

**IN THE COURT OF THE HON'BLE III ADDITIONAL DISTRICT &
SESSIONS JUDGE, BALLARI, (SITTING AT HOSAPETE)**

PRESENT: SRI S.H.KORADDI,

B.Sc., LL.B. (Spl).

**III Addl. District & Sessions Judge,
Ballari, (sitting at Hosapete).**

DATED THIS THE 28th DAY OF OCTOBER, 2016.

Special Case No.1 OF 2011.

Complainant. State by Police Inspector, Karnataka
Lokayuktha, Hosapete.

(By Special Public Prosecutor, Hosapete).

//Vs.//

Accused. Honnappa J.Hanaval, S/o.Jadiyappa Nagappa
Hanaval, 30 years, Village Accountant,
Bukkasagara village, Hospet taluk, R/o.Hanval
village, Gangavatyhi taluk, Koppal dist.

(By Advocate Sri R.Pandu, Advocate).

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| 1. Date of Offence | 7.1.2009 |
| 2. Date of report of offence. | 7.1.2009 |
| 3. Arrest & release of Accused | 23.4.2009 &
25.4.2009 |
| 4. Period undergone in custody | 01 day |
| 5. Name of the Complainant | Vaddra Adu kayo
Thimmappa,
S/o.late Sanna
Hulugappa, 65
years, bhovi by
caste, Agriculturist,
R/o.3rd Ward,
Bukkasagara village,
Hospet taluk. |
| 6. Date of commencement of evidence | 13.6.2012. |

- 7. Date of closing of evidence** **16.03.2016.**
- 8. Offence complained off** **U/s.7, 13(1)(d)
R/w.S.13(2) of
Prevention of
Corruption Act,
1988.**
- 9. Opinion of the Judge** **:** **Accused is acquitted
for the offence
U/S.13(1)(d)
R/w.S.13(2) of
P.C.Act and
convicted for the
offence U/s.7 of
P.C.Act.**
- 10. Complainant represented by :** **Learned Spl. P.P.**
- 11. Accused represented by :** **Sri.R.Pandu,
Advocate.**

(S.H.KORADDI)
III ADDL. DISTRICT & SESSIONS JUDGE,
BALLARI, (SITTING AT HOSAPETE).

JUDGMENT

This is a charge sheet submitted by K.Srinivas, the then Lokayuktha Police Inspector, Hosapete, against the accused for the offences punishable **U/S.7, 13(1)(d) R/w.S.13(2) of Prevention of Corruption Act, 1988.**

2. Few facts of the case of prosecution are as under:-

That the complainant deceased Thimmappa an agriculturist of Bukkasagar, is the husband of C.W.18:Gangamma and C.W.19:Thirumalesh, C.W.20:Mariveerabhadrapa, C.W.21:Dodda Veerabhadrapa, C.W.22:Sanna Veerabhadrapa are his sons and they had effected partition with respect to their land bearing Sy.No.398A of Bukkasagar village and intended to mutate their names as per the partition to the said land. That being so, on 6.1.2009 when the deceased Thimmappa approached the accused :Honnappa, village accountant of Bukkasagar , he demanded bribe of Rs.9,000/- for mutating their names and the complainant who was not willing to give the bribe, borrowed hand loan of Rs.9,000/- from C.W.4:Gonchi Thimmappa and also intimated C.W.38:S.A.Agadi, the then P.I. of Hospet Lokayuktha and filed the complaint under Crime No.1/2009 at 10.30 a.m., on 7.1.2009.

The Lokayuktha Police Inspector after dispatching the FIR and complaint to the court through C.W.34:D.D.Ganesh, constable, called the panchas C.W.2:Suresh Babu, SDA, CMC., Hospet, C.W.3:Ramesh, another SDA of CMC., Hospet, through their superior and narrated the case and conducted the

entrustment panchanama on the basis of 10 currency notes of face value of Rs.500/- each and 4 currency notes of face value of Rs.1,000/- each of the complainant in between 11.10 a.m., to 12.00 a.m. noon on 7.1.2009 and prepared the list of currency particulars through panchas and demonstrated the colour changing chemical reaction of phenolphthelene powder and sodium carbonate by dipping the fingers in the solutions and taken the photos through photographer C.W.23:Rafiq.

Thereafter, the I.O. went to taluk office, Hospet, along with the said panchas and his staff C.W.28 to C.W.32 and sent the complainant in the chamber of the accused at 12.15 p.m by keeping watch of shadow witness C.W.2:Suresh Babu and waited for the signal of the complainant till 2.45 p.m., and the complainant who paid bribe of Rs.9,000/- to the accused came out and made the signal with hand kerchief on the face, then I.O. along with panchas and staff rushed inside the chamber of the accused but the accused left chamber and ran away towards Hospet bus-stand and railway station in an autorikshaw and remained absconded till 23.4.2009. He was arrested in Bicholi Camp of Raichur district at 6.00 a.m., on 24.4.2009 and the I.O. has secured his voluntary statement and went to his rental house of Nehru colony , Hospet at 2.00 p.m., along with the said panchas and recovered Rs.3,000/-

kept behind the photo by the accused while it was produced by him and drawn the mahazar in between 2.00 p.m., to 3.30 p.m. and ascertained that those were the currency notes which were given by the complainant at the time of entrustment panchanama. The accused also gave an explanation and said that remaining amount of Rs.6,000/- was spent by him and thereby committed the above said offences.

The I.O. has also drawn the trap panchanama is drawn in between 5.30 p.m., to 6.30 p.m on 7.1.2009 in the office of the Tahasildar, Hospet and deputed his staff to trace out the accused and came to the police station along with the said panchas and drawn the seizure panchanama by recovering the documents i.e., application of complainant, copy of the partition deed, genealogical tree, sketch of the land , chit written by the accused in between 7.00 p.m., to 7.30 p.m. on 7.1.2009. Further the I.O. has secured letter from C.W.5:Manjunath, the then Tahasildar of Hospet regarding absence of accused and his suspension from service. Thereafter on 9.1.2009 he has secured the documents of khata change from C.W.6:Raghavendra Rao, Sheristedar by drawing the panchanama in the presence of said panchas in between 11.15 a.m. to 12.30 p.m.

Further on 15.1.2009, visited Siruguppa and enquired about the accused from C.W.7:Subba Rao, retired revenue inspector and came to know about the phone call made by the accused and case registered in Bicholi Police Station against the accused earlier. Thereafter, he has enquired C.W.8:Sekshavali , village accountant, Uppara Hosahalli in Siruguppa taluk to whom accused had made a phone call. He has also enquired C.W.9:G.Pampapathi, SDA, Taluk Office, Siruguppa, in whose house the accused had stayed for one night. Further the I.O. has enquired C.W.10:Nagabushan, Village Accountant and incharge Revenue Inspector, Kampli about the absence of accused from his duties. The I.O. has also visited revenue office, Kampli on 16.2.2009 and secured the Form No.10 written by the accused from C.W.11:Ravindrakumar, Revenue Inspector by breaking open almirah through C.W.15:Yellappa by drawing the panchanama in the presence of panchas C.W.13:Nagaraj, C.W.14:Shivakumar, Village Accountants of Byluvaddigeri and H.B.Halli in between 4.15 p.m., to 5.00 p.m., and came to know that the accused had misappropriated the revenue collected from public and a case registered against the accused in Kamalapur Police Station.

Further I.O. has also enquired C.W.12:MOhammed Shariff , Village Accountant-cum-Computer Operator about the

khata change documents of the complainant seized on 9.1.2009 given by the accused to the computer section on 27.12.2008. Further he has enquired C.W.16:Raghavendra, the friend of the accused about the phone call made by the accused and C.W.17:Smt.Veera Mangala, in whose house accused was residing on rentals earlier till 1.7.2009. He has also enquired the relatives of the complainant , wife and sons of complainant C.W.18 to 22 about the bribe demanded by the accused from the complainant for effecting mutation entries and after death of the complainant on 25.3.2009, he has secured the death certificate of the complainant. He has also recorded the statement of photographer: C.W.23:Rafiq and enquired C.W.24:Chidananda Rao, PSI , Bicholi and recovered copy of the compliant and FIR in Crime No.9/2009. He has also enquired C.W.25:Narasinga Rao, PSI, Kamalapur Police Station and secured the copies of the FIR and complaint in Crime No.8/2009. Further he has enquired C.W.26: V.Govindappa, PSI, Kampli, and secured the copies of the FIR and complaint in Crime No.27/2009. So also he enquired C.W.27: Kalidas Achar, Manager, Abhishaikh Bed Lodge , P.B.Road, Davanagere about the stay of the accused in between 8.1.2009 to 23.4.2009.

Further the I.O. has secured the statements of his staff witnesses and produced the accused before the court through

C.W.33:Vishweshwara Gouda and C.W.34:Ganesh, constables. He has also secured the statement of C.W.17:Smt.Veera Mangala the owner of the house wherein the accused was residing and requested public works department to prepare the map of the spot and C.W.35 :H.Nagaraj, AE, P.W.D., has prepared the map of the spot in the place shown by the above said shadow witness Suresh Babu. Further he has sent the articles to RFSL, Chitradurga, and handwritings of the accused along with chit to FSL, Bangalore for examination purpose and C.W.36:T.Anand , scientific officer has examined the articles and submitted the report. Further he has secured the permission to prosecute the accused from C.W.37:B.Shivappa, the then D.C.-cum-disciplinary authority and handed over the further investigation of the case to C.W.39:K.Srinivas, inspector since transferred. Thereafter, the said inspector K.Srinivas has submitted the charge sheet against the accused for the offences referred to.

3. After taking cognizance of the offences, case has been registered and accused has put appearance through advocate and he has been released on bail. Copy of charge sheet is furnished to him. Thereafter hearing both sides, a charge for the offence punishable U/s.7, 13(1)(d) R/w.S.13(2) of P.C. Act, 1988 has been framed, read over and explained to the accused.

Accused has pleaded not guilty and claimed to be tried by the court and the trial was fixed.

4. The prosecution has examined in all 19 witnesses as P.W.1 to 19 and got marked the documents at Ex.P.1 to P.41 and articles at M.O.1 to 10 in support of its case and case has been transferred to this court vide notification No.DPAR 137 SLV 2013 dated 23.8.2013 (GOB(I) 412/2000 dated 19.9.2013).
. After closure of the side of the prosecution, accused statement U/s.313 of Cr.P.C., has been recorded and accused has denied the evidence led by the prosecution and not preferred to lead further evidence in his defence.
5. I have heard the arguments and perused the records and citations relied upon by the defence counsel Sri R.Pandu.
6. Now the points that arise for my consideration are as under:-

1. Whether the prosecution proves beyond all reasonable doubts that, the accused being the village accountant of Bukkasagar on 7.1.2009 demanded bribe of Rs.9,000/- for effecting mutations in the name of complainant's family members on the basis of partition deed with respect to land bearing Sy.No.398 A/1 measuring 1.60 acres of Bukkasagar and received bribe of Rs.9,000/- in his office from

the complainant at 2.45 p.m., on the same day and thereby committed the offences punishable **U/s.7, 13(1)(d) R/w.S.13(2) of Prevention of Corruption Act?**

2. What order?

7. My findings to the above points are as under:-

Point No.1: **partly in affirmative.**

Point No.2: As per final order, for the following :-

Reasons

Point No.1 :

8. It is the case of the prosecution that the deceased complainant Thimmappa along with family members C.W.18:Gangamma , sons P.W.12:Thirumalesh, C.W.20:Mari Veerabhadrappe, C.W.21:Dodda Veerabhadrappe, C.W.22:Sanna Veerabhadrappe had entered into partition with respect to his land bearing Sy.No.398 A/1 of Bukkasagar measuring 1.60 acres and intended to mutate their names as per partition to the said property and approached the accused Honnappa , the then village accountant of Bukkasagar village on 6.1.2009 and accused demanded bribe of Rs.9,000/- to

mutate their names and complainant without willing to give the bribe availed hand loan from P.W.1:Gonche Thimmappa and intimated P.W.18:S.A.Agadi, the then lokayuktha inspector of Hospet on 7.1.2009 and also filed the complaint at 10.30 a.m., against the accused under Crime No.1/2009 of Hospet Lokayuktha P.S. and the Lokayuktha Inspector after dispatching the FIR and complaint to the court through C.W.34:Ganesh, constable called the panchas P.W.4:Subba Rao, P.W.5:Pompapathi, second division clerks of CMC., Hospet, through their superior and on the basis of ten currency notes of Rs.500/- face value each and four another currency notes of Rs.1,000/- face value each of the complainant conducted entrustment panchanama in between 11.10 p.m., to 12.00 noon and prepared list of currencies and taken the photos and narrated the chemical changes and taken out the samples of solutions and chemical powders for examination purpose.

9. Thereafter, he went to tahsildar office , Hospet at 2.45 p.m., and sent the complainant inside the chamber of the accused and kept watch of shadow witness P.W.8:Suresh Babu and when the complainant came out by paying bribe made the signal with kerchief on the face and inspector along with the panchas and staff rushed into chamber of the accused but

accused ran away from his chamber and remained absconded till 23.4.2009, then IO arrested him at Bicholi camp of Raichur district and secured his voluntary statement and explanation and recovered Rs.3,000/- kept in his rental house of Nehru Nagar by drawing drawing panchanama on 24.4.2009 in between 2.00 p.m., to 3.30 p.m., and thereby lthe accused has committed the aforesaid offences punishable U/s.7, 13(1)(d) R/w.S.13(2) of P.C.Act.

10. In support of this, prosecution examined P.W.1:Gonchi Thimmappa, the person who advanced hand loan to the complainant , P.W.2: P.S.Manjunath, the then tahsildar, Hospet, P.W.3:Raghavendra Rao, sheristedar , taluk office, Hospet, P.W.4:Subba Rao, retired revenue inspector, under whom the accused was working, P.W.5:G.Pompapathy, the then SDA of Siruguppa taluk office with whom the accused had worked, P.W.6:Nagabhushan, the retired revenue inspector who was incharge of Bukkasagar village, P.W.7: Ramesh, the pancha witness, P.W.8:Suresh Babu, pancha-cum-shadow witness, P.W.9:Ravindra kumar, the then revenue inspector under whom the accused was working in Kamalapur, P.W.10:MOhammed Shariff, computer operator of taluk office, Hospet, P.W.11:Veeramangala, the owner of the house in which the accused was residing, P.W.12:Thirumalesh, the son of the

complainant, P.W.13:T.Anand, Scientific Officer, RFSL, Chitradurga, P.W.14: the then assistant engineer, PWD, who prepared the map of the spot , P.W.15:Rafiq , photographer who had taken photographs at the time of entrustment panchanama, P.W.16:Kalidas Achar, Abhishaikh Lodge, Davanagere, wherein the accused stayed during absconding period, P.W.18:B.Shivappa, retired D.C., who issued suspension order of the accused and permission to prosecute the accused, P.W.18:S.A.Agadi, the then IO, P.W.19:K.Srinivas, Police Inspector who submitted the charge sheet against the accused.

11. Although the complainant is no more, his son P.W.12:Thirumalesh has stated about the partition effected with respect to their land bearing Sy.No.398 A/1, measuring 1.60 acres of Bukkasagar village as per the copy of partition deed at Ex.P.11 and the application at Ex.P.9 given for mutating their names. He has also stated that the accused had demanded bribe of Rs.9,000/- from his deceased father to mutate their names and his father had filed complaint and the accused ran away from the spot when trap was conducted and he has identified the complaint at Ex.P.30 filed by his father. Although he has stated about mutation effected about 2 years back, his evidence regarding demand of bribe by the accused and filing of the complaint at Ex.P.30 by his father is clear.

12. Further P.W.1 Thimmappa has also clearly stated that he has advanced hand loan of Rs.9,000/- consisting of 10 currency notes of Rs.500/- face value each and another 4 currency notes of Rs.1,000/- face value each when the complainant told him that accused is demanding bribe of Rs.9,000/- for mutation purpose. He has identified the currencies at M.O.1 to 5 recovered from the house of the accused under panchanama by the police and also stated that he came to know about absconding of the accused during trial when the complainant filed a complaint against the accused before Lokayuktha police. He has stated that he has got eight children and they are doing coolie and he used to save Rs.500/- to Rs.600/- per month. Although he has shown inability in stating the currency numbers, his evidence is clear enough regarding advancement of the loan to the deceased complainant.
13. Further P.W.2:Manjunath, the then tahsildar has also stated about the trap conducted by the police and absconding of the accused on 7.1.2009 while trap was conducted by the police after their meeting and identified the trap panchanama at Ex.P.1 drawn by the police in between 5.30 to 6.30 p.m., on that day. Further he has stated about letters at Ex.P.2 and P.3 issued to the police about the absence of accused to his duties.

He has also stated about suspension order issued by the P.W.17:Shivappa, D.C., Ballari, as per Ex.P.4 and letter at Ex.P.5 issued in that regard to the police. This witness has clearly stated that accused was working in his office and he attended the meeting also and he ran away during trap.

14. Further P.W.7:Ramesh, P.W.8:Suresh Babu, pancha-cum-shadow witness have also stated that they were called by Lokayuktha police on 7.1.2009 and entrustment panchanama was conducted in their presence as per Ex.P.22 and list of currencies was prepared at Ex.P.15 and identified the currencies at M.O.1 to M.O.5 recovered from the house of the accused and photos at Ex.P.16 to 21 taken at the time of entrustment panchanama. Further they have also stated about trap panchanama at Ex.P.1 conducted by the police in their presence while the complainant gave bribe of Rs.9,000/- in his office at 2.45 p.m., on the same day. So also, they have stated about seizure panchanama at Ex.P.23 drawn by the police and recovery of hand writings of accused along with chit at Ex.P.25. Further they have also stated the seizure panchanama at Ex.P.6 drawn by the police on 9.1.2009 and recovery of documents at Ex.P.7 to 17 of mutation proceedings. So also, they have stated about the panchanama at Ex.P.26 drawn by the police in the rental house of the accused and recovery of currency notes at

- M.O.1 to 5 and identified the explanation of accused at Ex.P.27. Further they have clearly stated about the entrustment panchanama, trap panchanama and other seizure panchanamas drawn by the police and chemical changes noticed by them and particulars of the currencies and denied the suggestions of defence counsel regarding signing of those documents without knowing their contents. No helpful material is forthcoming in their cross-examination in favour of the defence and their evidence is fully supported with the evidence of investigation officer P.W.18:S.A.Agadi, P.I.
15. Further P.W.3:Raghavendra Rao, Sheristedar, has stated about the production of documents at Ex.P.7 to 13 under mahazar at Ex.P.6 from the chamber of accused on 9.1.2009 and identified the receipt at Ex.P.14 taken at that time. He has stated that proceedings were at the stage of issuance of notice and calling for objections if any from the interested persons and his evidence is clear and consistent one.
16. Further P.W.4:Subba Rao, the retired revenue inspector has also stated that accused had telephoned to him after absconding and he told that, it is wrong. Further he has stated about the case pending in Bicholi Police Station against the accused for preparing false ROR while he was village accountant of Ravehal village and he has given statement in the

said case and accused was also arrested in that case. P.W.5:G.Pompapathy, has also stated that accused had telephoned to him after absconding and he told the accused to surrender before the police. P.W.6:Nagabushan, another village accountant who attended the meeting along with accused on the date of the trap stated that he came to know about the incident through news paper and absconding of the accused. He has also admitted that another case was pending against the accused for misappropriation by collection of revenue.

17. Further P.W.9:Ravindrakumar, Revenue Inspector, who attended the meeting on the date of the trap has also stated that accused was present at the time of meeting. Thereafter, he came to know about the trap of the accused and absence of accused to his duties after absconding of the accused. Further he has stated that the accused was locking the almirah by keeping the records and police have enquired him about the absence of accused and he shown alimirah to the police and it was opened through C.W.15: Yallappa and handwritings of the accused in Form No.10 at Ex.P.28 was recovered by the police. Further he has stated about the panchanama at Ex.P.29 drawn at that time by the police and in his cross-examination he has stated that the file was sent to tahasildar subsequently by him

and earlier he had given the file to the accused for service of notice and for calling the objections.

18. Further, P.W.10:Mohammed Shariff, Computer Operator, has stated about the preparation of receipt at Ex.P.8 and document at Ex.P.9 to 13 were given to him and he entered the list thereon. P.W.11:Veera Mangala, the owner of the house has also stated that the accused was residing in her house of first floor till 1.7.2009 on monthly rentals of Rs.1,500/-.
19. Further P.W.13:T.Anand, the scientific officer has stated that he noticed phenophthelene and sodium carbonate in article No.3, 5, 6 and submitted the report at Ex.P.31 and identified the articles at M.O.1 to 10. His evidence regarding absence of above said chemicals in article No.1, 2 and 4 is also clear and his evidence is corroborating the evidence of pancha witnesses and investigation officer.
20. Further P.W.14: Nagaraj, A.E., P.W.D., has stated about map at Ex.P.32 prepared in the place shown by pancha Ramesh and his evidence regarding distance of 4 meters between old and new taluk office is clear enough and it is consistent with the state of affairs shown in trap panchanama at Ex.P.1.
21. Further P.W.15:Rafiq, photographer has stated about photos at Ex.P.16 to 21 taken at the time of entrustment and those are consistent with the existing state of affairs shown in

panchanama at Ex.P.22. P.W.16: Kalidas Achar, Manager of Abhishaikh Lodge, Davanagere, has stated there is no entry of stay of accused in the lodge but stated that he might have stayed by showing other name.

22. Further P.W.17:Shivappa, D.C., Ballari-cum-disciplinary authority has stated about suspension order at Ex.P.34 issued against the accused after the trap and permission at Ex.P.33 given to prosecute the accused. The evidence of I.O. P.W.18: S.A.Agadi, regarding investigation made in this case and the FIR and complaint of other pending cases Ex.P.38 to 40 secured under panchanama at Ex.P.41 also shows that the accused is involved in other cases i.e., Crime No.8/2001 of Kamalapur Police station, Crime No.27/2009 of Kampli Police Station and he is habitual offender and does not have good service records and it is rather blameworthy.

23. Further the evidence of P.W.19:K.Srinivasa, P.I. about charge sheet submitted in this case shows that there was ample material to proceed against the accused and I do not find any reason to disbelieve the above said consistent , reliable and sufficient evidence of prosecution witnesses. Further the explanation at Ex.P.27 shows that, the accused was absconding for long time by staying here and there and it leads to draw

adverse inference against him and it is also clear from the explanation that, he was in need of money.

24. The learned defence counsel by relying upon the citation reported in **KCCR 2016(3) 1889 (V.Sejappa Vs. State by Police Inspector , Lokayukta, Chitradurga) , 2016(1) KCCR 228 (Suresh Kumar Vs. State of Karnataka) and by relying provisions of Sec.127 and 129 of Karnataka Land Revenue Act and R.65, 70 of Karnataka Land Rules**, submitted that there is no evidence of demand and acceptance of illegal gratification by the accused and the accused was not empowered to mutate the names of family members of the complainant as revenue inspector was authorized to do so and prayed to acquit the accused. Further by relying on **2016 SAR (Criminal) 811 (State of Kerala Vs. P.Muhammed Noushad) ,** he submitted that there is no consistent and reliable evidence to show the guilt of the accused . Number of material contradictions are forthcoming from the versions of prosecution witnesses and prayed to acquit the accused. But as discussed above, the above said evidence of prosecution witnesses is sufficient, corroborative and consistent and no malafiefs can be attributed to the investigation made in this case and therefore, the above said citations are not of much assistance to the defence in the present set of facts. However, there is

sufficient evidence for commission of the offence U/s.7 of the P.C. Act, 1988 but there is no evidence to show that the accused had amassed wealth disproportionate to his known source of income to punish U/s.13(1)(d) R/w.S.13(2) of the P.C. Act and he is entitled for acquittal for the said offences.

Accordingly, I answer this point partly in the affirmative.

Point No.2:

25. From the discussions made in the above point, it is very much clear that, the accused is entitled for an order of acquittal for the offences U/s.13(1)(d) R/w.S. 13(2) of P.C. Act and accused is liable to be convicted for the offence punishable U/s.7 of the P.C.Act. In the result, I pass the following:-

ORDER

The **accused is acquitted U/S.235(1) of Cr.P.C., for the offences punishable U/Sec. 13(1)(d) R/w.S.13(2) of Prevention of Corruption Act, 1988 and convicted U/S.235(2) of Cr.P.C., for the offence punishable U/s.7 of the Prevention of Corruption Act, 1988.**

Call on for hearing on sentence
by 3.00 p.m.

(Dictated to stenographer, script transcribed, typed and computerized by him, corrected and then pronounced by me in the open court on this **28th** **day** of **October, 2016**).

(S.H.KORADDI)
III ADDL. DISTRICT & SESSIONS JUDGE,
BALLARI, (SITTING AT HOSAPETE).

ORDER ON SENTENCE

Heard on sentence.

The learned defence counsel Sri.R.P. , submits for taking lenient view in imposing the sentence against the accused on the ground of age old mother . The learned Spl.P.P., however, submitted not to take lenient view as other cases are also pending against the accused. In view of the facts and circumstances of this case, it appears that the accused is entitled for some lenient view. The offence U/s.7 of the P.C. Act is punishable with imprisonment which may extend to 5 years and with fine . Thus, the accused is sentenced to undergo simple imprisonment for 3 years and to pay

fine of Rs.5,000/- , in default of payment of fine amount, he shall undergo further imprisonment of one month.

M.O.1 to 5 currency notes be returned to complainant and M.O.6 to 10 be destroyed after appeal period is over.

(S.H.KORADDI)
III ADDL. DISTRICT & SESSIONS JUDGE,
BALLARI, (SITTING AT HOSAPETE).

ANNEXURE

List of Witnesses examined on behalf of Prosecution:

P.W.1	Thimmappa.
P.W.2	P.S.Manjunath.
P.W.3	Raghavendra Rao.
P.W.4	Subba Rao.
P.W.5	G.Pompapathy.
P.W.6	Nagabhushan.
P.W.7	Ramesh.
P.W.8	K.Suresh Babu.
P.W.9	B.Ravindrakumar.
P.W.10	Mohammed Shariff.
P.W.11	Smt.N.M.Veeramangala.
P.W.12	Thirumalesh.
P.W.13	T.Anand.
P.W.14	H.Nagaraj.
P.W.15	Rafiq.
P.W.16	Kalidas Achar.
P.W.17	Shivappa.

P.W.18 S.A.Angadi.
P.W.19 K.Srinivas. P.I.

List of documents marked for Prosecution:

Ex.P.1 Panchanama.
Ex.P.1(a) Signature of P.W.1
Ex.P.1(b) Signature of P.W.7.
Ex.P.2 Letter dated 16.1.2009 of Tahsildar, Hospet.
Exs.P.2(a) Signature of P.W.2.
Ex.P.3 Letter dated 26.3.2009 of Tahsidlar, Hospet.
Ex.P.3(a) Signature of P.W.2.
Ex.P.4 Suspension order passed by Dy.Commissioner, Ballari.
Ex.P.5 Letter dated 17.2.2009 of Tahsildar, Hospet.
Ex.P.5(a) Signature of P.W.2.
Ex.P.6 Panchanama.
Ex.P.6(a) Signature of P.W.3.
Ex.P.6(b) Signature of P.W.7.
Ex.P.6(c) Signature of P.W.8.
Ex.P.7 to P.13. Documents furnished to Lokayuktha.
Ex.P.13(c) Signature of P.W.12.
Ex.P.14 Signature P.W.12.
Ex.P.14(a) Acknowledgement given by Tahsildar,
Ex.P.14(b) Hospet.
Ex.P.14(c) Signature of P.W.3.
Ex.P.15 Paper containing serial numbers of

	currency notes.
Ex.P.15(a)	Signature of P.W.7.
Ex.P.15(b)	Signature of P.W.8.
Ex.P.16 to 21	Photographs.
Ex.P.22.	Entrustment Panchanama.
Ex.P.22(a)	Signature of P.W.7.
Ex.P.22(b)	Signature of P.W.8.
Ex.P.23	Seizure Panchanama.
Ex.P.24	Chit written by accused.
Ex.P.25	Xerox copy of Ex.P.24 – chit.
Ex.P.25(a)	Signature of P.W.7.
Ex.P.26.	Recovery panchanama.
Ex.P.26(a)	Signature of P.W.7.
Ex.P.26(b)	Signature of P.W.8
Ex.P.26(c)	Signature of P.W.18
Ex.P.27	Explanation by accused.
Ex.P.27(a)	Signature of P.W.7.
Ex.P.27(b)	Signature of P.W.18.
Ex.P.28.	Form No.10 –Register.
Ex.P.28(a).	Page No.63 of Register.
Ex.P.28(b)	Signature of P.W.9.
Ex.P.28(c)	Relevant entry at Page No.58, 59.
Ex.P.28(c)1	Signature of P.W.9.
Ex.P.28(d)	Relevant entry at Page Nos.60, 61.
Ex.P.28(d)1	Signature of P.W.9.
Ex.P.28(e)	Relevant entry at page No.64 and 65.
Ex.P.28(e)1	Signature of P.W.9.
Ex.P.29	Panchanama.
Ex.P.29(a)	Signature of P.W.9.
Ex.P.30	Complaint.

Ex.P.30(a)	Signature of A.Thimmappa.
Ex.P.30(b)	Signature of P.W.18.
Ex.P.31	F.S.L. Report.
Ex.P.31(a)	Signature of P.W.13.
Ex.P.32	Sketch drawn by A.E., P.W.D., Hospet.
Ex.P.32(a)	Signature of P.W.14.
Ex.P.33	Requisition .
Ex.P.34	Proceedings.
Ex.P.34(a)	Signature of P.W.17.
Ex.P.35	FIR
Ex.P.36	Complaint.
Ex.P.37	Office Memo.
Ex.P.38	FIR .
Ex.P.39	FIR.
Ex.P.40	FIR.
Ex.P.41.	Panchanama.

List of Witnesses examined on behalf of Accused:

Nil.

List of documents marked for the Accused:

Nil.

List of Material Objects marked on behalf of Accused:

M.O.1 to 5: Currency Notes – 5 of one note of Rs.1000/- and four notes of Rs.500/- each.

M.O.6: Phenolphthelene powder.

M.O.7: Sodium Carbonate sample solution.

M.O.8: Hand wash solution.

M.O.9: Left hand wash solution.

M.O.10: Right hand wash solution.

(S.H.KORADDI)
III ADDL. DISTRICT & SESSIONS JUDGE,
BALLARI, (SITTING AT HOSAPETE).