa/C.W.4/P.W.5 came out of the office of the Accused/D.O., having conversation with one person and went to a hotel situated in front of the office of the Accused/D.O. Around 12.00 Noon Complainant/ C.W.1/P.W.1 made a signal by removing his Spectacles. On receiving the said Signal from the Complainant / C.W.1/P.W.1, myself, C.W.3/P.W.3, Dy.S.P. Lokayuktha, Davanagere and the Police Staff went near the Complainant; and informed the Complainant to 'switch-off' the voice recorder; and

informed the friend of the Complainant/Koteppa/C.W.4/P.W.5 to 'switch-off' the Button Spy Camera. Accordingly both of them 'Switched Off' the said Instruments. Thereafter, I enquired the Complainant about the incident, for which Complainant informed that he has handed over Phenolphthalein coated Currency Notes to the Person who was with him. Thereafter, I have instructed one of my Staff viz., Pompapathi/C.W.18 to catch hold the hands of the said person, to whom Complainant claimed to have given Phenolphthalein coated currency Notes. Again I have enquired the friend of the Complainant/Koteppa/C.W.4/P.W.5 and the Shadow Pancha/C.W.2/P.W.2 about the incident. I have got myself introduced to the said person and enquired him with regard to his name and address, wherein the said person informed his name as B.Manjunath, working as F.D.C. at Taluka Land Survey Office, Harapanahalli; when further enquired the said person as to whether he knows the Complainant; the said person answered in the Affirmative and contended that the Complainant has filed an Application for Survey of Land and to have fixation of boundaries inbetween the land of the Complainant and the land of his brother's Son. I have informed B.Manjunath about registering of the Crime; and I have arrested the said B.Manjunath. Again I have enquired about the event with the Complainant, his friend/Koteppa and the Shadow Panch Witness/ C.W.2/P.W.2.

Thereafter I have asked my Staff by name G.L.Manjunath/C.W.19 to prepare Sodium Carbonate Liquid in Glass Bowl, accordingly he has prepared it. Certain portion of the said liquid was taken in two separate Glass Bottles, as a samples; got sealed the said Glass Bottles and numbered them Article No.5 and Article No.5(A); and the remainder Sodium Carbonate Liquid was taken in two different glass bowl and asked

D.Manjunath to dip his both the hands in two separate glass bowls; the said liquid turned into light pink Colour. I have got the said liquids transferred into two different glass bottles; sealed them and has numbered as Article No.6, Article No.6(A) and Article No.7, Article No.7(A).

Thereafter, I enquired D.Manjunath/Accused/D.O. as to where is the Indian Currency Notes given by the Complainant/C.W.1/P.W.1, for which the Accused/D.O. informed that he has kept in the front left side Shirt Pocket. Thereafter I informed C.W.3/P.W.3 to remove the said Indian Currency Notes from the Front Left Side Shirt Pocket of the Accused/D.O. Accordingly, he has removed the said Currency Notes; it was revealed that the said currency Notes were of the value of Rs.2,000/- consisting of two Currency Notes of Rs.1,000/- denomination. The Sl. Nos. of the Currency Notes were got verified with the earlier Written Sl. Nos. of the Currency Notes, as per Ex.P9, and found the Sl. Nos. of said Currency Notes tallied. The same was endorsed in the below portion of Ex.P9; got affixed the Signatures of both the panchas; as well as I have affixed my Signature to the said endorsement. On identification, Signature of the Witness for the said endorsement found in Ex.P9 is marked as Ex.P9(c).

I have put the said Currency Notes in one Envelope, sealed it and numbered as Article No.8.

I have got prepared the Sketch of the Scene of Occurrence and got affixed the Signatures of both the panchas to it. Witness identifies the said Sketch, which is already marked as Ex.P11. On identification, Signature of the Witness is marked as Ex.P11(b).

Since, the place of occurrence happens to be a Public Place, conducting of further proceedings may cause nuisance, so the

Accused/D.O. was taken to the Land Survey Office located in the Office of the Tahasildar, Harapanahalli. It was about 12.40 Noon.

I have instructed the Accused/D.O. to get the file pertaining to the work of the Complainant / C.W.1/P.W.1, for which one of the Office bearer from the Office of the Accused by name Parashuram was not available in the Office, so he was informed through Mobile Phone to reach the office. At that time, Grade – II Tahasildar by name Anant Raj Shetty came to the said Office, for which I requested the said Grade II Tahasildar to co-operate in the Investigation Process, by providing the file pertaining to the work of the Complainant, available with the office of the Accused/D.O.

Thereafter I enquired about the Office Superintendent in the Office of the Accused/D.O.; his name was revealed as B.T.Satish Kumar, even he was not available in the Office, he was asked to come to the Office through Telephone.

I have asked the Accused to give his Statement, accordingly he has given his Statement. When the contents of the said Statement was readover to the Complainant and both the panchas, they denied the contents of the said Statement.

Thereafter I have asked the Accused/D.O. to get arrange a separate Shirt; accordingly a separate Shirt was arranged; and the Accused/D.O. was handed over the Shirt which he has worn, to me. Again I have asked my Staff/Ramesh/C.W.22 to prepare Sodium Carbonate Liquid; and got dipped the portion of the front left side Shirt Pocket in the said Sodium Carbonate Liquid, which has turned into a Pink Colour. The said Pink Colour Liquid was got drawn in two separate glass bottles and it was numbered as Article No.9 and Article No.9(A).

On getting dried the Shirt of the Accused/D.O. I have got seized the said Shirt; got sealed it and numbered it as Article No.10.

Thereafter, a person by name Parashuram got himself introduced to me as Grade – II Surveyor and presented the file pertaining to the Complainant / C.W.1/P.W.1. I have verified the said file, it contains 9 pages; got affixed the Signatures of the Panchas as well as I have affixed my Signature on the said file; the said file was certified from Grade–II Tahasildar. I have handed over the said Original file to the Grade–II Tahasildar, requested him to get completed the work of the Complainant; and got true copy of the said file, for the purpose of Investigation. Now witness identifies the said file, which is marked as Ex.P4 (Page No.40 to Page No.57).

Thereafter, I have got secured the boundary fixation Book from the Office of the Accused/D.O. through Grade II Tahasildar. On verification, the said Book consists of Page No.1 to 150, there was a mention about filing of the application by the Complainant at Page Nos.29 and 30 at Sl. Nos.137 to 142. I have received the true copy of the said Book from Grade II Tahasildar; got affixed the Signatures of the Panchas. The said Book entries are found at Document No.55 to 57 under Ex.P4.

Thereafter, I have got secured the Attendance Register Extract, got certified from the Tahasildar, Harapanahalli. Witness identifies the same, which is already marked as Ex.P5 (Page No.58 and Page No.59).

Thereafter, I have asked the friend of the Complainant by name Koteppa/C.W.4/P.W.5 to handover the Spy Button Camera; on verification, it is revealed that videography is being captured through the Spy Button

Camera pertaining to the events of the Complainant meeting with the Accused and both of them wandering. I have got the said data copied to a C.D. through the laptop. I have got the said C.D. seized and numbered as Article No.11.

Thereafter the Higher Officer of the Accused/D.O. by name Satish Kumar got introduced to me. I have got played the C.D. containing the Voice Recordings of the conversation taken place inbetween the Accused/D.O. and the Complainant and asked him to identify the said Voices. Satish Kumar has identified the said conversation and has given a Written Statement, which is marked as Ex.P12.

I have got video graphed the entire event through our Staff and got it reduced into a C.D. through Lap-top and numbered the same as Article No.12; and got copied the said data in another C.D. to use the same during the Investigation Process.

All the said Articles were sealed with a seal having the English Alphabets 'AI'. I have got the specimen of the said seal in a Plain Paper. Witness identifies the same, which is already marked as Ex.P10. On identification, Signature of the Witness is marked as Ex.P10(b).

The said Seal was handed over to C.W.3/P.W.3 and informed him to place before the Court at the time of Trial. I have got Receipt for handing over the said Seal to C.W.3/P.W.3. Witness identifies the said Receipt, which is at document No.8. (Since the said document does not contain the Signature of the Witness, the same is not marked.)

I have informed the event of Arrest of the Accused/D.O. to his higher authority by name Anantha Raj Shetty; and to the friend of the Accused/D.O. by name Rajappa.

I have reduced the said Trap Proceedings in a Mahazar and got affixed the Signature of the Witnesses and the Staff, including the friend of the Complainant by name Koteppa to the said Trap Mahazar. Witness identifies the said Trap Mahazar, which is already marked as Ex.P7. On identification, Signature of the Witness is marked as Ex.P7(d).

Thereafter, we all returned to Lokayuktha Police Station, Davanagere; and thereafter presented the Accused/D.O. before the Special Judge alongwith the Remand Application. Accused/D.O. was remanded to J.C.

I have filed the P.F. in respect of the seized Articles and filed the requisition with regard to Articles 1 to 12 before the Spl. Judge.

Articles 1 to 7 and 9 to 12 present in the Open Court are identified by the Witness.

On 12.07.2013 I have recorded the Statement of C.W.2/P.W.2, C.W.4/P.W.5, C.W.9/P.W.4, C.W.8, C.W.10, C.W.11.

On 15.07.2013 I have recorded the Statement of C.W.3/P.W.3, C.W.20, C.W.18. On the same day, I have recorded the further Statement of C.W.1/P.W.1. On the same day, I have filed a requisition before the Tahsildar, Harpanahalli to furnish the Service Details of Accused/D.O.

On 22.07.2013 I have issued a requisition to the Assistant Executive Engineer, P.W.D. Harpanahalli to furnish the Sketch of the Spot of Incident.

On 26.07.2013 I have secured the Service Details of the Accused/D.O. from the Office of the Tahasildar. Now I see the Service Details, which are at Document No.15. On identification, the said Service Details of the Accused/D.O. is marked as Ex.P14 and Signature of the Witness is marked as Ex.P14(a).

On 28.07.2013, I have recorded the Statements of C.W.19, C.W.21 and C.W.22.

On 02.08.2013, I have send the Seized Articles for Scientific Investigation to R.F.S.L. Chitradurga.

On 05.08.2013, I have recorded the Statement of C.W.23.

On 27.08.2013, I have recorded the Statement of C.W.5 to C.W.7.

On 08.10.2013, I have recorded the Statement of C.W.2/P.W.2.

On 11.10.2013, I have handed over the Charge of this Case to Dy.S.P. S.C.Manjappa, due to my transfer.

Witness identifies the Accused, present in the Open Court today.

Cross-examination by Sri.V.S.P. Adv for Accused/D.O. :-

(Sri.V.S.P. Adv for Accused/D.O. prays time to Cross-examine the Witness.).

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)