



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 12<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA**

**CRIMINAL APPEAL NO. 119 OF 2014 (C)**

**BETWEEN:**

RANGAIAH  
S/O DASAPPA,  
AGED ABOUT 63 YEARS,  
NO.152/E, 17<sup>TH</sup> MAIN ROAD,  
VIJAYANAGAR, BANGALORE-560 040.

(APPELLANT WAS EARLIER WORKING  
AS FDA, IN THE OFFICE OF  
DEPUTY COMMISSIONER,  
BANGALORE URBAN DISTRICT,  
BANGALORE AND HAS SINCE  
RETIRED FROM SERVICE.)

...APPELLANT

(BY SRI. CHANDULAL., ADVOCATE)

**AND:**

STATE OF KARNATAKA BY  
POLICE INSPECTOR,  
POLICE WING, CITY DIVISION,  
KARNATAKA LOKAYUKTA,  
BANGALORE.

...RESPONDENT

(BY SRI. KUMAR H.D., ADVOCATE)

THIS CRL.A. IS FILED U/S. 374(2) CR.P.C PRAYING TO  
SET ASIDE THE ORDER DATED:30.1.14 PASSED BY THE SPL.  
JUDGE, PREVENTION OF CORRUPTION ACT, BANGALORE  
URBAN DIST., BANGALORE CITY IN SPL.C.C.NO.29/2007 -  
CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCE  
P/U/S 7, AND 13(1)(d) P/U/S 13(2) OF PREVENTION OF  
CORRUPTION ACT, 1988 AND ETC.



THIS APPEAL, COMING ON FOR FURTHER ARGUMENTS,  
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:  
CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

**ORAL JUDGMENT**

1. The appellant, who is accused No.2, has preferred this appeal against the judgment of conviction and order on sentence dated 30.01.2014 passed in Spl.C.C.No.29/2007 by the Special Judge, Bangalore Urban District, Bangalore (for short 'the trial Court').
2. For the sake of convenience, the parties herein are referred to the same rank before the trial Court.
3. Brief facts leading to this appeal are that, the Lokayukta Police submitted charge sheet against accused No.1-M.A.Rajashekar and accused No.2-Rangaiah for the offences under Sections 7, 13(1)(d) and Section 13(2) of Prevention of Corruption Act, 1988. It is alleged by the prosecution that the complainant is the son of late Vivekananda. The father of the complainant owned a land in Sy.No.121/10 and 121/11 of Kothanur village,



Uttarahalli Hobli to the extent of 2.27 acres and it was acquired in the year 1990 for the Wilson Garden House Building Co-operative Society. The complainant's side challenged the order of acquisition before the High Court and the order was in favour of the complainant regarding the said land and when he made an application for change of Khata to the Tahsildar, he was asked to obtain an endorsement from the Land Acquisition Officer. The complainant claims that he had already given a representation to the LAO during July, 1999 and claims that he had given another application on 27.01.2005 to the LAO. The complainant claims that, with regards to this, on 04.06.2005, Tahsildar had written a letter to LAO and requested to furnish information regarding acquisition. But the LAO did not provide the details and the matter had been held up without any reasons. Thereafter, the complainant in-person approached the said Land Acquisition Officer and met the Clerk-Rangaiah. According to complainant, clerk Rangaiah had already demanded and received the bribe amount assuring that he would get the



work done, but has not done the work. On 10.10.2005, the complainant had met the Special Land Acquisition Officer for sending endorsement to the Tahsildar, the complainant was demanded to pay an amount of Rs.25,000/- by the Special Land Acquisition Officer and he was also told to pay an amount of Rs.5,000/- to clerk-Rangaiah. Thus, according to the complainant, the Special Land Acquisition Officer-Rajashekar demanded an amount of Rs.30,000/- i.e., Rs.25,000/- for himself and Rs.5,000/- for clerk Rangaiah- accused No.2. Therefore, accused has committed the alleged offences. Charge sheet was filed on 20.01.2007. Thereafter, cognizance was taken by the trial Court and the case was registered in Spl.C.C.No.29/2007.

4. It is alleged by the prosecution that accused No.2 was working as a First Grade Revenue Inspector in the Office of the Special Land Acquisition Officer, Podium Block, V.V.Tower, Bangalore. Being a public servant, on 10.10.2005, he has demanded bribe of Rs.5,000/- from the complainant-V.Nandakumar for giving endorsement



with regard to issuing pahani and khata in respect of land bearing Sy.Nos.121/10 and 121/11, totally measuring 2.27 acres of Kothanur village, Uttarahalli Hobli. On 11.10.2005, in his office around 03.45 pm, he demanded and accepted illegal gratification of Rs.5,000/- to render official favour. Thus, the accused has committed offence under Sections 7, 13(1)(d) and 13(2) of Prevention of Corruption Act, 1988.

5. Accused No.1 preferred W.P.No.3760/2007 before this Court. Same came to be allowed vide order dated 05.08.2011, quashing the impugned order passed by the learned Special Judge in CC.No.29/2007 taking cognizance and issuance of process and the case was proceeded against accused No.2.

6. Upon hearing on charges, on 30.04.2012, the trial Court framed charges against accused No.2, appellant herein, for the offences punishable under Sections 7, 13(1)(d) and 13(2) of Prevention of Corruption Act, 1988. Same were read over and explained to the accused.



Having understood the same, accused pleaded not guilty and claimed to be tried.

7. To prove the case of prosecution, in all, five witnesses were examined as PWs.1 to 5 and 24 documents were marked as Exhibits P1 to P24 and sixteen material objects were marked as MOs.1 to 16.

8. On closure of prosecution side evidence, statement under Section 313 of Code of Criminal Procedure was recorded. The accused have totally denied the evidence of prosecution witnesses. However, did not choose to lead any defence evidence on his behalf.

9. Having heard the arguments on both sides, the trial Court convicted the accused for the offence punishable under Sections 7 and 13(1)(d) and 13(2) of Prevention of Corruption Act, 1988 and sentenced the accused-Rangaiah to undergo Rigorous imprisonment for a period of 7 (seven) months and to pay fine of Rs.1,000/- (Rupees One thousand only) for the offence punishable under Section 7 of Prevention of Corruption Act.



10. The accused is further sentenced to undergo rigorous imprisonment for a period of 14 (Fourteen) months and to pay fine of Rs.2,000/- (Rupees Two thousand only) for the offence defined under Section 13(1)(d) punishable with Section 13(2) of Prevention of Corruption Act. Being aggrieved by the judgment of conviction and order on sentence passed by the trial Court against accused No.2-appellant, the appellant has preferred this appeal.

11. Learned counsel for the appellant would submit that, the impugned judgment of conviction and order on sentence is against the well-established principles of law, facts and circumstances of the case, and the same is liable to be set aside.

12. The learned Special Judge has gravely erred by not appreciating the evidence adduced by the prosecution in its proper perspective and the judgment suffers from serious infirmities and irreconcilable contradictions, and is opposed to well-established canons of law.



13. The learned Special Judge ought to have noticed that as on the date of the complaint, no official work of the complainant was pending with the appellant. PW4 who is the Appointing Authority for the appellant, has admitted in his cross-examination that the appellant had put-up the note Exhibit P19 to the Special Land Acquisition Officer on 14.07.2005, i.e. four months prior to the date of the complaint. After 14.07.2005, the file in question never came back to the appellant.

14. The Learned Special Judge ought to have noticed that there was no demand from the appellant for the alleged bribe. PW1 in his cross-examination has admitted that accused No.1 asked him to pay Rs.5,000/- to accused No.2, who is the appellant herein. However, learned Special Judge has brushed aside this important admission in favour of the appellant by the complainant. The learned Special Judge has gravely erred in coming to the conclusion that accused demanded bribe, in the absence of any cogent evidence by the prosecution.



15. Learned Special Judge ought to have noticed that there was no acceptance of bribe amount by the appellant, and the bribe amount has not been recovered from the appellant. None of the prosecution witnesses have stated as to from whom the alleged bribe amount of Rs.5,000/- was recovered.

16. Learned Special Judge ought to have noticed that as on the date of the complaint, no work of the complainant was pending with the appellant, that he has not demanded any bribe amount, there was no acceptance by the appellant and there was no recovery from the appellant and the explanation offered by the appellant has clearly suggested the alternative view which is in favour of the appellant/accused No.2. The learned Special Judge has gravely erred in not considering the view which is favorable to the accused.

17. To substantiate his arguments, the learned counsel for the appellant relied on the following judgments of the Hon'ble Supreme Court:



- (i) N.VIJAYAKUMAR vs. STATE OF TAMIL NADU reported in (2021) 3 SCC 687
- (ii) P.SATYANARAYANA MURTHY vs. DISTRICT INSPECTOR OF POLICE, STATE OF ANDHRA PRADESH AND ANOTHER reported in (2015) 10 SCC 152
- (iii) C.M.GIRISH BABU vs. CBI, COCHIN, HIGH COURT OF KERALA reported in (2009) 3 SCC 779
- (iv) K.SHANTHAMMA vs. STATE OF TELANGANA reported in (2022) 4 SCC 574.

18. On the other hand, the learned counsel for the respondent would submit that the trial Court has properly appreciated the evidence on record. Absolutely there are no grounds to interfere with the impugned judgment of conviction and order on sentence against accused No.2/appellant and accordingly, sought for dismissal of the appeal.

19. Having heard the arguments on both sides and on perusal of the materials placed before me, the following points would arise for my consideration:



(i) Whether the appellant/accused no.2 has made out grounds to interfere with the judgment of conviction and order and sentence passed by the trial Court?

(ii) What order?

20. I have examined the materials placed before this Court. The Investigating Officer has submitted charge sheet against accused No.1-M.A.Rajashekar, the Special Land Acquisition Officer and accused No.2-Rangaiah, working as First Division Revenue Inspector, Office of the Special Land Acquisition Officer, Bangalore, for the commission of offence under Sections 7, 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988. After filing the charge sheet, accused No.1 has preferred writ petition before this Court in W.P.No.3760/2007. Same came to be allowed by this Court on 05.08.2011. In view of this order, the impugned order passed by the learned Special Judge in C.C.No.29/2007 on the file of Special Judge, Bengaluru City, (CCH 24), taking cognizance and issuance of process, is quashed.



21. It is alleged by the prosecution that accused No.1-Rajashekar, former Land Acquisition Officer, and accused No.2-Rangaiah are public servants at Department of Land Revenue, V.V.Towers, Bangalore City. It is also stated that the complainant, being son of Vivekananda and the Khata of the land which was standing in his father's name, and as the same was supposed to be changed in the office of the Tahsildar, which requires endorsement from the Special Land Acquisition Officer. It is claimed, that on 10.10.2005, when the complainant went to the office of the Special Land Acquisition Officer and met Rajashekar, he demanded Rs.25,000/- as bribe for sending the endorsement and Mr.Rangaiah-accused No.2 also demanded Rs.5,000/-. It is further stated that both the accused were caught red-handed while demanding and accepting the bribe of Rs.30,000/- i.e., Rs.25,000/- by the accused No.1 and Rs.5,000/- by accused No.2.

22. Before appreciation of evidence on record, it is necessary to mention that the offence under Section 7 of the Prevention of Corruption Act, 1988 relating to public



servants taking bribe, requires a demand of illegal gratification and the acceptance thereof. The proof of demand of bribe by a public servant and its acceptance by him is sine-qua-non for establishing the offence under Section 7 of Prevention of Corruption Act. Similar is the observation made by Supreme Court, in the case of K.SHANTHAMMA (supra) in which their Lordships have relied on the decision of P.SATYANARAYANA MURTHY vs. STATE OF A.P., in which it is observed as under:

*"The proof of demand of illegal gratification, thus, is the gravamen of the offence under Sections 7 and 13(1)(d)(i) and (ii) of the Act and in absence thereof, unmistakably the charge therefore, would fail. Mere acceptance of any amount allegedly by way of illegal gratification or recovery thereof, de hors the proof of demand, ipso facto, would thus not be sufficient to bring home the charge under these two sections of the Act. As a corollary, failure of the prosecution to prove the demand for illegal gratification would be fatal and mere recovery of the amount from the person accused of the offence under Section 7 or 13 of the Act would not entail his conviction thereunder."*



23. In the case on hand, in Exhibit P1-complaint, dated 11.10.2005 filed by PW1-V.Nandakumar, it is stated as under:

"ನಾನು ಐ|| ಪಿ. ವಿವೇಕಾನಂದರವರ ಮಗನಾಗಿದ್ದು, ವ್ಯಾಪಾರ ಮಾಡಿಕೊಂಡಿರುತ್ತೇನೆ. ನನ್ನ ತಂದೆ ಹೆಸರಿನಲ್ಲಿ ಉತ್ತರಹಳ್ಳಿ ಹೋಬಳಿ, ಕೊತ್ತನೂರು ಗ್ರಾಮದ 121/10, 121/11ರಲ್ಲಿ ಒಟ್ಟು 2.27 ಎಕರೆ ಜಮೀನು ಇರುತ್ತದೆ. ಇದಾಗಿ 1990ನೇ ಇಸವಿಯಲ್ಲಿ ದಿ.ವಿಲ್ಸನ್ ಗಾರ್ಡನ್ ಗೃಹ ನಿರ್ಮಾಣ ಸಹಕಾರ ಸಂಘದವರಿಗೆ ವಿಶೇಷ ಭೂಸ್ವಾಧೀನ ಅಧಿಕಾರಿಯವರ ಮೂಲಕ ನಮ್ಮ ಜಮೀನಿನನ್ನು ಭೂಸ್ವಾಧೀನ ಪ್ರಕ್ರಿಯೆ ಆರಂಭವಾದಾಗ ನಾವು ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ದಾವೆ ಹೂಡಿ, ಅದರಲ್ಲಿ ತೀರ್ಪು ನಮ್ಮ ಪರ ಆದಾಗ, ಆ ತೀರ್ಪಿನಂತೆ ಪಹಣಿ ಹಾಗೂ ಪೌತಿ ಖಾತೆಯನ್ನು ನಮ್ಮ ಹೆಸರಿಗೆ ಬದಲಾವಣೆ ಮಾಡಲು ತಹಶೀಲ್ದಾರರಿಗೆ ಅರ್ಜಿ ನೀಡಿದಾಗ ಅವರು ವಿಶೇಷ ಭೂಸ್ವಾಧೀನ ಅಧಿಕಾರಿಯವರಿಗೆ ಹಿಂಬರಹ ನೀಡಲು ಕೋರಿರುತ್ತಾರೆ. ಅದಾಗಿ ನಾನು ಜುಲೈ 1999 ವಿಶೇಷ ಭೂಸ್ವಾಧೀನ ಅಧಿಕಾರಿಗಳಿಗೆ ಹಿಂಬರಹ ನೀಡಬೇಕೆಂದು ಎರಡೂ ಅರ್ಜಿಗಳು ಮತ್ತು ದಿನಾಂಕ 27.1.2005ರಂದು ಮತ್ತೊಂದು ಕೋರಿಕೆ ಪತ್ರ ನೀಡಿರುತ್ತೇನೆ.

ಈ ಬಗ್ಗೆ ವಿಶೇಷ ತಹಶೀಲ್ದಾರರು, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕುರವರು ಸಹ ದಿನಾಂಕ 4.6.2005 ರಂದು, ವಿಶೇಷ ಭೂಸ್ವಾಧೀನ ಅಧಿಕಾರಿಗಳಿಗೆ ಪತ್ರ ಬರೆದು, ಮೇಲ್ಕಂಡ ಜಮೀನಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಭೂಸ್ವಾಧೀನ ಪ್ರಕರಣಕ್ಕೆ ಬಿಟ್ಟಿರುವ ಬಗ್ಗೆ ದಾಖಲಾತಿಯೊಂದಿಗೆ ಮಾಹಿತಿಯನ್ನು ಸಲ್ಲಿಸಲು ಕೋರಿರುತ್ತೇವೆ.



ಆದರೆ ಭೂಸ್ವಾಧೀನ ಅಧಿಕಾರಿಗಳು ಇದುವರೆಗೆ ವಿಶೇಷ ತಹಶೀಲ್ದಾರರಿಗೆ ಹಿಂಬರಹ ಹಾಗೂ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸದೆ ವಿನಾ ಕಾರಣ ಉದ್ದೇಶಪೂರಕವಾಗಿ ತಡ ಮಾಡಿರುತ್ತಾರೆ. ಈ ಬಗ್ಗೆ ನಾನು ವಿಶೇಷ ಭೂಸ್ವಾಧೀನ ಅಧಿಕಾರಿಗಳ ಕಛೇರಿಗೆ ಖುದ್ದಾಗಿ ಭೇಟಿ ನೀಡಿ, ಸದರಿ ಕಛೇರಿಯ ಗುಮಾಸ್ತ ಶ್ರೀ ರಂಗಪ್ಪರವರಿಗೆ ಕೆಲಸ ಮಾಡಿಸಿಕೊಡುವುದಾಗಿ ಹೇಳಿ ನನ್ನಿಂದ ಈಗಾಗಲೇ ರೂ. 3,000/- ಲಂಚ ಹಣವನ್ನು ಒತ್ತಾಯ ಮಾಡಿ ತೆಗೆದುಕೊಂಡಿರುತ್ತಾರೆ, ಆದರೂ ಸಹ ಇವರಿಗೆ ಕೆಲಸ ಮಾಡಿಕೊಟ್ಟಿರುವುದಿಲ್ಲ.

ನಾನು ದಿನಾಂಕ 10.10.2005ರಂದು ವಿಶೇಷ ಭೂಸ್ವಾಧೀನ ಅಧಿಕಾರಿಗಳ ಕಛೇರಿಗೆ ಮೇಲ್ಕಂಡ ಕೆಲಸಕ್ಕೆ ಹೋದಾಗ ಹಿಂಬರಹ ಮತ್ತು ಮಾಹಿತಿಯನ್ನು ವಿಶೇಷ ತಹಶೀಲ್ದಾರರಿಗೆ ಕಳುಹಿಸಿಕೊಡಲು ವಿಶೇಷ ಭೂಸ್ವಾಧೀನ ಅಧಿಕಾರಿಯವರು ಶ್ರೀ ರಾಜಶೇಖರ್‌ರವರು ರೂ.25,000/- ಮತ್ತು ಅವರ ಕಛೇರಿಯ ಗುಮಾಸ್ತನಾದ ಶ್ರೀ ರಂಗಪ್ಪನವರು ರೂ.5,000/- ಒಟ್ಟು ರೂ. 30,000/-ದ ಲಂಚದ ಹಣವನ್ನು ಕೊಟ್ಟರೆ ಮಾತ್ರ ನಿಮ್ಮ ಕೆಲಸ ಮಾಡಿಕೊಡುವುದಾಗಿ ಶ್ರೀ ರಾಜಶೇಖರ್ ಮತ್ತು ಶ್ರೀ ರಂಗಪ್ಪನವರುಗಳು ಲಂಚದ ಹಣಕ್ಕಾಗಿ ಒತ್ತಾಯ ಮಾಡಿರುತ್ತಾರೆ."

24. PW1-Nandakumar has deposed that accused No.2, who was working under accused No.1, said that he had to look after his Saheb. However, he had paid Rs.3,000/- to accused No.2 by that time.

25. The trial Court has not framed the charge to the effect that accused No.2 had received bribe of Rs.3,000/-



from the complainant. Since there was no charge, the trial Court has not discussed anything regarding alleged bribe of Rs.3,000/- said to have been received by accused No.2. Therefore, there is no need to discuss anything in this regard.

26. Further, PW1-V.Nandakumar has deposed in his evidence that accused No.2 took him to accused No.1. Thereafter, accused No.1 demanded Rs.25,000/- as bribe and a separate amount of Rs.5,000/- was demanded to be paid to accused No.2. He was not interested in paying the bribe. Hence, he went to Lokayukta Office to lodge a complaint as per Exhibit P1. Thereafter, he went to accused No.2 as directed by accused No.1 and shadow witness was with him and accused No.2 asked him, whether he had seen saheb? and he said yes. He further asked him whether he had brought the money? and he said 'yes'. He showed the file and asked him to keep the money in the file. He kept the money in the file. He asked him to go. He came out and signaled.



27. In the cross-examination of PW1, he has clearly admitted that accused No.2 has not demanded Rs.5,000/-, but accused No.1-Rajashekar had told him to pay the amount to the accused No.2.

28. On perusal of the contents of complaint-Ex.P1 and the admission of the complainant-PW1, it is crystal clear that accused No.2 has not demanded amount of Rs.5,000/- as alleged by the prosecution.

29. With regard to the acceptance of bribe amount, admittedly, accused No.2 has not received the amount of Rs.5,000/-. It is the case of the prosecution that, PW1 went to accused No.2 as directed by accused No.1, and accused No.2 asked him whether he had seen his saheb and he said 'yes' for that. He further asked him whether he had brought the money and he said 'yes'. He showed the file and asked him to keep the money in the file. He kept the money in the file. He asked him to go and he came out and signaled. This is the case of the prosecution. Thereafter, in the presence of shadow witness, PW2-



C.Krishnamurthy, the Investigating Officer, has seized that amount as per mahazar-Exhibit P2.

30. The accused has given explanation soon after trap as per Exhibit P14, in which he has clearly stated that somebody has put the amount on his table and he do not know about this money. Then, the Lokayukta officials came and asked about the amount and he has shown that amount was kept under the file. Thereafter, Lokayukta officials washed his hands and the colour of the water remained the same.

31. The alleged file has not been seized by the Investigating Officer. The IO has not explained anything as to the non-seizure of that file. During the evidence of PW1, he has clearly admitted that accused No.2 has not received the amount. PW1 has clearly deposed that he has not accepted the amount. However, he has deposed that Rajshekar asked him to give it to accused No.2 and he went to accused No.2, he asked him to keep it below the file.



32. PW2-C.Krishnamurthy, the shadow witness has also deposed the same.

33. Exhibit P15-Trip Panchanama dated 11.10.2005, also reveals that accused No.2 has not received the amount by his hands. However, the Investigating Officer washed the hands of the accused in phenolphthalein solution, the test turned 'Negative'.

34. On perusal of the evidence placed before this Court, it is clear that, accused No.2 has not accepted the bribe amount as alleged by the prosecution.

35. With regard to the pending work is concerned, Exhibit P16 is the file maintained by accused No.2, which reveals that he has completed his work and he has issued the letter as per Exhibit P19.

36. At this stage, it is relevant to mention as to the Sanction order-Exhibit P18 filed by PW4. To substantiate this, M.A.Sadiq who is examined as PW4 has stated before the Court that, on examination of the documentary materials sent to him, he found that there were *prima*



*facie* grounds to grant sanction to prosecute the accused for the offence, as sought for. Accordingly, the sanction order was issued as per Exhibit P18. During his cross-examination, he has clearly admitted that, on perusal of the file, he found that complainant had gone to the office of the accused for an endorsement from the LAO regarding the lands that were deleted from acquisition by virtue of the quashing orders of High Court of Karnataka. The complainant was in need of the endorsement to be sent to Tahsildar. Accused was the case-worker and the work of the accused is to put-up the note to SLAO and the note Exhibit P19 was put-up on 14.07.2005. He has also admitted that the case file is marked as Exhibit P20.

37. On careful examination of the entire materials on record, it is crystal clear that, no work was pending before accused No.2 as on the date of commission of alleged offence. The Special Land Acquisition Officer has to give endorsement to the effect that the lands of the complainant was deleted from acquisition proceedings. The Competent Authority to issue endorsement in this regard



as per the order of the Court, is accused No.1. The Sanctioning Authority is the Secretary to Government, Department of Personnel and Administrative Reforms (DPAR). The Department has submitted a letter to the Additional Inspector General of Police, Karnataka Lokayukta, Bengaluru vide Letter No.SiAaSuE-147 SCN-05 dated 04.12.2006, in which it is stated as under:

"ಮಾನ್ಯರೆ,

ವಿಷಯ: ಶ್ರೀ ಎಂ. ಎ. ರಾಜಶೇಖರ್, ಕೆಎಎಸ್, ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿ  
ಅವರ ವಿರುದ್ಧ ದಾಖಲಾಗಿರುವ ಲಂಚ ಪ್ರಕರಣ-ಅಜಯೋಜನಾ ಮಂಜೂರಾತಿ  
ಕುರಿತು

ಉಲ್ಲೇಖ: ತಮ್ಮ ಪತ್ರ ಸಂ:ಲೋಕ್/ಐಎನ್‌ಎ(ಜಿ)/ಸಿಟಿ/ಕ್ರೈ.40/2005 ದಿ:  
18.10.05 ಮತ್ತು 30.05.06

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಬೆಂಗಳೂರು ಜಿಲ್ಲೆಯ  
ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿಯ ಕಛೇರಿಯಲ್ಲಿ ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿ  
ಹುದ್ದೆಯಲ್ಲಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದು ಶ್ರೀ ಎಂ. ಎ. ರಾಜಶೇಖರ್, ಕೆಎಎಸ್  
ಅಧಿಕಾರಿ ಹಾಗೂ ಶ್ರೀ ಟಿ. ರಂಗಯ್ಯ, ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು  
ಅವರುಗಳು ಕೊತ್ತನೂರು ಗ್ರಾಮದ ಸ.ನಂ.121/10 ಮತ್ತು 121/11ರಲ್ಲಿನ 2.27  
ಎಕರೆ ಜಮೀನಿನ ಪಹಣಿ ಮತ್ತು ಪೌತಿ ಖಾತೆಯನ್ನು ಶ್ರೀ ವಿ. ನಂದಕುಮಾರ್,  
ಬೆಂಗಳೂರು ಅವರ ಹೆಸರಿಗೆ ಬದಲಾವಣೆ ಮಾಡಿಕೊಡುವ ಸಂಬಂಧ ಭೂ  
ಸ್ವಾಧೀನ ಕ್ರಮವನ್ನು ಕೈಬಿಟ್ಟಿರುವ ಕುರಿತಂತೆ ವಿಶೇಷ ತಹಶೀಲ್ದಾರ್‌ರವರಿಗೆ  
ಹಿಂಬರಹ ಕಟ್ಟಿಕೊಡಲು ಶ್ರೀ ಎಂ. ಎ. ರಾಜಶೇಖರ್, ಕೆಎಎಸ್ ಅಧಿಕಾರಿ



ಅವರು ರೂ.25,000/- ಹಾಗೂ ಶ್ರೀ ಜಿ. ರಂಗಯ್ಯ, ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು ಅವರು ರೂ.5,000/- ಗಳ ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯಿಸಿ ಅದನ್ನು ಅವರುಗಳು ಪಡೆಯುತ್ತಿದ್ದಾಗಲೇ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ದಿ: 11.10.05 ರಂದು ಜೀಸಿದ ಬಲೆಗೆ ಸಿಕ್ಕಿ ಜಬ್ಬಿದ್ದರ ಮೇರೆಗೆ ಶ್ರೀ ಎಂ. ಎ. ರಾಜಶೇಖರ್, ಕೆಎಎಸ್ ಅಧಿಕಾರಿ ಹಿಂದಿನ ವಿಶೇಷ ಭೂ ಸ್ವಾಧೀನಾಧಿಕಾರಿ, ವಿಶೇಷ ಭೂ ಸ್ವಾಧೀನಾಧಿಕಾರಿಯವರ ಕಛೇರಿ, ಬೆಂಗಳೂರು ಅವರನ್ನು 1988ರ ಲಂಚ ನಿರೋಧಕ ಕಾಯ್ದೆ ಕಲಂ 19(1)ರನ್ವಯ ಸಕ್ಷಮ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಜಯೋಜನೆಗೊಳಪಡಿಸಲು ಸರ್ಕಾರದ ಅನುಮತಿ ನೀಡುವಂತೆ ಕೋರಿ ಸಲ್ಲಿಸಿರುವ ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿನ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದೆ.

ದಾಖಲೆಗಳ ಪರಿಶೀಲನೆಯಿಂದ ಈ ಕೆಳಗಿನ ಅಂಶಗಳು ವ್ಯಕ್ತವಾಗುತ್ತವೆ:-

- (i) ಸದರಿ ಅಧಿಕಾರಿಯವರು ಲಂಚ ಪಡೆಯುತ್ತಿದ್ದಾಗ ಸಿಕ್ಕಿಜಬ್ಬಿರುವುದಿಲ್ಲ.
- (ii) ಅವರ ಕೈಬರತುಗಳನ್ನು ಪಿನಾಪ್ಲಾನ್ ಮತ್ತು ಸೋಡಿಯಂ ಕಾರ್ಬೋನೇಟ್ ದ್ರಾವಣದಲ್ಲಿ ಅದ್ದಿಸಿ ತೊಳೆದಾಗ ಅದು ನಕಾರಾತ್ಮಕ ಫಲಿತಾಂಶ ಬಂದಿರುತ್ತದೆ.
- (iii) ನೆರಳು ಸಾಕ್ಷಿ ಘಟನೆ ನಡೆದಾಗ ಸದರಿ ಅಧಿಕಾರಿಯವರ ಕೊಠಡಿಯಿಂದ ಹೊರಗೆ ಹೋಗಿದ್ದು ಅವರು ಅಲ್ಲಿ ಹಾಜರಿರಲಿಲ್ಲ.
- (iv) ವಿಶೇಷ ತಹಶೀಲ್ದಾರರಿಗೆ ಹಿಂಬರಹ ನೀಡುವ ಪ್ರಸ್ತಾವನೆಯು ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರಿಂದ ದಿ: 14.07.05ರಂದು ಸಲ್ಲಿಸಲಾಗಿದ್ದು, ವ್ಯವಸ್ಥಾಪಕರು ಅದೇ ದಿನ ಕಡತವನ್ನು ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿಯವರಿಗೆ ಮಾರ್ಕ್ ಮಾಡಿದ್ದು, ದಿ: 15.07.05 ರಂದು ವಿಶೇಷ ಭೂ ಸ್ವಾಧೀನಾಧಿಕಾರಿಯವರು "ದ. ಜರ್ಜಿಸಿ" ಎಂದು ಕಡತವನ್ನು ಹಿಂದಿರುಗಿಸಿರುತ್ತಾರೆ.
- (v) ಸದರಿ ಅಧಿಕಾರಿಯವರು ಕಂದಾಯ ಇಲಾಖೆಯಿಂದ ವರ್ಗಾವಣೆ ಹೊಂದಿ ದಿ: 14.09.05ರಂದು ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯಕ್ಕೆ



ಹಾಜರಾಗಿದ್ದು, ಕಡತವು ಸದರಿ ಆರೋಪಿತ ಅಧಿಕಾರಿಗೆ ಮಾರ್ಕ್ ಆಗಿರುವುದಿಲ್ಲ.

ಮೇಲ್ಕಂಡ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಪಿನಾಪ್ತಾನ್ ಪಲೀಕ್ವೆಯು ಟ್ರಾಪ್ ಪ್ರಕರಣದಲ್ಲಿ ಬಹಳ ಪ್ರಮುಖ ಸಾಕ್ಷಿಯಾಗಿದ್ದು, ಅದು ವಿಫಲಗೊಂಡಿರುವುದರಿಂದ ಹಾಗೂ ಯಾವುದೇ ಒಂದು ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಪ್ರಕರಣವನ್ನು ಸಮರ್ಥಿಸಿಕೊಳ್ಳಲು ಶೇಕಡ 100ರಷ್ಟು ಸಾಕ್ಷಿ ಪರಾವೇಗ ಅವಶ್ಯಕತೆ ಇರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಶ್ರೀ ಎಂ. ಎ. ರಾಜಶೇಖರ್, ಕೆಎಎಸ್ ಅಧಿಕಾರಿ ಹಿಂದಿನ ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿ, ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿಯವರ ಕಛೇರಿ, ಬೆಂಗಳೂರು ಅವರನ್ನು 1988ರ ಲಂಚ ನಿರ್ಮೂಲನಾ ಕಾಯ್ದೆ ಕಲಂ 19(1)ರನ್ವಯ ಸಕ್ಷಮ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಜಯೋಗಗೊಳಿಸುವ ತಮ್ಮ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸರ್ಕಾರವು ತರಸ್ತರಿಸಿದೆ ಎಂದು ತಮಗೆ ತಿಳಿಸಲು ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟಿದ್ದೇನೆ."

38. Though the Sanctioning Authority of accused No.1 has refused to accord sanction to prosecute accused No.1 for the commission of alleged offence, the Investigating Officer has submitted charge sheet against accused Nos.1 and 2 for the commission of offence under Sections 7, 13(1)(d), r/w 13(2) of the PC Act, 1988. The Special Judge has taken cognizance against accused Nos.1 and 2 for the commission of alleged offence without any sanction. The accused No.1 has preferred a petition in WP.No.3760/2007 before this Court and this Court has



quashed the proceedings initiated against accused No.1. Only then the proceedings against accused No.1 were dropped. The Sanctioning Authority of accused No.1 has clearly assigned reasons for refusal to accord sanction to prosecute accused No.1 under Section 19(1) of Prevention of Corruption Act, though the IO has submitted the charge sheet against the accused Nos.1 and 2.

39. On careful examination/independent appreciation of the evidence on record, I do not find any cogent and convincing legal evidence before the Court to convict accused No.2 for the commission of alleged offence. The trial Court has failed to appreciate the evidence on record in its proper perspective. Accordingly, the appellant/accused No.2 has made out grounds to interfere with the impugned judgment of conviction and order on sentence passed against the appellant. Accordingly, I answer point number 1 in the **Affirmative**.

**Regarding Point No.2:**

40. For the aforesaid reasons and discussions, I proceed to pass the following:



**O R D E R**

- i. Appeal is **allowed**;
- ii. The judgment of conviction and order on sentence passed in Special C.C.No.29/2007 dated 30.01.2014 by the Special Judge, Bangalore Urban District, Bangalore, is hereby set aside;
- iii. Accused No.2/appellant is acquitted of the offence punishable under sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988; and
- iv. The trial Court is directed to refund the fine amount, if any, deposited by accused No.2/appellant upon due identification;

Registry is directed to send copy of the judgment along with Trial Court Records to the concerned Court.

**Sd/-  
(G BASAVARAJA)  
JUDGE**

DHA  
List No.: 1 Sl No.: 2