

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
EXTRAORDINARY ORIGINAL JURISDICTION
PRESENTATION FORM

WRIT PETITION No.29445-48 of 2015 [GM - POLICE] PIL

Serial No..... **BANGALORE District**

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IN THE HIGH COURT OF KARNATAKA AT BANGALORE
(EXTRAORDINARY ORIGINAL JURISDICTION)

WRIT PETITION NO.29445-48 [GM - POLICE] PIL

Between:

Samaj Parivartana Samudaya And
Others

Petitioners

And

Union of India And Others.

Respondents

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Date: 14-Jul-2015

Place: Bangalore

Advocate for Petitioners

K.V.DHANANJAY

Roll No.KAR-659-2002

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE
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BETWEEN

Samaj Parivartana Samudaya
And Ors.

Petitioners

And

Union of India And Ors.

Respondents

SYNOPSIS

The current Lokayukta of Karnataka is Sri Y.Bhaskar Rao. He holds the highest statutory power to curb and punish corruption among public servants employed in connection with the affairs of the Government of Karnataka. With due respects, the petitioners state that he and his son, Ashwin.Y have engaged in recent months in one of the most daring and unprecedented acts of public corruption in this country. This Public Interest Petition, for reasons shown in it, seeks an independent and impartial criminal investigation into this unprecedented corruption. Under circumstances explained in this petition, it has become necessary for this Hon'ble Court to direct an investigation by the Central Bureau of Investigation into this corruption and to monitor the same.

Cancer wastes and destroys a human body – *both physically and emotionally*; corruption does the same to a society. At times, corruption goes unnoticed. However, on rare occasions, heightened corruption at the highest seat of the Government takes place in full glare of the public and devastates the society. We are dealing with one such rare occasion in this petition.

This father-son duo has shaken the confidence of the public in the due administration of the anti-corruption law in Karnataka. The only question before this Hon'ble Court today is whether this father-son duo and their conspirators should not be impartially investigated and criminally prosecuted – in order to restore the deteriorating rule of law in the State of Karnataka.

This is a public interest litigation and this very petition would have been unnecessary had only any other person come to this Hon'ble Court or this Hon'ble Court had itself taken suo-moto cognizance of the alarming corruption by this father-son

duo – made public knowledge by disturbing reports in the media.

When an offence of corruption involving public servants who are employed in connection with the affairs of the State Government takes place in this State, the *Prevention of Corruption Act, 1988* is to be promptly invoked. Period. Not merely content with federal anti-corruption statutes, Karnataka was one of the first States in the country to create a separate institution of Lokayukta to fight administrative excesses by public servants who are employed in connection with the affairs of the State Government. The State Legislature enacted a specific law for that purpose, '*The Lokayukta Act*'. That was in the year 1983.

The *Lokayukta Act, 1984* contains elaborate provisions to enquire into objectionable and illegal administrative acts by such public servants.

Further, a Police wing has been specially created within the Lokayukta and this Police wing has been entrusted with the statewide responsibility of conducting criminal investigation and prosecution of offenders under the *Prevention of Corruption Act, 1988*. In terms of the scheme of the *Karnataka Lokayukta Act, 1984*, the police wing too would remain subordinate to the Lokayukta, Y.Bhaskar Rao.

Often, the Lokayukta Police conducts raids of corrupt public servants – sometimes by trapping them and at other times, by searching their premises for disproportionate wealth. Such raids are widely reported in the media and the public always takes note of such events. Such publicity tends to assure the public that the fight against corruption is in full swing in the State.

The frequency of such raids increased during the regime of earlier Lokayuktas and more particularly, during the eventful tenure of Sri Santosh Hegde, former Judge of the Supreme Court.

Tragically, the current Lokayukta, Y.Bhaskar Rao and his son, Ashwin.Y had criminally conspired to exploit the public servants' fear of such raids. Ashwin.Y began to summon public servants from various cadres to his father's office and would extort them and demand crores of rupees in return for not being raided by his father's team. And, the public servants who would succumb to such demands would

obviously recover all such monies from the public by further abusing their own offices. If extortion demands of Ashwin.Y would be met, Y.Bhaskar Rao would instruct his team to turn a blind eye to all corruption by those who had paid a ransom to his family. This went on for a considerable time.

Fortunately, there were many honest public servants within the Lokayukta's office who were greatly pained to see what had become of this institution that was once held in high esteem by the public.

So, on a certain day, a certain public servant, Krishnamurthy came forward to complain to the Superintendent of Police in the Lokayukta about such extortion by this Ashwin.Y. Smt.Sonia Narang, IPS, is the Superintendent of Police in the Lokayukta. She promptly reported the same to the Registrar of Lokayukta and to the Additional Director General of Police at the Lokayukta. Under the law, a First Information Report (FIR) had to be immediately drawn on this information. However, it was only to be expected that the Lokayukta Y.Bhaskar Rao would intimidate, threaten or otherwise pressurize his subordinates from registering an FIR against his own son. Only 19 days later did an FIR finally get registered on the said information.

The complaint by Smt.Sonia Narang to the Registrar of Lokayukta had named only 'Krishna Rao' as the extortionist; little was known about this 'Krishna Rao' at that point of time. There is no other accused besides this 'Krishna Rao' in her complaint.

It is however, a matter of common knowledge that Ashwin.Y was embroiled in criminal cases in other jurisdictions such as Andhra Pradesh as well and in order to avoid detection and to facilitate greater fraud in his father's office, he used to sometimes call himself as 'Krishna Rao'.

The Constitution of India allows to a criminal accused, the right to remain silent. In other words, a criminal accused may legally choose to not incriminate himself. However, an accused person in a criminal case may waive this right in order to secure leniency from a court. In a wholly voluntary move, Ashwin.Y has himself come forward to admit on a sworn affidavit to this Hon'ble Court in Writ Petition No.27648 of 2015 that he himself is the 'Krishna Rao' named in Sonia Narang's complaint to the Registrar of Lokayukta.

Ashwin.Y, the sole petitioner in the aforesaid matter is shown in the cause title and his sworn affidavit therein as “Sri Ashwin Y, S/o. Justice Y.Bhaskar Rao”. Expectedly, none of the annexures produced by Ashwin.Y in his Writ Petition to this Hon’ble Court even contained the name “Ashwin.Y” in it.

Ashwin.Y had a choice under the Constitution to remain silent. He chose to speak instead and to identify himself to the Karnataka High Court as the ‘Krishna Rao’ in Sonia Narang’s complaint to the Registrar. While he did so in order to secure a judicial order for his own benefit, he has nevertheless leapfrogged and expedited the criminal investigation into the case of his own extortion as well as towards his father’s role in his extortion.

The second most senior Division Bench of this Hon’ble Court comprising of Hon’ble Justices N.Kumar and B.Sreenivase Gowda has accepted, relied upon and has acted upon Ashwin Y’s admission of he being the ‘Krishna Rao’ in Sonia Narang’s complaint. The judicial acceptance by the Division Bench is readily found in the order passed by it in his favour on 01-Jul-2015. In pertinent part, the said Order states:

“...It is in this background, the petitioner has approached this Court apprehending that the investigation ordered by the Upa Lokayukta may be directed against him”.

As the complaint of Sonia Narang did not name any other accused and the only accused in her complaint was ‘Krishna Rao’, the aforesaid Order by the Division Bench of this Hon’ble Court completed Ashwin.Y’s act of self-incrimination of disclosure of his own identity. After having identified himself as the ‘Krishna Rao’ in Sonia Narang’s complaint, Ashwin.Y has exercised his legal right to deny the truth of the allegation against him by claiming an alibi in his Writ Petition.

Finally, an FIR that was due on Sonia Narang’s complaint came to be lodged by the Lokayukta Police wing on 01-Jul-2015. It names ‘Y.Ashwin, Son of Y.Bhaskar Rao’ as the principal accused on a charge under *Section 8* of the *Prevention of Corruption Act, 1988* (bribing a public servant) and under the following other charges under the *Indian Penal Code, 1860*: *Section 384* (extortion), *Section 419* (cheating by fraudulently disguising oneself), *Section 420* (cheating by dishonestly inducing delivery of money) and *Section 120-B* (criminal conspiracy in respect of the above).

Y.Bhaskar Rao had every reason to fear this FIR. If it would lead to a prompt investigation, he feared that he would himself face arrest and prosecution. Therefore, it was only to be expected that he would do everything within his power to sabotage the investigation on this FIR.

This Court has a judicial duty to take note of the above unprecedented and tragic act of corruption in this State. Hence, for the sole purpose of upholding the rule of law and for the due punishment of those who have conspired to destroy the very rule of law in this State, this court is requested herein to entrust the whole criminal investigation and prosecution of the wrongdoing by Ashwin.Y and his father, Y.Bhaskar Rao to an independent agency such as the Central Bureau of Investigation. And, to promptly monitor the same by directing a Special Court to conduct trial of offences established thereby and to appoint a competent Public Prosecutor to conduct the trial on behalf of the State.

In terms of the *Karnataka Lokayukta Act, 1984*, Y.Bhaskar Rao wields substantial authority over diverse class of public servants who are employed in connection with the affairs of the Karnataka Government. Therefore, any criminal investigation by any person who reports to the State Government or who is an employee of the State Government runs every risk of inviting the wrath of Y.Bhaskar Rao and retribution by his conspirators within the Lokayukta.

Further, in terms of the *Karnataka Lokayukta Act, 1984* a majority of two-thirds of the State Legislature is necessary to impeach and dislodge a Lokayukta from his office. Until then, Y.Bhaskar Rao would continue to remain in his office. Even the possibility of his arrest and subsequent bail – even if occasioned by an investigation by persons subject to his wrath or retribution – would not have the effect of dislodging Y.Bhaskar Rao from his office. This aspect alone would render it inevitable for this Hon'ble Court to entrust the investigation against the Lokayukta's son to the Central Bureau of Investigation – to eliminate the risk of failure and miscarriage of justice.

Ordinarily, in terms of *Section 6* of the *Delhi Special Police Establishment Act, 1946* under which statute the Central Bureau of Investigation (CBI) came to be established by the Central Government, the State Government may request the CBI to investigate and prosecute any criminal offence within

its territory. Effectively, this power is vested and exercised by the Cabinet in the State Government. The Chief Minister, Sri K.Siddaramaiah is the chairperson of the Cabinet and is himself facing the possibility of a criminal investigation by the Lokayukta on the extremely serious 500 acres Arkavathy Denotification corruption scandal. The Home Minister of Karnataka, Sri K.J.George is already the subject of a serious enquiry before the Lokayukta on a complaint made by the first petitioner, Samaj Parivartana Samudaya – the charge is of a plainly evident case of criminal conspiracy to defraud the State Government of valuable land through a web of corruption. Sri T.B.Jayachandra, the law minister is facing a trial in the Lokayukta Special Court on a charge of corruption and any further investigation in that case would be conducted by the Lokayukta. Sri D.K.Shivakumar, the minister for energy resources in the State is the subject of several criminal enquiries and investigation, some on charge of never-before-seen-scale of corruption, in the Lokayukta and is the accused in a trial in the Lokayukta Special Court. Some of the underlying complaints against him were made by the first petitioner, Samaj Parivartana Samudaya. Minister for food supplies, Sri Dinesh Gundu Rao is facing serious enquiry before the Lokayukta on charges of land encroachment and defrauding a Government company, among others. Therefore, the Cabinet of Karnataka is unlikely to take any decision to the dislike of Y.Bhaskar Rao.

In fact, the petitioners have learnt that the Government of Karnataka has entrusted the criminal investigation against Ashwin Y. to a hotchpotch of officers handpicked by Y.Bhaskar Rao – the evidence of this dictate is to be readily seen from the fact that this hotchpotch of persons was not even a ‘police’ and therefore, incompetent to conduct any criminal investigation when it was so entrusted. No responsible Government would entrust an extremely serious investigation to a random person who is not even a police person and later clothe him with police power – such an act is unheard of in this country.

Therefore, no such investigation would stand the test of independence, impartiality or fearlessness in the eye of the law. Hence, the inevitable need for a CBI investigation in this case.

List of Dates:

11-May-2015	The Superintendent of Police, Sonia Narang, IPS, writes to the Registrar, Karnataka Lokayukta. She narrates a case of extortion of a public servant and bribery of public servants by one 'Krishna Rao'.
29-Jun-2015	The public servant who had complained earlier to Sonia Narang against the aforesaid 'Krishna Rao' makes a formal complaint to the Lokayukta Police in order to set the anti-corruption law in motion.
30-Jun-2015	Ashwin.Y, Son of Y.Bhaskar Rao, the Lokayukta, files a petition to this Hon'ble Court asking it to stay the administrative enquiry that would be conducted in-house by the Lokayukta. In substance, he waives his constitutional right to remain silent and expresses on a sworn affidavit to this Hon'ble Court that he himself is the 'Krishna Rao' named in the 11-May-2015 complaint of Sonia Narang.
01-Jul-2015	Based on Ashwin.Y's voluntary act of admission, a Division Bench of this Hon'ble Court is fully satisfied that the 'Krishna Rao' in Sonia Narang's complaint is none other than Ashwin.Y himself. It says in its Order: <i>"...It is in this background, the petitioner has approached this Court apprehending that the investigation ordered by the Upa Lokayukta may be directed against him".</i>
01-Jul-2015	An FIR is lodged by the Lokayukta Police against Ashwin.Y and others under Section 8 of the <i>Prevention of Corruption Act, 1988</i> and under Sections 384, 419, 420 and 120-B of the <i>Indian Penal Code, 1860</i> .
14-Jul-2015	For manifold reasons necessitating an investigation into the corruption of Ashwin.Y and his father by the Central Bureau of Investigation, this Writ Petition is filed.

Date: 14-Jul-2015

Place: Bangalore

ADVOCATE FOR PETITIONERS
K.V.DHANANJAY
KAR/659/2002

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
(EXTRAORDINARY ORIGINAL JURISDICTION)

WRIT PETITION NO.29445-48 OF 2015 [GM - POLICE] PIL

<u>BETWEEN:</u>		
1.	Samaj Parivartana Samudaya A Society registered under the <i>Karnataka Societies Registration Act, 1960</i> Having its principal office at: 'Ashadeep', Jayanagar Cross, Saptapur Dharwad – 580 001, Karnataka Represented by its Founder-President Sri S.R.Hiremath	Petitioner No.1
2.	Sri C.N Deepak S/o C. M. Nagaraju Aged 34 years General Secretary, Jana Sangram Parishath (JSP) Residing at No.723, 13 th Cross 1 st Phase, BEL Layout Bharathi Nagar Bangalore	Petitioner No.2
3.	Prof. Vishnu Kamath S/o. P.V.Kamath Aged about 56 years, Board Member, Samaj Parivartana Samudaya and residing at No.315, 'Sreeniketh Apartments' MSR College Road Mathikere, Bangalore 560 Karnataka	Petitioner No.3
4.	Sri Ganesh Koundinya S/o Sri.Moolathan Koundinya Aged about 52 years Member, Committee on Judicial Accountability (CJA) and residing at 1, Cellar, Swastik Complex, 401/1 S.C.Road Bangalore – 560 020	Petitioner No.4
<u>AND:</u>		
1.	Union of India Represented by its Home Ministry	Respondent No.1

	Through the Secretary Ministry of Home Affairs North Block, Central Secretariat New Delhi – 110001	
2.	State of Karnataka Represented by its Chief Secretary Vidhana Soudha Bangalore -560 001	Respondent No.2
3.	Office of the Lokayukta Represented by its Registrar M.S.Building Bangalore – 560 001	Respondent No.3
4.	Director Central Bureau of Investigation Anti-Corruption Unit Plot No 5-B, CGO Complex Lodhi Road New Delhi -110 003	Respondent No.4

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

**The Petitioners above named most respectfully submit as
under:-**

The Petitioners are filing this Writ Petition in terms of Article
226 of the Constitution of India solely in public interest.

Address for service of Notice:

1. The address of the petitioners for the purposes of issuance of
court notice, summons etc., from this Hon’ble Court is as
shown in the cause title; the petitioners may also be served
through their counsel, Sri K.V.Dhananjay, Advocate, No.296,
Magadi Main Road, Kamakshipalya, Bangalore – 560 079.

About the Petitioners:

2. The Petitioner No.1, Samaj Parivartana Samudaya is a
‘Society’ registered under the *Karnataka Societies Registration
Act, 1960* (No.162/83-84 dated 06-Mar-1984). The activities

of the Petitioner No.1 encompass different fields such as fight against public corruption, protection of the environment, safeguarding of common lands, social forestry, wasteland development, promotion of decentralized nurseries and conservation and protection of the Western Ghats. The Petitioner No.1 works in close collaboration with many other non-Governmental and humanitarian organisations. Amongst other cases filed in courts, the Petitioner No.1 was the petitioner in Writ Petition (Civil) No.562 of 2009 before the Hon'ble Supreme Court of India. It was in this case that the Supreme Court temporarily halted iron ore mining altogether in Karnataka. Further, in this case, the Supreme Court was forced to direct investigations by the Central Bureau of Investigation on four different episodes of corruption. Further, the founder of the Petitioner No.1, Sri S.R.Hiremath, was the applicant in IA No.60 in Writ Petition No.202 of 1995 before the Hon'ble Supreme Court. The said IA concerned forest and tribal issues in the Bastar region of the then Madhya Pradesh (now Chattisgarh). Further, the Petitioner No.1 had also filed Writ Petition No.35 of 1987 seeking restoration and restitution of 75000 acres of forest lands from a joint sector company called as 'Karnataka Pulpwood Limited' to the village communities in four districts of Karnataka. And, the said petitioner is the lead petitioner in Writ Petition No.15511-14 of 2013 before this Hon'ble Court – a petition that seeks continuing judicial orders to address the unprecedented encroachment of more than 11 lakh acres of Government lands in Karnataka by private persons, in many cases, through corruption and criminal conspiracy among public servants.

3. The Petitioner No.2, Sri Deepak.C.N., is a social activist who has been active in numerous social awareness programmes. The Petitioner No.2 was involved with 'Janaagraha', a non-governmental organisation to create awareness among

citizens in matters related to governance for over a period of five years.

4. The Petitioner No.3, Professor Vishnu Kamat is an accomplished scholar in chemistry in the Bangalore University and has been consistently involved in fight against corruption in public.
5. The petitioner No.4, Sri Ganesh Koundinya is a member of 'Committee on Judicial Accountability', a body that advocates judicial reforms. He has been consistently involved in fighting corruption in public places.

The *Karnataka Lokayukta Act, 1984* and the law on corruption in the State of Karnataka:

1. As early as 1983, the Legislature of Karnataka had felt it necessary to create a separate legislation so that public servants employed in connection with the affairs of the State Government could be probed for administrative irregularities or violations. That is how, the Legislature of Karnataka came to pass the *Karnataka Lokayukta Act, 1984*.
2. The *Karnataka Lokayukta Act, 1984* creates the offices of a Lokayukta and Upa-Lokayuktas to enforce it. These officers have been conferred with wide powers to carry out the scheme of the statute.
3. Separately, acts of corruption by public servants employed in connection with the affairs of the State Government are offences under the existing federal statutes. First, there was the *Prevention of Corruption Act, 1947*. Then came the *Prevention of Corruption Act, 1988* that repealed and replaced it. Also, several provisions in the *Indian Penal Code, 1860* to check corruption among public servants were removed from it and re-enacted in the *Prevention of Corruption Act, 1988*.

4. Independent of what is stated in the *Karnataka Lokayukta Act, 1984*, public servants that are employed in connection with the affairs of the State Government are liable to be investigated and prosecuted whenever they would commit an offence under the *Prevention of Corruption Act, 1988*. This is the arrangement under the Constitution of this country.
5. The Government of Karnataka had felt that a statewide police wing could be created within the Lokayukta itself to administer the *Lokayukta Act, 1984*. It did so. Then, it empowered that very police wing to also investigate and prosecute offenders under the *Prevention of Corruption Act, 1988*.
6. Say, a public servant commits an act that would become an offence under the *Prevention of Corruption Act, 1988*. He would therefore, invite a criminal investigation and prosecution under that statute. However, if somebody in the Lokayukta's office would invite that public servant to his office and would demand a ransom in return for not prosecuting him, he too commits an offence under the *Prevention of Corruption Act, 1988*. That much is the law of the land.

Corruption by the Karnataka Lokayukta and his son:

7. Sri Y.Bhaskar Rao is the current Lokayukta of Karnataka. Ashwin.Y is his son.
8. Ashwin.Y does not hold any public office in Karnataka.

The corruption by the father-son duo:

9. The *Lokayukta Act* mandates that several classes of public servants should file their statement of wealth and assets annually. Added to it, the enforcement of the *Prevention of Corruption Act, 1988* is vested with the Lokayukta police.

10. *Section 13(1)(e) of the Prevention of Corruption Act, 1988* speaks of a public servant in possession of wealth disproportionate to his known source of income. Such wealth is presumed in law to have been accumulated by criminal abuse of public office. In a trial that is conducted to let the prosecution first establish the existence of such disproportionate wealth in the name of or for the benefit of the accused, the burden would shift afterwards upon the accused to explain to the satisfaction of the court that he is not in possession of disproportionate wealth as claimed by the prosecution or that such disproportionate wealth was acquired through lawful means. A failure to properly satisfy the court would invite conviction for a minimum jail term of one year and a maximum jail term of seven years. This provision is greatly feared by the corrupt public servants. The Lokayukta would often conduct raids of premises of public servants who were suspected to be in possession of such wealth disproportionate. The public was generally interested to know about such raids and the Lokayukta would hold press interviews during and after the raids to inform the public that the fight against corruption is in full swing in the State.

Public servants, both honest and corrupt, came to fear such raids:

11. It may also be noted that even honest public servants were sometimes wrongly raided in such a manner. On one particular occasion, a public servant so raided had even sued the Lokayukta personally on ground of defamation as the Lokayukta had publicly claimed that hundreds of crores of rupees were in possession of that particular public servant to only find nothing against that public servant afterwards. Such events had even led honest public servants to fear such raids that were invariably publicized in the media.

Ashwin.Y (referred to at times as ‘Ashwin’) and his father had seized on corrupt public servants’ fear of such raids:

12. Ashwin and his father seized on public servant’s fear of such raids. Ashwin would call up public servants that he wanted to extort and would invite them over to the Lokayukta’s office. With support from his father and his father’s staff, he would extort such public servants. Those who would pay a ransom to Ashwin would insure themselves that they are not raided by Ashwin’s father. Obviously, Ashwin had to ensure that in each case, those who would pay a ransom to him would be insured from any raid or other investigation or prosecution and that could only happen if his father would instruct his staff to not bother with the corruption of those who would pay a ransom to his family member.

How the petitioners, as members of public, came to know about the aforesaid state of affairs:

13. It is common knowledge that Ashwin.Y was embroiled in criminal cases in Andhra Pradesh on ground of cheating and defrauding people there. Hence, to avoid detection and to facilitate greater fraud at his father’s office, he used to disguise himself by calling himself through a different name, ‘Krishna Rao’.
14. On 11-May-2015 we know this much - one Krishnamurthy, a terrified and a scared public servant had visited the Superintendent of Police for the Bangalore Urban Division in the Lokayukta, Smt. Sonia Narang, IPS. He had narrated to her, the fact that he was being extorted by this ‘Krishna Rao’ in return for the Lokayukta not raiding him. He had identified the phone number from which he was being called and gave a detailed account of how he was being extorted by this ‘Krishna Rao’ in the office of the Lokayukta itself. This public servant, Krishnamurthy was too scared to himself file a report in writing and after narrating this to Sonia Narang, he simply

left her office. His narration to Sonia Narang was put into writing by Sonia Narang and she then sent this narration to the Registrar of Lokayukta. A copy of this complaint by Sonia Narang to the Registrar, Lokayukta on 11-May-2015 is produced herewith and marked as **Annexure A**.

An FIR ought to have been immediately drawn but was not:

15. A careful review of the aforesaid complaint would clearly show that the same had disclosed commission of offences under the *Prevention of Corruption Act, 1988* as well as under the *Indian Penal Code, 1860*. In that view of the matter, the said Sonia Narang was competent to ask for registration of a First Information Report (FIR) against the said Krishna Rao and to make Krishnamurthy who had already identified himself with sufficient particulars as the witness notwithstanding that the said Krishnamurthy had himself not provided any complaint in writing. Unfortunately, no FIR was immediately registered. It is evident from the said Sonia Narang's complaint that she did take the allegation of the said Krishnamurthy with utmost seriousness - though she was herself in error in not immediately initiating a criminal investigation against this 'Krishna Rao' right then.

The Registrar of Lokayukta acts merely in ceremonial ways instead:

16. The Registrar of Lokayukta who received the aforesaid complaint must have already been aware of who this 'Krishna Rao' was. An extremely simple step that he could have taken was to summon the said 'Krishnamurthy' and to find out more about his narration to Sonia Narang. That was not to be. Perhaps, the Registrar knew the whole episode too well and was keen to shield the Lokayukta and his son. He did nothing on the said complaint for fear of allowing the criminal

machinery to be set in motion against the Lokayukta's son and thereby, against the Lokayukta himself.

A case of crime is sought to be hushed up through an administrative enquiry:

17. The petitioners learn that the Lokayukta was too keen to pervert the whole complaint made by Krishnamurthy. Rather than insist on the filing of an FIR and the initiation of criminal proceedings thereupon, the Lokayukta and his Upa-Lokayukta did everything to pervert the cause of justice – first by directing that the matter should only be dealt with administratively. The truly tragic thing here was that the higher officers in Lokayukta pretended as if they did not even know the elementary criminal law or statute law - that the offences disclosed in Sonia Narang's complaint to the Registrar were those which spoke of serious crimes under the *Prevention of Corruption Act, 1988* and under the *Indian Penal Code, 1860*. An administrative enquiry alone was utterly devious and perverse.
18. Say, a litigant A inside a courtroom murders another litigant B. Is that murder going to be addressed and solved merely by the Presiding Judge directing his own staff to look into it? Obviously Not. That murder is a crime and is a matter to be addressed by the police – not to be settled through a probe by a witness though the witness happens to be a judge in a courtroom. It is such perversion of the elementary rule of law that we see in this case.

The public servant returns and makes a complaint in writing:

19. The said Krishnamurthy came back to the office of the Lokayukta police on 29 May-2015 and gave a detailed complaint on the very fact that he had narrated earlier to Sonia Narang. This time, he stated in his complaint that the

Krishna Rao that he had referred to earlier was Ashwin.Y, son of the Lokayukta and that in the intervening period, he had come to know about it. Even after the said complaint was filed on 29-May-2015, the Lokayukta police had hesitated to immediately register an FIR on it. A copy of the said complaint in writing by Krishnamurthy against Ashwin.Y is produced herewith and marked as **ANNEXURE-B**. A translation of the same follows as **ANNEXURE B1**.

Ashwin.Y chooses to break his silence; he identifies himself as the 'Krishna Rao' in Sonia Narang's complaint to this Hon'ble Court:

20. Every accused in a criminal case in this country has a constitutional right to remain silent. Unless specified otherwise in a statute, the right of a criminal accused to remain silent cannot be used against him or to prove any accusation against him. Ashwin.Y, as a citizen of this country too enjoyed this valuable constitutional right to remain silent.
21. However, notwithstanding that a criminal accused has a constitutional right to remain silent, he does have the constitutional freedom to waive that right if he assumes that by doing so, he would benefit in some form or the other. Criminal accused in this country sometimes waive their constitutional rights in the hope of securing a lenient order from a court of law. This is the settled and established law and practice.
22. Ashwin.Y approached this Hon'ble Court on 30-Jun-2015 by filing a Writ Petition seeking a stay on the internal administrative enquiry by the Lokayukta's office. The said Writ Petition was numbered as 27648 of 2015. A copy of the said writ petition together with the annexures therein is produced herewith and marked as **ANNEXURE-C**

23. The said Writ Petition is supported by an affidavit that is shown to be sworn in accordance with the requirement of law. The person filing the said writ petition is a single individual shown as “Ashwin.Y, Son of Justice Y.Bhaskar Rao” and it is the same person who has sworn the affidavit in support of his declaration to the court.
24. It may be seen from the aforesaid Writ Petition that Ashwin.Y chose to waive his constitutional right to remain silent – he has proceeded to identify himself as the ‘Krishna Rao’ in Sonia Narang’s complaint. Ashwin.Y’s motivation to break his silence and to incriminate himself by identifying himself as the ‘Krishna Rao’ in Sonia Narang’s complaint appears to be made with a desire to obtain an order to his advantage from the Karnataka High Court – a well-established reason for a criminal accused to speak against himself.
25. In fact, under the circumstances that he has narrated to this Hon’ble Court in his Writ Petition and in view of the relief that he had sought from the court, it was wholly necessary for him to first identify himself as the ‘Krishna Rao’ and to thereby, incriminate himself to that extent. It was his own choice to come before this Hon’ble Court and his own choice to identify himself as ‘Krishna Rao’ in order to obtain an order to his advantage from this Court. By doing so, he has greatly speeded up and solved the initial hurdle in his own criminal investigation and prosecution.
26. It should be noted that the aforesaid act of Ashwin.Y’s self-incrimination was fully accepted by a Division Bench of this Hon’ble court. The second most senior Division Bench of this Hon’ble Court comprising of Justices N.Kumar and B.Srinivase Gowda has proceeded to accept Ashwin.Y’s self-identification as ‘Krishna Rao’ in Sonia Narang’s complaint. By relying solely on Ashwin.Y’s declaration to the Court that

he himself is the 'Krishna Rao' in Sonia Narang's complaint, this Hon'ble Court had ordered, in pertinent part, that:

"...It is in this background, the petitioner has approached this Court apprehending that the investigation ordered by the Upa Lokayukta may be directed against him."

27. The aforesaid Order of this Court completes Ashwin Y's act of self-incrimination through self-identification. After having identified himself as the 'Krishna Rao' in Sonia Narang's complaint, Ashwin.Y was legally entitled to deny the truth of the allegation in Sonia Narang's complaint. He has in fact, exercised that right by claiming an alibi in his Writ Petition to disprove the truth of the allegation in Sonia Narang's complaint.
28. A copy of the aforesaid Order passed by a Division Bench of this Hon'ble Court on 1-Jul-2015 upon satisfaction that the petitioner therein, Ashwin.Y is indeed the 'Krishna Rao' in Sonia Narang's complaint is produced herewith and marked as **ANNEXURE-D**.

An FIR is finally drawn against Ashwin.Y:

29. It may be seen from the aforesaid complaint that the said public servant has narrated in great detail, the circumstances under which Ashwin Y. had sought to extort him in disguise as Krishna Rao. The said complaint also provides information on the phone numbers that were used for such communication between the two persons. Such electronic communication would greatly facilitate criminal investigation and would provide easier lead in support of the allegation levelled against Ashwin Y – provided the same is immediately sought, collected and preserved.
30. Though an FIR ought to have been immediately filed upon Sonia Narang's complaint to the Registrar of Lokayukta soon after 11-May-2015, the same was eventually done only on 1-

July-2015 after the said Krishnamurthy had submitted a written complaint to the Lokayukta Police. The said FIR against Ashwin Y. is drawn on charges under:

Section 8 of the Prevention of Corruption Act, 1988 (bribery of a public servant) and under the following provisions of the *Indian Penal Code, 1860*:

Section 384 (extortion);

Section 419 (cheating by fraudulently disguising oneself);

Section 420 (cheating by dishonestly inducing delivery of money) and

Section 120-B (criminal conspiracy in respect of the above).

31. A copy of the aforesaid FIR dated 01-Jul-2015 is produced herewith and marked as **Annexure E**. A translation of the same is produced herewith and marked as **Annexure E1**.
32. It will be seen from the above FIR that the criminal law was set into motion against Ashwin Y only on 1-Jul-2015 and not before that. All that happened in the intervening period between 11 May 2015 and 1 July 2015 were needless administrative enquiries conducted with the express purpose of perverting the course of justice and to shield Ashwin Y and his father's role in his extortion and corruption.

FIR against Ashwin.Y is not being investigated effectively at all:

33. The petitioners submit that the aforesaid FIR is not being investigated with the due seriousness, fearlessness or impartiality that is expected upon it. The petitioners have since learnt that the Government of Karnataka has entrusted the said FIR for investigation by a hotchpotch of individuals who were handpicked by the Lokayukta himself.

The essential need for a CBI investigation in this case:

34. The petitioners submit that the Government of Karnataka cannot be expected to direct an impartial and a fearless probe into the said extortion by Ashwin Y. and the attendant corruption by his father. The petitioners express their apprehension for the following reasons:
35. To begin with, the *Karnataka Lokayukta Act, 1984* confers extraordinary powers upon the Lokayukta. Further, Y.Bhaskar Rao is not removable from office except through a process of impeachment in the State Legislature. In terms of *Section 6* of the *Karnataka Lokayukta Act, 1984*, a Lokayukta could be removed from office only upon a motion passed by two-thirds of the Legislature of Karnataka. Until such an event happens, Y Bhaskar Rao is legally empowered to continue in office notwithstanding that even a grave allegation of corruption is levelled against him.
36. Further, the class of public servants that are subject to enquiry or investigation by the Lokayukta is such that no person who is an employee of the State Government or is connected with the affairs of the State Government could be expected to conduct a free and impartial investigation against the Lokayukta unless he is willing to invite extreme wrath of the Lokayukta himself.
37. It would not be unreasonable to expect that the Lokayukta of Karnataka, conferred with such an extraordinary statutory power, would not demonstrate unlawful anger or retribution against any person coming within his jurisdiction if such person is likely to expose his own corruption or is likely to put his own family member in jail for wrongdoing. Such a possibility would necessitate that the criminal investigation against Ashwin Y and his father be entrusted to an independent investigative agency and that the members of

such an independent investigative agency not be employees of the State Government or be otherwise subject to the jurisdiction of the Lokayukta's administrative or prosecutorial powers. The Central Bureau of Investigation alone would match such a description. Therefore, it is that body alone which would be in a position to conduct an impartial and a free and fearless criminal investigation against Ashwin.Y and his father, Y.Bhaskar Rao.

The law on entrustment of a criminal investigation by a State Government to the CBI:

38. In terms of the *Constitution of India* and *Section 6 of the Delhi Special Police Establishment Act, 1946*, the Central Bureau of Investigation would be in a position to investigate in the territory of a State only if the State Government would request for the same. The petitioners submit that ordinarily, the Government of Karnataka could have itself requested the Central Bureau of Investigation (CBI) to conduct a criminal investigation into the extortion by Ashwin Y. and corruption by his father. In fact, the Government of Karnataka is seen to have entrusted investigation in some other crimes in the recent past to the CBI after it had felt that the State police would not be in a position to discharge its duties without fear or favour.

39. However, the case on hand is entirely different.

The Government of Karnataka would not act to the detriment of Lokayukta and is unlikely to incur his wrath or anger - the conundrum within the Cabinet of Karnataka:

40. A decision of the State government to entrust a crime within its territory to an investigation by the CBI is effectively exercised by the Cabinet of Karnataka. The petitioners submit that the Cabinet of Karnataka is in no position to take any

decision to the dislike of the Lokayukta for the following reasons:

The Chief Minister, Sri K.Siddaramaiah:

41. The Chief Minister of Karnataka is the chairperson of the Cabinet. Sri K.Siddaramaiah, the Chief Minister himself is embroiled in a corruption scandal that is estimated to have cost the State exchequer, massive sums of money. The Chief Minister is the principal suspect in the 500+ acres Arkavathy land denotification corruption scandal. This controversy is at the stage of a preliminary enquiry before the Lokayukta and there is every likelihood of the Lokayukta proceeding to initiate a full blown criminal investigation against the Chief Minister himself on account of this corruption scandal. That possibility alone could be expected to deter the Chief Minister of Karnataka from doing anything that would have the effect of incurring the wrath of the Lokayukta.

Y.Bhaskar Rao's Orders to his staff would bind them even if Y.Bhaskar Rao is imprisoned and he issues such orders from inside a jail:

42. It should be noted that under the scheme of the *Karnataka Lokayukta Act, 1984*, even if Y.Bhaskar is arrested or prosecuted on a criminal investigation, he would continue to be the Lokayukta of Karnataka and would therefore, be competent to take decisions that he is legally entitled to and would therefore, be legally competent to bind his subordinates to his own decision even if taken from inside a jail. As such, it would be wholly unrealistic to expect the Chief Minister of Karnataka as the chairperson of its Cabinet to take any decision to the detriment of the Lokayukta. Hence such a possibility would necessarily invite this Hon'ble Court to intervene in the matter and to direct an investigation by the CBI against Ashwin.Y and his father.

43. The petitioners further submit that a few other members of the Cabinet of Karnataka too suffer from similar disabling factors that would prevent them from collectively deciding to entrust the investigation against Ashwin Y. to the CBI.

Sri K.J.George, the Home Minister:

44. For instance, Sri K.J.George is the Home Minister of Karnataka. Sri K.J.George is himself facing a criminal enquiry before the Lokayukta on a serious charge of having defrauded the State Government of a valuable land and for having deceived the State Government through an elaborate and intricate web of corruption. In fact, the petitioner No.1, Samaj Parivartana Samudaya itself is the complainant in the said case against the Home Minister. Therefore, the possibility of Sri K.J.George contributing to a Cabinet decision to request the CBI to investigate Ashwin.Y is practically ruled out. The Home Minister cannot be legally expected to sacrifice his own self-interest in the pursuit of the greater common good.

Sri D.K.Shivakumar, the Energy Resources Minister:

45. Sri D.K.Shivakumar is a Minister in the State for energy resources. He has numerous enquiries and serious criminal investigations pending before the Lokayukta. Some of the underlying complaints were filed by the petitioner No.1, Samaj Parivartana Samudaya and speak about corruption on a never-before-seen-scale. Sri D.K.Shivakumar is also facing a trial before the Lokayukta Special Judge on a charge of corruption and of defrauding the State Government. Hence, Sri D.K.Shivakumar cannot be expected to sacrifice his personal interest and to contribute to a Cabinet decision to request a CBI investigation against Ashwin.Y.

Sri T.B.Jayachandra, the Law Minister:

46. Sri T.B.Jayachandra is the law minister in Karnataka. He is currently facing a trial on a charge of corruption before the

Lokayukta Special Judge. Should there be any requirement for a further investigation in the said trial, the same would be conducted by the Lokayukta police and that prospect would mean that the law minister would be no position to fearlessly advocate an impartial investigation against the Lokayukta for fear of incurring his wrath.

Sri Dinesh Gundu Rao, the Minister for Food and Civil Supplies:

47. Sri Dinesh Gundu Rao is a Minister in the State for food and civil supplies. He is facing an enquiry before the Lokayukta on a serious charge of grabbing of Government land and of defrauding a Government company, among others. The complainant against Sri Dinesh Gundu Rao happens to be the first petitioner, Samaj Parivartana Samudaya. It would not be legally appropriate to expect that Sri Dinesh Gundu Rao would contribute to a cabinet decision against his own self-interest and to request a CBI investigation against Ashwin Y.

Petitioners are not ruling out the possibility of the aforesaid ministers acting against their own self-interest:

48. The petitioners respectfully submit that the possibility of any of the aforesaid members of the cabinet acting against their own self-interest is not ruled out by these petitioners. The probabilities of human nature alone are in the contemplation of these petitioners and the actual state of mind of the aforesaid members of the cabinet is not in evidence in this proceeding and is in law, irrelevant to the petitioners' argument that the Cabinet of Karnataka is unlikely to request a CBI investigation against Ashwin.Y.
49. The aforesaid factors would establish that it would be legally imprudent to expect the Cabinet of Karnataka and therefore, the Government of Karnataka to take any step whatsoever to

secure a full and impartial investigation of the extortion and corruption by Ashwin.Y. It therefore becomes the bounden duty of this Hon'ble Court to direct a CBI investigation against Ashwin.Y and by extension, against his father.

50. The petitioners have not filed any other petition seeking the relief sought herein and they do not have any other remedy available under the law. They are therefore, constrained to approach this Hon'ble Court on the following, among other,

GROUND

I. Corruption is on severe rise in the State of Karnataka.

Evidence of increasing corruption is available in our own daily lives. The institution of Lokayukta was established for the principal purpose of curbing corruption and administrative excesses in the State of Karnataka. As such, the one authority in this State that can never afford to let an impression be generated in the mind of the public that it is also sailing with the corrupt is the institution of Lokayukta. Still, it is that very institution that has come in for serious doubt and disgust from the public in the recent months. The allegation of extortion by Ashwin.Y and corruption by his father has become public knowledge through daily reports in the media.

- II. Disruption of an apparent anti-corruption regime:** In as much as the courts follow the principle that justice must not just be done must also appear to be done, anti-corruption efforts too are bound by the principle that such efforts must not just be done but must appear also to be done. Y.Bhaskar Rao had a clear duty to recognise that his office was the one that was to remain beyond any suspicion at all times. He altogether ignored the basic requirement of his high office. Instead, he has engaged in blatant acts of corruption along

with his own son in full glare of the public knowledge. When an anticorruption head of a State himself would stoop to such a level of conduct, the people cannot be expected to have any further faith in the administration of the anticorruption law in this State. It is such damage to the public faith that is sought to be addressed through this writ petition.

III. **Corruption is not merely an incidental or an additional issue of concern to the public of Karnataka.** It remains a foremost concern to the people of this State. When the public is repeatedly informed that no less than the Lokayukta of Karnataka is himself engaging in blatant corruption in full glare of the public, it would be impossible to secure any further faith in the mind of public about the existence of the rule of law in the State of Karnataka. It was incumbent on the Government of Karnataka to immediately entrust the investigation against Ashwin.Y to the CBI. For reasons expressed earlier, the Cabinet and therefore, the Government of Karnataka is in no position to uphold the rule of law in this regard. Hence, it becomes necessary as well as a bounden duty of this Hon'ble Court to intervene in the said matter and to direct an investigation by the CBI into the extortion and corruption by Ashwin.Y and his father.

IV. **The Constitution of India is built on the principle that this country would be governed by the rule of law and not by the rule of men.** Essentially, this would mean that when individuals in high positions of power choose to abuse their own offices for their own personal gain, they should necessarily invite strict legal consequences in full glare of the public. And, no person howsoever high in this country is immune from criminal prosecution except the two classes of persons expressly named in Article 361 of the Constitution – the President and the Governors of the States. The Lokayukta of Karnataka is not immune from any criminal prosecution or

investigation. Neither are his son or family members immune from such a prosecution. As such, in the absence of any such bar for prosecution, when the Lokayukta of the State would abuse his own office for personal gain, he invites stern action from those concerned with upholding the rule of law in that State. The Government of Karnataka was to uphold the rule of law in this regard and it has, in fact, turned a blind eye to the problem. Under such circumstances, for the due administration of the Constitution of this country, this Hon'ble Court acquires a duty to direct an investigation by the CBI against Ashwin.Y's extortion and corruption.

- V. **The Government of Karnataka has perverted the administration of the criminal justice machinery:** It may be seen that the Government of Karnataka has even gone to the extent of perverting the administration of justice by arranging for a hotchpotch of individuals to investigate on the FIR drawn against Ashwin.Y on 1-Jul-2015. It is elementary law that a police alone can investigate a criminal offence and it is unthinkable that in this day and age, any responsible Government would entrust a serious criminal investigation to a random person first and would then clothe him with police power. Such an act would by itself demonstrate that the State Government has lost the requisite freedom and independence of thought to administer the rule of law in Karnataka. It has already become a handmaiden of the Lokayukta and is being pushed to an extreme extent by the Lokayukta who is expected to abuse his power to protect himself and his own son from criminal prosecution. In view of the fact that the State Government has entrusted the criminal investigation to a hotchpotch of individuals who were not even a police at the time that they were entrusted with this investigation even when the Government knew that it had a clear choice of entrustment to the CBI, the Government has itself invited the intervention of this Hon'ble Court – in order to uphold the

rule of law and to further prevent perversion in the administration of the criminal justice.

- VI. An investigation to the liking of the Lokayukta would be that investigation which would exonerate both his own son and himself on the charge of extortion and corruption. The people of Karnataka are no longer able to repose their faith that the State Government, left to itself, would act in accordance with the Constitution of India.
- VII. **The publicity in this case had invited the suo-moto cognizance of this Hon'ble Court:** As stated earlier in this petition, this petition itself was unnecessarily and would have been altogether avoided had only any other person approached this Hon'ble Court to narrate this disturbing state of public knowledge and would have sought an independent investigation by an outside agency. That did not happen and that is why these petitioners have had to knock on the doors of this Hon'ble Court.
- VIII. Similarly, these petitioners submit that there have been instances in the past when the High Courts or the Supreme Court had taken suo moto cognizance of matters of grave public interest. The instant case is one such matter of grave public interest. The act of extortion and corruption by Ashwin.Y is being regularly published in the media and practically, every such report is going unrefuted by Ashwin.Y or his father. The public has therefore, come to believe in the truth of such reports and that has in turn, worsened its frustration. When daily media reports speak about blatant corruption by no less than the Lokayukta of the State and when such reports go unaddressed by those with the responsibility to address the same, it does become a matter of grave concern sufficient enough to invite the suo-moto power of this High Court to address it. The fact that this Hon'ble

Court did not take suo-moto cognizance of the same has rendered it necessary for these petitioners to come before this Hon'ble Court on this matter of grave concern to the public of Karnataka.

- IX. **Ashwin.Y had a constitutional right to remain silent and had only he remained silent, the criminal prosecution against him would have had to cross a substantial hurdle on equating Krishna Rao to him.** It was Ashwin.Y's own choice to self-incriminate himself before this Hon'ble Court by identifying himself as the Krishna Rao in Sonia Narang's complaint. A criminal accused does have the constitutional freedom to waive his own constitutional right against self-incrimination. Ashwin.Y has done as much. Thereby, he has made it easier for a criminal investigation to act without any further delay – notwithstanding that he has exercised his further constitutional right and has denied the truth of the allegation against him in Sonia Narang's complaint. It would be a perversion of the course of justice if the FIR against Ashwin.Y would not lead to a more serious investigation against him even after his own self-identification as 'Krishna Rao' before the High Court of Karnataka. Hence, it has become necessary to expedite the criminal investigation against Ashwin.Y and against his father.
- X. **The petitioners do not harbour any personal interest against Ashwin.Y or against his father.** The only reason for these petitioners to have filed this public interest petition is to seek that the rule of law be upheld in the State of Karnataka and that the current public perversion be stopped forthwith. In such circumstances, the petitioners honestly believe that the only course of option available to this Hon'ble Court is to direct an investigation by the Central Bureau of Investigation. That is precisely the act that these petitioners have sought in this petition.

- XI. **Further, the petitioners are constrained to also seek that this Hon'ble Court be pleased to monitor the progress of such a court directed investigation.** Thereafter, these petitioners would request this Hon'ble court to further appoint a competent counsel to represent the prosecution in all cases arising from this court-monitored investigation.
- XII. **There is today, no reason for any corrupt public servant in Karnataka to fear the Lokayukta or the anti-corruption law:** This prospect would require the immediate intervention of this Hon'ble Court. A public servant who cultivates an impression that there is nobody with integrity to watch his back could become cancerous to the administration and when more public servants cultivate such an attitude, there could come an eventual breakdown in the rule of law.

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PRAYER:

In the circumstances of the aforesaid case, the petitioners most respectfully pray that this Hon'ble Court be graciously pleased to

- a) direct an investigation by the Central Bureau of Investigation (CBI) into the alleged extortion and corruption by Ashwin.Y, the son of Y.Bhaskar Rao, the Lokayukta of Karnataka, upon the First Information Report drawn by the Lokayukta Police, Bangalore Urban Division on 1-Jul-2015 (FIR No.56 of 2015);*
- b) pursuant to grant of prayer a) above, direct the CBI to submit periodic status reports to this Hon'ble Court on the extent of progress in its investigation;*
- c) pursuant to grant of prayers a) and b) above, appoint a competent counsel to represent the CBI in its aforesaid investigation and prosecution before the appropriate courts;*
- d) where necessary, appoint a Special Judge and to ensure the establishment of a Special Court to try the offences that may be established against the persons becoming the subject of the aforesaid investigation and prosecution and*
- e) pass any other order or to issue any other direction as may be necessary or expedient in the facts and circumstances of this case.*

AND FOR THIS ACT OF KINDNESS, THE PETITIONERS SHALL FOR EVER IN DUTY, BE BOUND TO PRAY.

Date: 14-Jul-2015

Place: Bangalore

ADVOCATE FOR PETITIONERS
K.V.DHANANJAY
KAR/659/2002

Address for Service of Notice:

K.V.Dhananjay
Advocate
KAR-659-2002
No.296, Kamakshipalya
Magadi Main Road
Bangalore 560 079

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
(EXTRAORDINARY ORIGINAL JURISDICTION)

Writ Petition No. 29445-48 OF 2015 (GM.POLICE) PIL

BETWEEN:

Samaj Parivartana Samudaya And Ors.

Petitioners

AND:

Union of India And Ors.

Respondents

VERIFYING AFFIDAVIT OF PETITIONERS

I, **S.R.Hiremath**, S/o. Sri Sangayya Rachayya, aged about 70 years, Founder President of Samaj Parivartana Samudaya (SPS), a Registered Society, the registered office of which is at “Ashadeep”, Jayanagar Cross, Saptapur, Dharward – 580001, do hereby solemnly affirm and State on Oath as under on my behalf as well as on behalf of other Petitioners as I have been so instructed by them:

1. That I represent the Petitioner No 1 in the above mentioned Writ Petition and as such, fully acquainted with the facts and circumstances of this case;
2. That I have read over the contents of the Synopsis to the Writ Petition, Page Nos.1 to 7 and Writ Petition Page Nos.8 to 33, Paras. 1 to 62. I say that the same are true and correct to my knowledge, information, understanding and belief and are based on the records of the case;
3. That the Annexures to the Writ Petition are true copies of the respective originals;
4. That the contents of this Affidavit are true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Bangalore on this
13-Jul-2015

Identified by Me:

DEPONENT

Advocate
Place: Bangalore
Date: 13-Jul-2015

20

ANNEXURE "B" 1

KARNATAKA LOKAYUKTA

Office of the Superintendent of Police, City Division, M.S. Building, Bengaluru

No. LOK/SP-2/CB-01/2015.

Dt: 11/05/2015

To

The Registrar,
Karnataka Lokayukta,
Bengaluru.

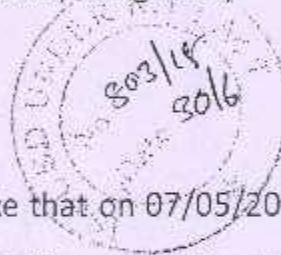
(Through The Additional Director General of Police,
Karnataka Lokayukta, Bengaluru)

Sir,

I write to bring it to your kind notice that on 07/05/2015, in the afternoon, Dr. Ashwini M., Superintendent of Police-3, Bengaluru Rural District, called me up and informed me that one Executive Engineer has come and has a complaint to make, which pertains to Bengaluru City jurisdiction. I told her to send the complainant to my office.

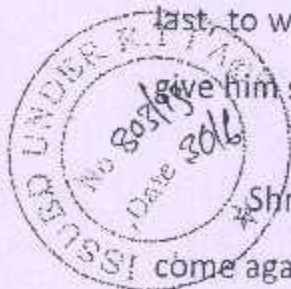
The complainant came to my office and identified himself as one Krishnamurthy, Executive Engineer, Zilla Panchayath (Urban). He was visibly tense and appeared very disturbed. When I asked him about his complaint, he told me that a few days back, he had got some SMS's on his mobile phone No. 9480852012 from mobile phone No. 9066029213, asking him to 'call back' the sender of the message. When he called up that number, a person, who identified himself as one Krishna Rao, told him that Joint Commissioner, Lokayukta, has asked him to come to Lokayukta office. When he asked about the reason, he was

is needed
for
further
needful
11/5/15



told that there are complaints against him. He was asked to come to Lokayukta office on 05/05/2015. Accordingly, he came to Lokayukta office on 05/05/2015. On reaching here, he called up that person and asked him where he should come. He was asked to climb the stairs, and come to the chamber next to the stairs on the 2nd floor. On reaching there, a man emerged out of the waiting area outside PRO's chamber. That man ushered Shri Krishnamurthy, Executive Engineer into the adjacent hall and told him that there are scores of complaints against him, that he has committed huge irregularities in execution of works under MPLAD & MLALAD schemes, that he has amassed huge amount of wealth and that his house is going to be raided shortly. Further he was told that there were originally 15 names in the list of officers recently raided. However, his name was in the end and got left out. Next time, his house is surely going to be raided. And if he wants to avoid that, he must shell out a sum of One crore rupees. Shri Krishnamurthy, E.E., was shocked to hear this and vehemently denied involvement in any such irregularities and told that person that he is not like PWD Engineers and that he has earlier worked with Government of India and he has not indulged in any corrupt practices. He further exhorted that person that he is free to register an F.I.R. against him and raid his house now itself. At this, that person scaled down his demand to Fifty lakhs. At one time, he apparently made a phone call to somebody, telling him to send the file pertaining to that Executive Engineer to Sonia Narang, S.P., City i.e. the undersigned, for further action. At last, to wriggle out of the situation, Shri Krishnamurthy, E.E. told him that he will give him some 'convenient' amount.

*Shri Krishnamurthy, E.E., further told the undersigned that he was asked to come again on 07/05/2015, and hand over money to them.



When the undersigned asked him to give his complaint in writing, he expressed his apprehension that he would be victimized if he gives a written complaint. When I assured him, he sought time to think about it and get back. However, after that he has not come again.

Though Shri Krishnamurthy has not come with any written complaint, I deem it to be my duty to bring this incident, which is extremely grave and shocking, to your notice. I request you to take up the matter with the appropriate authorities, to check the CCTV footage, especially of 05/05/2015 and 07/05/2015, when Shri Krishnamurthy had come to Karnataka Lokayukta office building, and to identify those indulging in such nefarious activities which bring disrepute to this esteemed institution. The common man looks at this institution with lot of Faith as well as Awe. It becomes our foremost duty as well as responsibility to live up to the genuine expectations of the common people as well as the ideals of this esteemed Institution. I would earnestly request you to get such unscrupulous elements working within the Institution identified and initiate steps for appropriate action against them.



Yours Sincerely,
Sonia Narang 11.5.15
(SONIA NARANG, IPS)
Superintendent of Police,
City Division,
Karnataka Lokayukta,
Bengaluru.

Statement:

Mr.M.N. Krishnamurthy, S/o Muninanjappa, 50 Years, Executive Engineer, Office of the Bangalore Urban Zilla Panchayath, Kanakapura Road, Banashankari, Bangalore.

Date: 29.06.2015

I am working at the aforesaid post since the past one year and six months and I am residing with my family at Bangalore City.

On 04.05.2015, while I was officiating at the Office of the Zilla Panchayath, at about 15.01 hours, I received 2 SMS's on my Government provided mobile phone No. 94808-52012 from mobile number 90660-29213 and both the SMS's contained the text - 'Hi, I tried calling you. Please call back when you are free'. After about 30 minutes from seeing the said messages, I called on the phone number 90660-29213 from my official mobile number 94808-52012 and enquired as to who and from where the person had called. The person on the other end stated that he was Krishna Rao, Joint Commissioner of Lokayukta and he asked me to come to Lokayukta Office immediately. I asked him as to what the matter was. For that, the person stated that we should sit and talk and asked me to come immediately. Immediately, I left my office and reached the Lokayukta Office at about 4:30 p.m. After getting into the Lokayukta Office, I called up the mobile number 90660-29213 of the person calling me and enquired from him as to where I should come. That person replied that I should come to the first floor and then again, told me to come to the Conference Room besides the P.R. Chamber of the Joint Commissioner situated in the second floor. Since I entered the Lokayukta Police speaking over my cell phone, the Receptionists at the Office of the Lokayukta did not stop me and I did not enter my visit in the register. I climbed the stairs to reach the second floor and

speaking over phone, I turned to my left side after climbing the stairs and came near the Conference Hall and as directed by the person speaking with me, I entered inside the Conference Hall. A person aged about 30-40 years was seated there and as soon as I entered the hall, the said person told me in a raised voice to switch off my mobile phone. Accordingly, I switched off my mobile phone and sat there. Thereafter, the said person introduced himself as 'Krishna Rao' and he immediately warned me that he had received a report on me and that there were illegalities in the M.L.A., MPLAD works and asked me about what I was going to do about it. I asked him as to what should I do. To it, he stated that already 15 persons had been raided and my name was also in that list but it was left out and he told me to give 'one'. I asked him as to what does he mean by 'one'. That person said that it means 'One Crore'. I became terrified. After a while, I told him that no misappropriation had taken in my office and that I have also not indulged in any such acts and that there was a Technical Wing in his office and that he can call for a report and if any misappropriation had taken place, I would take the responsibility for that. Then he took his mobile and seemed as if he was talking to someone and told that other person on phone to refer this to Sonia Narang. Then I told him that I have worked for the Government of India and I am actually R.D.P.R. Executive Engineer and if he had anything in his mind, he could arrest me and also raid my house. In response, he told me to give 50 instead. I told him, 'sorry Sir, not possible'. He then asked me to give 25 for which too I said 'no'. Finally, he asked me to give 20 but I said sorry and 'no' to his demand. In order to escape from him, I said I would look into it and give whatever I can out of love and affection and so saying, I left the place and went home.

Thereafter on 06.05.2015, at about 18.08 hours, I received a message 'Hi, I tried calling you. Please call back when you are free'. After seeing the message, I called up the number once again. The person who had introduced himself as Krishna Rao asked me as to when I was going to meet him. I only told him that I would come and kept quiet.

Thereafter, on 7/5/2015 with the intention of informing the S.P., Lokayukta Ashwini and narrate the events, I went and met her and informed her about the matter. She told me that since the place where the events have taken place is within the limits of Bangalore Urban Division, she directed and sent me to S.P., Sonia Narang of the Bangalore Urban Division, Karnataka Lokayukta. I met Sonia Narang and narrated to her the whole events. On her asking me to lodge a written complaint, I refused to give a written complaint fearing problems to me.

On the day after meeting S.P. Sonia Narang, Krishna Rao again called me over phone and asked me to come to the Office. At about 2:00 pm on the said day, I went to the Lokayukta Office and through the steps of the third floor, I met the said Krishna Rao and the said person told me that the matter has been reported to everyone and that I am informing all others. I then told him that I have not indulged in any illegality and that I have also served the Govt. of India. To it, he told me that R.T.I. Activists have given the information and for the said reason, I was called. I said okay and I went away.

While I was watching TV Channels on this day, the photograph of a person was shown and it was reported that it was Ashwin Rao, son of the Lokayukta. When I observed this person shown on the television channels, the person who I had met twice as Krishna Rao was as the person shown in these reports. To report the same, I again came to the Lokayukta Office and reported the events that have taken place so far.

It is a fact that I have met Krishna Rao, the person looking akin to Ashwin Rao and that I can identify the said person if shown to me again.

Before me'

Read over and found correct

Sd/-
(PRASANNA RAJU)

Sd/-
(M.N. KRISHNAMURTHY)

Received the Statement along with Memo of S.P., KLA, City Division, and registered a case in Cr. No. 56/2015 under Sec. 8 of P.C. Act, 1988 & 384, 419,420 r/w 120(B), I.P.C.

Sd/-
(PRASANNA V. RAJU)
DySP 1/7/15

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

WRIT PETITION NO. _____ /2015

BETWEEN:

SRI. ASHWIN .Y.

PETITIONER

AND:

STATE OF KARNATAKA
& OTHERS

RESPONDENTS

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BANGALORE
DATE: 30.06.2015

ADVOCATE FOR PETITIONER

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

WRIT PETITION NO. / 2015

BETWEEN:

SRI ASHWIN Y.

PETITIONER

AND:

STATE OF KARNATAKA
&ORS.

RESPONDENTS

SYNOPSIS

DATE	EVENTS	ANNEXURE
11.05.2015	Letter written by SP, Lokayukta Police seeking holding of enquiry into the alleged incident of demand of bribe made from one Sri Krishnamurthy, Executive Engineer.	'B'
9.06.2015	The Inspector General of Police, Lokayukta directed to hold a detailed enquiry and to submit a report.	'C'
17.06.2015	Representation given by Janaadhikara Sangharsh Parishath, a voluntary organization to the Hon'ble Upalokayukta to investigate into the letter of the SP, Lokayukta.	'D'
23.06.2015	Hon'ble Upalokayukta directed the SP, Lokayukta Police to conduct an investigation and submit further developments though the IGP, Lokayukta had already been directed to hold the enquiry.	'A'
26.06.2015	Hon'ble Lokayukta directed the registration of suo-motto proceedings and directed the matter to be referred for investigation from the Joint Commissioner, City Crime Branch under section 15(3) of the Karnataka Lokayukta Act, 1984.	'E'
27.06.2015	The Joint Commissioner, City Crime Branch, requested for reconsideration of the reference made to him for investigation on certain grounds.	'G'

28.06.2015	Hon'ble Lokayukta requested the State Government to refer the investigation into the issue to an independent agency or a Special Investigation Team.	'H'
NIL	Despite the reference made to the State Government under section 15(3) of the Act and the matter is pending consideration, the Respondent no.4 - Police without any authority of law is trying to take steps to investigate the matter.	-
NIL	Aggrieved by the arbitrary action of the Respondent no.4 - Police pursuant to the order of the Respondent no.3 - Upalokayukta, in trying to falsely implicate the Petitioner herein in the alleged incident with intent to malign the Lokayukta and the institution, Petitioner presents this WRIT PETITION.	-

BRIEF FACTS OF THE CASE

Pursuant to a letter written by SP, Lokayukta Police narrating certain facts therein regarding the oral information furnished by one Sri Krishnamurthy, EE, Zilla Panchayat (Urban) that he was summoned to the Lokayukta office and certain person who indentified himself as 'Krishna Rao' demanded money from him so as to make sure that his house is not raided by the Lokayukta Police, the Hon'ble Lokayukta directed the IGP, Lokayukta Police to hold a detailed enquiry and submit the report.

In the meanwhile relying on the contents of the letter of SP, Lokayukta Police, a Voluntary Organization represented to the Hon'ble Upalokayukta to conduct the investigation. The Upalokayukta intrun directed SP' Lokayukta Police to conduct the investigation and submit further developments to him despite the fact that already IGP, Lokayukta Police was seized of the matter.

Since there would be parallel investigations done by SP, Lokayukta and IGP, Lokayukta which would not be appropriate, Hon'ble Lokayukta referred the matter for investigation under section 15(3) of the Karnataka Lokayukta Act, 1984 to the Joint Commissioner, City Crime Branch.

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However, since he pleaded inability and sought for reconsideration, the matter has been referred to the State Government to be investigated by a Special Investigation Team independent of the Lokayukta Police. The reference is made so as to have a fair, dispassionate & unbiased investigation.

At the instance of certain vested interests with an oblique motive of maligning the image of the Lokayukta and the institution, Petitioner is being falsely implicated and Respondent no.4 - Police is trying to continue with the investigation or register another case in utter disregard to the statutory provisions. Aggrieved by the arbitrary order of the Hon'ble Upalokayukta and the investigation of Respondent no.4 - Police, the present WRIT PETITION is filed.

BANGALORE

DATE: 30.06.2015

ADVOCATE FOR PETITIONER
(SANDEEP PATIL)

-4-

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
(ORIGINAL JURISDICTION)

WRIT PETITION No. _____ / 2015

BETWEEN:

SRI. ASHWIN Y.
S/O JUSTICE Y. BHASKAR RAO
AGED 45 YEARS,
R/o 'C' BLOCK - 609,
RAINBOW VISTA APARTMENTS,
MOOSAPET,
HYDERABAD - 500018.

PETITIONER

AND:

STATE OF KARNATAKA
REPRESENTED BY THE CHIEF SECRETARY,
VIDANA SOUDA,
BENGALURU - 560 001.

2. OFFICE OF THE LOKAYUKTA
REPRESENTED BY ITS REGISTRAR
MS BUILDING,
BENGALURU - 560 001.

3. HON'BLE UPALOKAYUKTA
MS BUILDING
BENGALURU - 560 001.

4. THE LOKAYUKTA POLICE
REPRESENTED BY ADGP
MS BUILDING,
BENGALURU - 560 001.

RESPONDENT

MEMORANDUM OF WRIT PETITION

FILED UNDER ARTICLES 266 & 277 OF THE CONSTITUTION OF INDIA R/W
SECTION 482 OF THE CRIMINAL PROCEDURE CODE

The Petitioner submits as under:

1. The above writ petition is filed questioning the proceedings initiated by Respondent no.4 - Police at the instance of Respondent

no.3 in respect of an alleged oral statement said to be made by a certain Government Servant and upon a representation received from a Voluntary Organization in relation to an alleged incident of corruption in the office of the Lokayukta institution. Petitioner has further sought for a direction to the Respondent no.1 - State to conduct an independent transparent enquiry / investigation from any investigation agency except from the Respondent no.3 - Police since the said agency is part of the Lokayukta institution against which the allegations are made. A copy of the order dated 23.06.2015 of the Respondent no. 3 is produced herewith as ANNEXURE - 'A'.

2. Petitioner herein is a businessman dealing with restoration and servicing of vintage and classic cars since 20 years. He is based out of Hyderabad city. Petitioner is a law abiding citizen. He is son of Justice Y. Bhaskar Rao who is presently the Lokayukta of Karnataka. Ever since his father was appointed as Lokayukta of Karnataka, Petitioner has kept his distance from the office of the Lokayukta and has never interfered in any of the official matters of his father.

3. On 11.05.2015 the Superintendent of Police, City Division attached to Respondent no.3 - Police, wrote a letter to the Registrar, Karnataka Lokayukta through the ADGP, Karnataka Lokayukta stating that one Sri Krishnamurthy, Executive Engineer, Zilla Panchayath (Urban) had informed her that a few days back he had received a call from one person who had identified himself as Krishna Rao, asking him to meet the Joint Commissioner, Lokayukta. On

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5.05.2015, he came to the Lokayukta Office and met person who came out of the waiting area outside PRO's chamber. The said Krishnamurthy was taken into the adjacent room and was informed that there were scores of complaints against him and that he had committed huge irregularities in the execution of works under the MPLAD & MLALAD schemes and had amassed wealth on account of which his house will be raided shortly. He was also informed that in order to avoid the raid or such proceedings he has to give Rupees One Crore. On the denial by Sri Krishnamurthy, the said person scaled down his demand to Fifty lakhs. At last, Sri Krishnamurthy agreed to give some 'convenient' amount. After stating this, the SP, City Division further averred in the said letter that Sri Krishnamurthy did not give any complaint in writing and he didn't come back to her thereafter. On the basis of this information, she requested the Lokayukta to indentify such unscrupulous elements within the institution and to initiate steps for appropriate action against them. A copy of the letter dated 11.05.2015 is produced herewith as ANNEXURE - 'B'.

4. Thereafter the ADGP, Lokayukta seems to have forwarded the letter of SP to the Registrar, Lokayukta. The matter came to be placed before the Lokayukta, who considering the gravity of the allegations and seen as an attempt to malign the Lokayukta institution itself, directed the Inspector General of Police, Karnataka Lokayukta to hold a detailed enquiry and to submit the report. The said direction came to be issued to IGP on 9.06.2015. Copy of the extract of the order

sheet maintained in the office of the Lokayukta is produced herewith as ANNEXURE - 'C'.

5. When the matter stood thus, a representation was received from 'Janaadhikara Sangharsh Parishath', a Voluntary Organization by the Respondent no.3 - Hon'ble Upalokayukta requesting him to investigate into the matter and take appropriate and necessary action to uphold the sanctity and integrity of the institution. A copy of the representation dated 17.06.2015 is produced herewith as ANNEXURE - 'D'. Even though the issue was already being enquired into by the IGP, Lokayukta pursuant to the order of the Hon'ble Lokayukta, the Respondent no. 3 - Upalokayukta, independently directed the the SP, Lokayukta to investigate the matter and submit further developments in the matter by 6.07.2015. The direction was issued by the Hon'ble Upalokayukta on 23.06.2015 (vide ANNEXURE - 'A'.)

6. In the meanwhile, at the behest of certain vested interests who want to derail the process of transparent investigation into the issue, have started feeding the print and electronic media that a 'so-called' relative of the Hon'ble Lokayukta is involved in the incident. In certain news dailies, allegation was made directly on the Petitioner only to malign the Lokayukta institution in general and the Lokayukta in particular. Based on these reports, and having due regards to the issue involving the 'persons' in the Lokayukta institution itself, the Hon'ble Lokayukta took cognizance under section 7(1)(b) of the Karnataka Lokayukta Act, directed registration of a suo-moto case

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and under section 15(3) of the Act referred the matter for investigation to Sri. M.Chandra Shekar, Joint Commissioner (Crime), City Crime Branch, Bengaluru City. A further direction was issued to submit the investigation report to the Registrar of Lokayukta as expeditiously as possible. A copy of the Order dated 26.06.2015 is produced herewith as ANNEXURE - 'E'. A communication dtd. 26.06.2015 was addressed to the Joint Commissioner, City Crime Branch, Benagluru City informing him of the directions issued by the Hon'ble Lokayukta. A copy of the same is produced herewith as ANNEXURE - 'F'. However, the Joint Commissioner, City Crime Branch wrote back bringing certain facts to the Lokayukta and sought for reconsideration of the reference made to him for investigation under section 15(3) of the Karnataka Lokayukta Act, 1984. A copy of the letter dtd. 27.06.2015 is produced herewith as ANNEXURE - 'G'.

7. Considering the allegations and the aspersions leveled against the petitioner in the print media and in order to get a fair and transparent investigation to be done in the matter, the Hon'ble Lokayukta requested the State Government to refer the investigation into the issue to the Special Investigation Team. The request was made vide communication dtd. 28.06.2015 and a copy of the same is produced herewith as ANNEXURE - 'H'. The State Government is considering the matter and the same is pending before the Chief Secretary.

8. It is relevant to note that alleged incident has stated to have taken place 5.05.2015 according to the letter of SP, Lokayukta. It has been reported in the news papers that the person who met Sri Krishnamurthy was none other than the petitioner. In this regard it is submitted that on 5.05.2015 Petitioner along with his family had been to the embassy of the United States of America for submission of their Visa applications and for providing their finger prints for the said purpose. Thereafter on the very next date ie. on 6.05.2015, they attended the interview in the US embassy. Copies of the confirmation for submission of visa applications are produced herewith as ANNEXURE - 'J' to 'J3'. The visas were granted to the Petitioner and his family members and the passports were received back by the Petitioner himself. Copies of the Passport and the US Visa stamping are produced herewith as ANNEXURE - 'K' & 'K1' respectively. A bare perusal of the said documents would clearly indicate that Petitioner could not have been the person who allegedly met said Sri Krishnamurthy in the Lokayukta office demanding the amount.

9. Such being the case, it has been reliably learnt by the Petitioner, that certain persons are working against the interest of the Petitioner and pressurizing the Respondent no.4 - Police to continue with the investigation into the issue which has already been referred to the Special Investigation Team and pending with the State Government. Certain steps are also being taken by the Respondent no.4 - Police with regard to the same issue and attempts are being made to falsely implicate the Petitioner and thereby malign the Lokayukta. In the

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circumstances, it has become imperative for the petitioner to approach this Hon'ble Court and seek appropriate reliefs so as to safeguard his liberty & reputation and also that of the Lokayukta institution. It is submitted that neither the Petitioner nor any other person claiming on his behalf has filed any other petition and that no proceedings are pending before any forum or court on the same cause of action. In the absence of any other alternative efficacious remedy, Petitioner is constrained to approach this Court on the following among other grounds.

GROUND

10. The proceedings have been initiated under section 7(1)(b) of the Karnataka Lokayukta Act, 1984. The investigation has been ordered by the Lokayukta into the allegation while directing the registration of suo-motto case. The matter has been referred to State Government with a request to get it investigated by the Special Investigation Team. Since allegations leveled are against persons associated with the office of Lokayukta, it was found appropriate by the Hon'ble Lokayukta to get the matter investigated from an independent agency and not by Respondent no.4-Police. Therefore, it would be in gross violation of the statutory provisions of the Karnataka Lokayukta Act, 1984 if the Respondent no.4-Police were have to continue with the investigation.

11. Under the scheme of the Karnataka Lokayukta Act, 1984 when once the Lokayukta has directed initiation of the investigation pursuant to the registration of the case, the Upalokayukta would not

have any power to direct a parallel investigation into the same issue. In the present case the matter was already under preliminary enquiry with the Inspector General of Police, Lokayukta and therefore no further direction could have been issued to the SP, Lokayukta by the Respondent no.3 - Upalokayukta to hold another investigation and to submit the further developments to him. The action of the Upalokayukta does not emanate from the powers given under the provisions of Karnataka Lokayukta Act, 1984 and hence the impugned order is liable to be set aside.

12. The allegation is made with regard to the alleged demand of bribe in the office of the Lokayukta itself. The Respondent no.4 - Police also come under the administrative control of the Lokayukta. In the fitness of things it was deemed appropriate by the Lokayukta to order an investigation by an outside agency so as to keep the investigation clear of any malafides, bias or influences from within the Lokayukta institution. Owing to the object behind referring the matter under section 15(3) of the Lokayukta Act, 1984 the Upalokayukta should have directed the Respondent no.4 - Lokayukta Police to investigate into the matter. If the Respondent no.4 - Police is allowed to conduct the investigation parallel to that of an independent agency then there would not only be the possibility of divergent conclusions but the sanctity of the investigation could be jeopardized. Therefore, it is appropriate to restrain the Respondent no.4 - Police from continuing the investigation into the alleged incident.

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13. Petitioner apprehends that at the instance certain vested interests, with an oblique motive of tarnishing the image of Lokayukta and the institution and also to save certain officials in the Lokayukta institution itself, Respondent no.4 - Police may try to falsely implicate the Petitioner herein under the guise of conducting an investigation. There is every likelihood of the investigation itself getting channelized in a wrong direction deliberately. Therefore, in order to achieve a fair, dispassionate and transparent investigation into the alleged incident, the matter needs to be investigated by an independent agency and not by the Respondent no.4 - Police.

GROUND FOR INTERIM RELIEF

14. The investigation has already been referred under section 15(3) of the Karnataka Lokayukta Act, 1984 to the Joint Commissioner, City Crime Branch. Because of his appeal to reconsider the reference made to him, the Hon'ble Lokayukta has requested the State Government to refer it to the Special Investigation Team so that a fair and transparent investigation can be undertaken. In the meanwhile, upon the directions of the Hon'ble Upalokayukta, Respondent no.4 - Police has taken steps to commence a parallel investigation. It would be travesty of justice if the investigation from the Lokayukta Police is allowed to be undertaken. Further, the media, both print & electronic, has been projecting several reports that are ex-facie false and are trying to level allegations against the Petitioner and questioning the propriety of the Lokayukta to continue in office. The entire strategy

seems to be aimed at maligning the institution and tarnish Hon'ble Lokayukta. Therefore, it is just and necessary to restrain the Respondent no.4 - Police from conducting any investigation into the alleged incident and restrain the Respondents from leaking or providing any information to media which would derail the course of investigation and bring disrepute to the Petitioner.

PRAYER

Wherefore, the Petitioner humbly prays that this Hon'ble Court be pleased to -

- (i) Issue a writ of Certiorari and quash the order bearing no. Compt/Uplok-2/Misc.1369/2015 dated 23.07.2015 passed by Respondent no.3 - Upalokayukta (vide ANNEXURE - 'A');

AND

- (ii) Declare that Respondent no.4 - Lokayukta Police is not competent to conduct investigation in the proceedings bearing no. Compt/Uplok-2/Misc.1369/2015 or COMPT/LOK/BCD-2565/2015 which is referred for investigation under section 15(3) of the Karnataka Lokayukta Act, 1984;

AND / OR

- (iii) Declare and hold that the Respondent no.4 - Police is not competent to register or initiate any other proceedings in respect of the alleged incident which is part of the investigation in suo-motto complaint proceedings bearing no. COMPT/LOK/BCD-2565/2015 pending with the State Government;

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AND / OR

- (iv) Issue such other writs, orders, directions which the Hon'ble Court may deem fit in the circumstance of the case.

INTERIM PRAYER

During the pendency of the present petition, it is just and necessary to -

- (i) Restrain the Respondent no.4 - Police from registering any new case or conducting any investigation into the issue which is part of the reference made to the State Government under section 15(3) of the Karnataka Lokayukta Act, 1984 bearing no. COMPT/LOK/BCD-2565/2015; And
- (ii) Restrain the Respondents from leaking or providing any information in relation to the investigation bearing no. COMPT/LOK/BCD-2565/2015 to the print or electronic media; And/or

Pass such other and further interim orders or directions which this Hon'ble Court may deem fit in the circumstances of the case.

BANGALORE

DATE: 30.06.2015

ADVOCATE FOR PETITIONER
(SANDEEP PATIL)

ADDRESS FOR SERVICE:

HARANAHALLI LAW PARTNERS LLP
ADVOCATES,
No.160,
'ANANTHA', LEVEL II,
M.L.A. LAYOUT,
R.T. NAGAR MAIN ROAD,
BANGALORE-560 032

9591210340

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

WRIT PETITION NO. _____ / 2015

BETWEEN:

SRI.ASHWIN Y.

PETITIONER

AND:

STATE OF KARNATAKA
&ORS.

RESPONDENTS

AFFIDAVIT

I, Ashwin Y S/o Justice Bhaskar Rao, Aged 45 years, resident of R/o 'C' Block - 609, Rainbow Vista Apartments, Moosapet, Hyderabad - 500018 today at Bangalore, do hereby solemnly affirm and state as under:

1. I state that I am the Petitioner in the above Writ Petition. I state that I know the facts and circumstances of the case and hence swearing to this affidavit.

2. The averments made in paragraphs 1 to 9 & 14 in the Writ Petition accompanying this Affidavit are true to the best of my knowledge and the averments in paragraphs 10 to 13 thereof are based on the information which I believe them to be true.

Bangalore
Date : 30.06.2015

Identified by

Advocate
No. of Corrections

-16-

" " **ANNEXURE- A**



KARNATAKA LOKAYUKTA

Compt/Uplok-2/Misc.1369/2015

Multi-storeyed Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru.
Dated 23rd June 2015.
Ph No. 22343747

Sub: Allegation of not taking serious action
and initiation in the matter of report
stated to have been submitted by the
Superintendent of Police, City Division,
Karnataka Lokayukta, Bengaluru - reg.



~~~~~  
Complainants claims to be the members of Janaadhikara  
Sangharsh Parishath (JSP). They have alleged that, the  
common man in the State of Karnataka looks at the Lokayukta  
Institution with a great respect and faith as an ombudsman  
against corruption. This Institution is a last ray of hopes for a  
common man who is harassed otherwise by the Government  
officials.

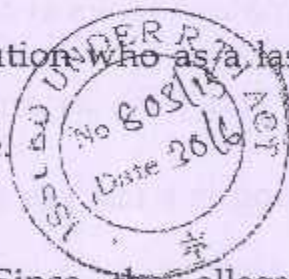
2. Recently, Superintendent of Police, City Division,  
Karnataka Lokayukta, Bengaluru - Smt. Sonia Narang has sent

✓

a requisition to the Registrar, Karnataka Lokayukta through the Additional Director General of Police, Karnataka Lokayukta, alleging that, one Shri Krishnamurthy, PWD Executive Engineer, Zilla Panchayath (Urban) was contacted by someone from this Institution demanding huge bribe amount, etc.

3. Complainants allege that, when the report of a responsible Superintendent of Police in the Lokayukta Institution itself reveals allegation of corruption inside the Lokayukta Institution and Lokayukta Institution keeping quiet on such report could not only damage the image of the Institution, but adversely affect the public faith reposed on this Institution who as a last resort approaches this Institution for justice.

4. Since the allegations refer to corruption with this Institution, any probe into such allegation must be free, fair and independent. Complainants make allegations that, no efforts are made to investigate the truth of such allegation, and the



✓



Media and public are doubting the integrity of the Institution as such serious effort is required to be made to find out the truth of the same. This Institution known in the country as premier anti-corruption institution, known for its integrity and effective working against corrupt officials. Hence, people of the State of Karnataka repose faith and confidence on this Institution and it is expected of this Institution that not only this Institution is free from corruption, but there should not be any reason to suspect corruption inside this Institution. As otherwise, it will demoralize the authorities to investigate the complaints of



corruption against the Government officials and others.

5. Since I am told that you are investigating into the allegation of corruption inside this Institution and submitted report to Hon'ble Lokayukta, you are directed to make discrete, appropriate investigation without being influenced by any circumstances, your report must throw light on the truth of the allegations to allay the doubt and suspicion of the people about

2



the corruption inside this Institution. Irrespective of the personalities if any, as an Investigating Officer, you are independent and your investigation must be free and fair. You may take the assistance from any source for fair investigation. Hope and expect that you would conduct appropriate investigation in the matter and submit a report bringing the truth to the light of the day.

6. To know further progress, you are directed to submit the further developments in the matter by 06<sup>th</sup> July 2015.



*Sf si - 23/6/15*  
(Justice Subhash B. Adi)  
Upalokayukta,  
State of Karnataka.

To,

1. The Registrar, Karnataka Lokayukta, Bengaluru.
2. Smt. Sonia Narang, Superintendent of Police, Karnataka Lokayukta, City Division, Bengaluru.

20

ANNEXURE "B" 1

KARNATAKA LOKAYUKTA

---

Office of the Superintendent of Police, City Division, M.S. Building, Bengaluru

---

No. LOK/SP-2/CB-01/2015.

Dt: 11/05/2015

To

The Registrar,  
Karnataka Lokayukta,  
Bengaluru.

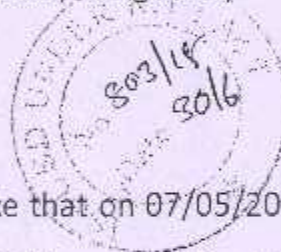
(Through The Additional Director General of Police,  
Karnataka Lokayukta, Bengaluru)

Sir,

I write to bring it to your kind notice that on 07/05/2015, in the afternoon, Dr. Ashwini M., Superintendent of Police-3, Bengaluru Rural District, called me up and informed me that one Executive Engineer has come and has a complaint to make, which pertains to Bengaluru City jurisdiction. I told her to send the complainant to my office.

The complainant came to my office and identified himself as one Krishnamurthy, Executive Engineer, Zilla Panchayath (Urban). He was visibly tense and appeared very disturbed. When I asked him about his complaint, he told me that a few days back, he had got some SMS's on his mobile phone No. 9480852012 from mobile phone No. 9066029213, asking him to 'call back' the sender of the message. When he called up that number, a person, who identified himself as one Krishna Rao, told him that Joint Commissioner, Lokayukta, has asked him to come to Lokayukta office. When he asked about the reason, he was

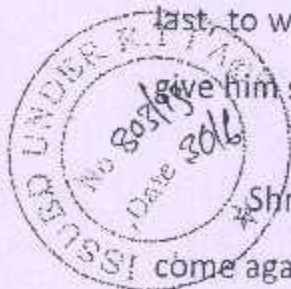
is needed  
for  
further  
needful  
11/5/15





told that there are complaints against him. He was asked to come to Lokayukta office on 05/05/2015. Accordingly, he came to Lokayukta office on 05/05/2015. On reaching here, he called up that person and asked him where he should come. He was asked to climb the stairs, and come to the chamber next to the stairs on the 2<sup>nd</sup> floor. On reaching there, a man emerged out of the waiting area outside PRO's chamber. That man ushered Shri Krishnamurthy, Executive Engineer into the adjacent hall and told him that there are scores of complaints against him, that he has committed huge irregularities in execution of works under MPLAD & MLALAD schemes, that he has amassed huge amount of wealth and that his house is going to be raided shortly. Further he was told that there were originally 15 names in the list of officers recently raided. However, his name was in the end and got left out. Next time, his house is surely going to be raided. And if he wants to avoid that, he must shell out a sum of One crore rupees. Shri Krishnamurthy, E.E., was shocked to hear this and vehemently denied involvement in any such irregularities and told that person that he is not like PWD Engineers and that he has earlier worked with Government of India and he has not indulged in any corrupt practices. He further exhorted that person that he is free to register an F.I.R. against him and raid his house now itself. At this, that person scaled down his demand to Fifty lakhs. At one time, he apparently made a phone call to somebody, telling him to send the file pertaining to that Executive Engineer to Sonia Narang, S.P., City i.e. the undersigned, for further action. At last, to wriggle out of the situation, Shri Krishnamurthy, E.E. told him that he will give him some 'convenient' amount.

\*Shri Krishnamurthy, E.E., further told the undersigned that he was asked to come again on 07/05/2015, and hand over money to them.





When the undersigned asked him to give his complaint in writing, he expressed his apprehension that he would be victimized if he gives a written complaint. When I assured him, he sought time to think about it and get back. However, after that he has not come again.

Though Shri Krishnamurthy has not come with any written complaint, I deem it to be my duty to bring this incident, which is extremely grave and shocking, to your notice. I request you to take up the matter with the appropriate authorities, to check the CCTV footage, especially of 05/05/2015 and 07/05/2015, when Shri Krishnamurthy had come to Karnataka Lokayukta office building, and to identify those indulging in such nefarious activities which bring disrepute to this esteemed institution. The common man looks at this institution with lot of Faith as well as Awe. It becomes our foremost duty as well as responsibility to live up to the genuine expectations of the common people as well as the ideals of this esteemed Institution. I would earnestly request you to get such unscrupulous elements working within the Institution identified and initiate steps for appropriate action against them.



Yours Sincerely,  
*Sonia Narang* 11.5.15  
(SONIA NARANG, IPS)  
Superintendent of Police,  
City Division,  
Karnataka Lokayukta,  
Bengaluru.



23

No. LOK/RGR(Misc.)Confidential/2015

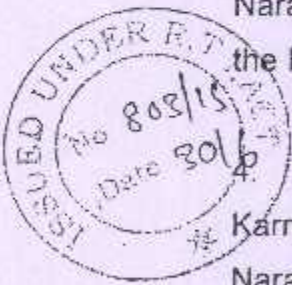
ANNEXURE- C

Submitted:

It is most respectfully submitted that I have received the sealed cover on 12/5/2015 from Sri Prem Shankar Meena, Additional Director General of Police, Karnataka Lokayukta, Bengaluru. The same was opened and found that it contains the letter No. LOK/SP-2/CB/01/2015, dated 11/5/2015 of Smt. Sonia Narang, IPS, Supdt. of Police, Bengaluru City Division, Bengaluru addressed to the Additional Director General of Police, Karnataka Lokayukta, Bengaluru. The Additional Director General of Police, Karnataka Lokayukta, has forwarded the said letter for doing the further needful.

2. Therefore, in response to the same, the reply dated 16/5/2015 in No. LOK/RGR(Misc.)Confidential/2015 was sent confidentially to the Additional Director General of Police, Karnataka Lokayukta.

3. Thereafter, I have received the letter No. LOK/SP-2/CB/01/2015, dated 20/5/2015 from Sri Prem Shankar Meena, Additional Director General of Police, Karnataka Lokayukta, Bengaluru, requesting to place the letter No. LOK/SP-2/CB/01/2015, dated 11/5/2015 of Smt. Sonia Narang, IPS, Supdt. of Police, Bengaluru City Division, Bengaluru, before the Hon'ble Lokayukta.



As requested by the Additional Director General of Police, Karnataka Lokayukta in his letter dated 20/5/2015, the letter of Smt. Sonia Narang, IPS, Supdt. of Police, Karnataka Lokayukta, Bengaluru City Division, Bengaluru (sent through ADGP, KLA) dated 11/5/2015 is submitted before Your Lordship for kind consideration and further directions in the matter.

Registrar

5. Hon'ble Lokayukta

Dis. Ch. St.  
Wk  
-3/6/15

24  
6) Registrar: A letter is addressed.

5-6 NOV

7) Hon'ble Lokayukta:

The allegations in this case are serious in nature. Therefore, it requires thorough enquiry to find out the truth in the allegations or falsity made to damage the reputation of officers of the Institution. Therefore, it is just and proper to order for an enquiry at higher level. Therefore, the Inspector General of Police, Karnataka Lokayukta, Bengaluru is directed to make detailed enquiry and to submit the report.



Y. Bhaskar Rao

(Dr. Justice Y. Bhaskar Rao)  
Lokayukta - State of Karnataka  
9/6/2015

8) Registrar: Confidential letter is addressed to the IAP (Lokayukta) as directed by the Hon'ble Lokayukta. 9.6



25

ಜನಾಧಿಕಾರ ಸಂಘರ್ಷ ಪರಿಷತ್ [ಜ ಸ ಪ]  
 ANAADHIKARA SANGHARSH PARISHATH [J S P]  
 जनाधिकार संघर्ष परिषद [ज स प]

To,  
 Shri Justice Subhash Adi,  
 The Honourable Upa Lokayukta,  
 Karnataka Lokayukta,  
 MS Building,  
 K R Circle,  
 Bangalore - 560001.

ANNEXURE 'D'

Honourable Sir,

**Sub: Complaint with reference to the Reference No. LOK/SP-2/CB-01/2015, dated 11/05/2015 of SP, Bengaluru City Division, Karnataka Lokayukta, Bengaluru.**

We, as common man look at the institution of Karnataka Lokayukta with great respect and lot of faith as an ombudsman against corruption. It is the last ray of hope for the common man who is harassed, tired and frustrated at the hands of a corrupt executive and legislature. But, the recent, above-referenced report/requisition has come as a shock to many amongst us.

With reference to the above, the SP of Bengaluru City Division, Karnataka Lokayukta, Smt. Sonia Narang has lodged a requisition to the Registrar of Karnataka Lokayukta, through the ADGP, Karnataka Lokayukta, Bengaluru. In this requisition, she has alleged that a PWD Executive Engineer, Zilla Panchayat (Urban), Shri. Krishnamurthy was contacted through the number 9066029213 by one Krishna Rao to his mobile no. 9480852012 and told him that Joint Commissioner, Lokayukta has asked him to come to Lokayukta office. When Krishnamurthy asked for the reason, he was told that there are complaints against him and was asked to come to Lokayukta office on 05/05/2015. On reaching Lokayukta on 05/05/2015, Krishnamurthy called up that person and he was asked to climb the stairs and come to the chamber next to the stairs on the 2nd floor. On reaching there, a man emerged out of the waiting area outside PRO's chamber and Krishnamurthy was ushered into the adjacent hall.

Krishnamurthy was told that there were many complaints against him and he might be raided in the next few days due to huge irregularities committed by him in execution of works under MPLAD & MLALAD schemes and amassment of huge amount of wealth. Further, he was told that there were originally 15 names in the list of officers recently raided. However, his name was in the end of the list and got left out. Next time, his house is surely going to be raided. And if he wants to avoid that, he should shell out a sum of One crore rupees, that was scaled down later to 50 lakhs. At last, to wriggle out of the situation, Krishnamurthy, E.E. told him that he will give him some 'convenient' amount.





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**ಜನಾಧಿಕಾರ ಸಂಘರ್ಷ ಪರಿಷತ್ [ಜ ಸ ಪ]**  
**ANAAADHIKARA SANGHARSH PARISHATH [J S P]**  
**जनाधिकार संघर्ष परिषद [ज स प]**

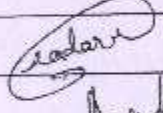
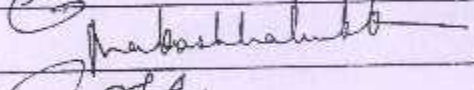
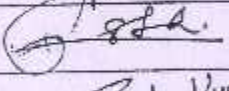
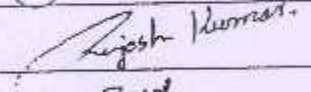
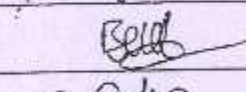
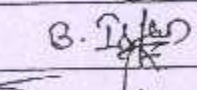
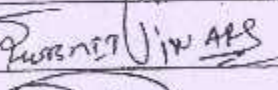
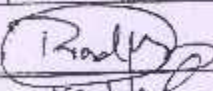
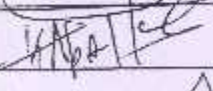
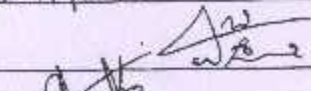

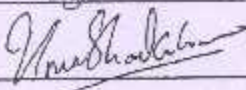
Krishnamurthy was asked to come again on 07/05/2015 and hand over money to them. The SP, Sonia Narang asked for a written complaint from Krishnamurthy, but he expressed his apprehension that he would be victimized if he gives a written complaint and never turned up again even after the assurance from the SP. Hence, the SP, Sonia Narang has requested the Registrar of Karnataka Lokayukta to take up the matter with the appropriate authorities, to check the CCTV footage, especially of 05/05/2015 and 07/05/2015, when Krishnamurthy had come to Karnataka Lokayukta office building and to identify those indulging in such nefarious activities.

We sincerely request your Honourable self to:

1. Investigate the above matter,
2. Take appropriate and necessary actions to uphold the sanctity and integrity of this august institution of anti-corruption.

Yours Sincerely,

BENGALURU,  
17.06.2015.

| Sl. No. | Name of the Member | Signature                                                                            |
|---------|--------------------|--------------------------------------------------------------------------------------|
| 1.      | Adarsh R Iyer      |  |
| 2.      | Prakash Babu B K   |  |
| 3.      | Ashish Sharma      |  |
| 4.      | Rajesh Kumar       |  |
| 5.      | Narayan S          |  |
| 6.      | Irfan Bellary      |  |
| 7.      | Shobhit Tiwari     |  |
| 8.      | Pradhyumna         |  |
| 9.      | Kapali Srinivasan  |  |
| 10.     | VISWANATH.V.R.     |  |
| 11.     | Shankar            |  |
| 12.     | Uma Shankar        |  |

Public Information Officer and  
Deputy Registrar (Administration)  
Karnataka Lokayukta




NO. COMPT/LOK/BCD-2569/2015

Bengaluru, Dated: 26/6/2015

ORDER UNDER SEC 7(1)(b) OF THE  
KARNATAKA LOKAYUKTA ACT 1984

- 1) Smt. Sonia Narang, IPS, Superintendent of Police-2, Karnataka Lokayukta, Bengaluru has addressed a letter to the Registrar, Karnataka Lokayukta, Bengaluru regarding the alleged demand of bribe from one Sri Krishnamurthy, Executive Engineer, P.W.D, Zilla Panchayath, Bengaluru Urban by someone claiming to be 'Krishna Rao'. Smt. Narang has mentioned that the demand was made within the premises of the Lokayukta office building and also mentioning that the matter needed further enquiry.
- 2) In the meantime, the members of the Janaadhikara Sangharsh Parishath (JSP) made a complaint to Hon'ble Shri Justice Subhash.B Adi, Upalokayukta-2, Karnataka Lokayukta, Bengaluru regarding the letter of Smt. Sonia Narang, IPS, Superintendent of Police-2, Karnataka Lokayukta, Bengaluru in respect of demand/extortion of money by one Sri Krishna Rao from Sri Krishnamurthy, Executive Engineer, Zilla Panchayath, Bengaluru Urban. On this matter, learned Brother, Justice Subhash Adi directed Superintendent of Police-2 Smt. Sonia Narang to conduct an investigation and submit a report at the earliest.
- 3) Furthermore, in some of the print media of today, reports have started appearing with allegations against so-called relative of the Lokayukta.



Public Information Officer and,  
Deputy Registrar (Administration)  
Karnataka Lokayukta  
Bengaluru

- 4) In view of the above developments and news items appearing in newspapers, a suo-motu cognizance of the alleged incidence is taken up under the provisions of Section 7(1)(b) of the Karnataka Lokayukta Act.
- 5) Register the case as Suo-motu investigation.
- 6) In the light of these developments, it is felt that in the interest of natural justice and fair play, a probe be made into the issues by an outside agency having necessary technical competence.
- 7) Hence, in exercise of powers vested under Section 15(3) of the Karnataka Lokayukta Act, the matter is entrusted herewith for further enquiry and speedy report, to Sri M. Chandra Shekar, Joint Commissioner (Crime), City Crime Branch (CCB), Bengaluru City. A report in this regard shall be submitted to the Registrar of Lokayukta as expeditiously as possible.



*Y. Bhaskar Rao*  
 (Justice Dr. Y. Bhaskar Rao)  
 Lokayukta - State of Karnataka



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ANNEXURE- "F"

KARNATAKA LOKAYUKTA, BENGALURU

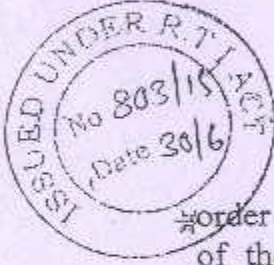
NO. COMPT/LOK/BCD-2565/2015

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru 560 001.  
Dated: 26<sup>th</sup> June 2015

To  
Sri M. Chandrashekar,  
Joint Commissioner, Crime,  
City Crime Branch,  
Bengaluru City, Bengaluru

Sir,

Sub:- Conducting of enquiry into the allegation of  
demand/extortion of money from Sri Krishna-  
murthy, Executive Engineer, Zilla Panchayath,  
Bengaluru Urban.



With reference to the above subject, the Hon'ble Lokayukta by  
order dated 26/6/2015 requisitioned your services under Section 15(3)  
of the Karnataka Lokayukta Act for conducting enquiry into the  
matter of alleged demand/extortion of money from Sri  
Krishnamurthy, Executive Engineer, Zilla Panchayath, Bengaluru  
Urban by some one claiming to be 'Krishna Rao' and in regard to  
reports appeared in print media.

Therefore, you are requested to conduct an enquiry into the  
matter and submit your report, as expeditiously as possible as directed  
by the Hon'ble Lokayukta.

The relevant file/materials regarding the alleged incident will be  
handed over to you by Sri Pronab Mohanthy, IPS, Inspector General  
of Police and Smt. Sonia Narang, IPS. Superintendent of Police;  
Karnataka Lokayukta, Bengaluru.

Yours faithfully,

26.6.2015

Registrar,  
Karnataka Lokayukta,  
Bengaluru



Government of Karnataka  
(Police Department)

ANNEXURE "G"

Confidential  
No.CB/JCP/CRM/CC/15

Office of the  
Joint Commissioner of Police  
(Crime), Bangalore.  
Date.27/06/2015.

To,

The Registrar,  
Karnataka Lokayukta,  
M.S.Building, Ambedkarveedi  
Bangalore-01.

Respected Sir,

Sub: Enquiry into the allegation of  
Demand / Extortion of money from  
Sri.Krishnamurthy, Executive Engineer Zilla-  
Panchayat, Bengaluru Urban.

Ref: 1.Letter No.COMPT/LOK/BCD-2265/2015 of  
Karnataka Lokayukta dated 26/06/2015,



\* \* \*

1. Kindly refer to the letter at reference-1, wherein the Hon'ble Lokayukta has requisitioned my services u/s 15(3) of Karnataka Lokayukta Act for enquiring into the matter of alleged demand / extortion of money from Krishnamurthy Executive Engineer, Zilla Panchayath Bangalore urban by someone claiming to be "Krishna Rao". I am extremely grateful for the faith reposed by your kind self by giving such an important task to me. I will do my best to rise to the occasion and conduct the enquiry without fear or favour.



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2. But it is my bounden duty to inform you regarding certain facts which may cast a shadow of doubt, regarding my ability to conduct the enquiry in a free and fair manner. My father in-law Sri H.Ramanjaneya was chargesheeted by Lokayukta Police in a P.C.Act case and the trial is being conducted in the Special court vide Spl.CC.45/11.A departmental enquiry is also being conducted in the Lokayukta in this regard. These facts needs to be brought to the notice of the Hon'ble Lokayukta.
3. This may not be considered as a tactic to shirk away from responsibility by me. I have always executed all legal orders to the best of my ability without fear or favour. You are kindly requested to bring the above mentioned facts to the knowledge of Hon'ble Lokayukta so that he may reconsider the directions in reference (1) in the light of these facts. I would also like to convey that any order issued by the Hon'ble Lokayukta after reconsideration will be executed by me to the best of my ability.

Yours sincerely,



H. Chandra Sekhar  
(M.Chandra Sekhar.IPS)  
Joint Commissioner of Police  
(Crime) Bangalore  
Joint Commissioner of Police  
Bangalore

32  
KARNATAKA LOKAYUKTA ANNEXURE- "H"

No. COMPT/LOK/BCD-2565/2015

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bangalore 560 001  
Dated : 28/6/2015

To  
The Chief Secretary to Government,  
Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore 560 001



Sir

Sub:- Enquiry into the allegation of demand/extortion of money from Sri Krishnamurthy, Executive Engineer, Zilla Panchayath, Bengaluru Urban.

Ref:- 1) Suo-Motu investigation taken by Hon'ble Lokayukta in the above matter under the Karnataka Lokayukta Act.

2) Letter of this office dated 26/6/2015 addressing to Joint Commissioner, Crime, CCB, Bangalore City

3) Letter No.CB/JCP/CRM/CC/99/2015 dated 27/6/2015 of Sri M. Chandra Shekar, IPS, Joint Commissioner, Crime, Bengaluru City

4) This officer letter bearing No. LOK/ADMIN-1/23/ 2015-16 dated 27/6/2015

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With reference to the above, the Hon'ble Lokayukta after taking suo-motu investigation into the above said allegations has entrusted enquiry Sri M. Chandra Shekar, IPS Joint Commissioner, Crime, City Crime Branch, Bengaluru under Section 15(3) of the Karnataka Lokayukta Act, 1984. Accordingly, a letter dated



26/6/2015 was addressed to Sri M.Chandra Shekar, IPS Joint Commissioner, Crime CCB, Bengaluru for conducting enquiry into the matter and to submit report as expeditiously as possible.

Sri M. Chandra Shekar, Joint Commissioner, Crime, Bengaluru City by his letter dated 27/6/2015 requested for reconsidering the directions in view of the facts stated in his letter. Copy of his letter dated 27/6/2015 is enclosed herewith.

In view of the same, I am directed by the Hon'ble Lokayukta to request the Government to entrust the enquiry into the above allegations also, to the Special Investigation Team as sought in our earlier letter dated 27/6/2015 referred to at (4) above.

Yours faithfully,

(H.R.DESHPANDE)

Registrar  
Karnataka Lokayukta  
Bengaluru



[Notice under Rule 13(a) proviso]

Petitioner

- 1 SRI ASHWIN Y S/O JUSTICE Y. BHASKAR RAO  
R/O C BLOCK-609, RAINBOW VISTA APARTMENTS,  
MOOSAPET, HYDERABAD-500018

By Sri SANDEEP PATIL  
Vs

Respondents

- 1 STATE OF KARNATAKA  
REP BY THE CHIEF SECRETARY, VIDHANA SOUDHA,  
BANGALORE-560001
- 2 OFFICE OF THE LOKAYUKTA  
REP BY ITS REGISTRAR, M.S. BUILDING,  
BENGALURU-560001
- 3 UPALOKAYUKTA  
REP. BY ITS REGISTRAR, M.S. BUILDING,  
BANGALORE-560001
- 4 THE LOKAYUKTA POLICE  
REP BY ADGP. M.S. BUILDING,  
BENGALURU-560001

Whereas, a Writ Petition filed by the above named petitioner under Article 226 & 227 of the Constitution of India, as in the copy annexed hereunto, has been registered by this court.

Notice is hereby given to you to appear in this court in person or through an Advocate duly instructed or through some one authorised by law to act for you in this case, at 10.30 AM in the forenoon within 10 days of the service of this notice to show cause why rule nisi should not be issued.

If you fail so to appear on the said date or any subsequent date to which the matter may be posted as directed by the court, without any further notice, the petition will be dealt with, heard and decided on merits in your absence.

## INTERIM ORDER

Pending issue of Rule nisi in the aforesaid Writ Petition it is hereby ordered by this Court on

Wednesday THE 01ST DAY OF July 2015

BEFORE

The Hon'ble Mr. Justice N.KUMAR

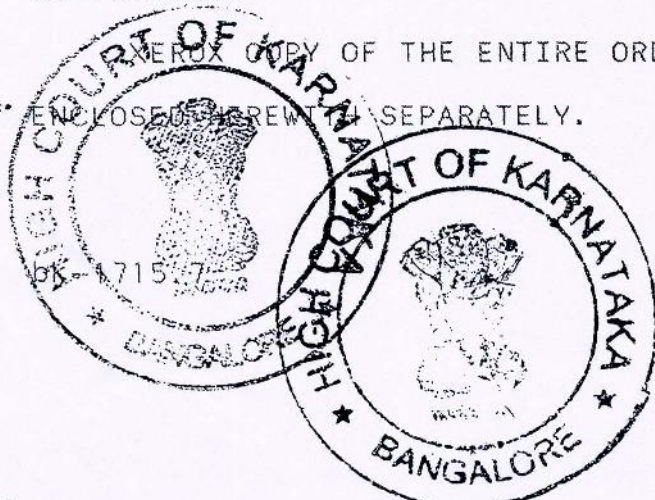
AND

The Hon'ble Mr. Justice B.SREENIVASE GOWDA

as follows:-

VEROX COPY OF THE ENTIRE ORDER DATED 01/07/2015 IS

ENCLOSED HERewith SEPARATELY.



M.V. Susheela 17/7/15

[M.V. SUSHEELA]  
Assistant Registrar

This Certified copy contains 6 Pages  
And Copying charges of ₹ 6/- is  
Received



NKJ & BSGJ:  
01.07.2015

W.P. No.27648/2015(GM-KLA)

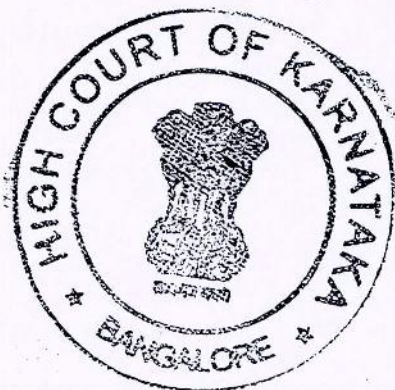
The petitioner has preferred this writ petition seeking quashing of Annexure 'A' the order passed by the Karnataka Upa Lokayuktha directing investigation and for submission of the report.

The records produced before us discloses that Smt. Sonia Narang, Superintendent of Police, City Division, Karnataka Lokayuktha, Bengaluru addressed a letter dated 11.05.2015 through The Additional Director General of Police, Karnataka Lokayuktha, Bengaluru bringing to their notice that some persons are indulging in nefarious activities, which bring disrepute to the Institution. When the same was placed before the Lokayuktha on 09.06.2015, he passed the following order:



"The allegations in this case are serious in nature. Therefore, it requires thorough enquiry to find out the truth in the allegations or falsity made to damage the reputation of officers of the Institution. Therefore, it is just and proper to order for an enquiry at higher level. Therefore, the Inspector General of Police, Karnataka Lokayuktha, Bengaluru is directed to make detailed enquiry and to submit the report."

Subsequently, one Janaadhikara Sangharsh Parishath (JSP) lodged a complaint with Hon'ble Upa Lokayuktha based on the contents of the letter of Smt.Sonia Narang. Subsequently, news items appeared in print media. Therefore, again, the matter was brought to the notice of the Lokayuktha. Taking note of the aforesaid things, by exercising the powers under Section 7(1)(b) of the Karnataka Lokayuktha Act, 1984 the Lokayuktha ordered for registering a case as a suo moto investigation. Thereafter, he felt that in the





interest of natural justice and fair play, a probe be made into the issues by an outside agency having necessary technical competence. Therefore, in exercise of the powers under Section 15(3) of the Karnataka Lokayuktha Act, the matter was entrusted for further enquiry and speedy report, to Sri.M.Chandra Shekar, Joint Commissioner (Crime), City Crime Branch (CCB), Bengaluru City. He was directed to submit a report to the Registrar of Lokayukta as expeditiously as possible.

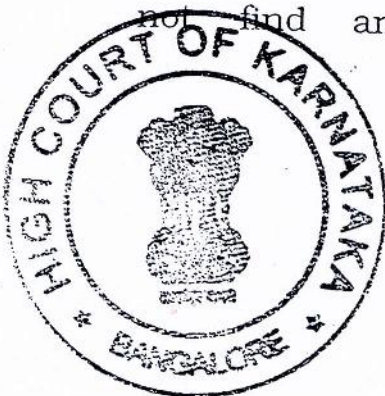
The appointment of an Officer was communicated to him on 26<sup>th</sup> June, 2015. However, he sent a reply on 27<sup>th</sup> June, 2015 pleading his disability to conduct the enquiry as the Lokayukta Police has charge-sheeted his father-in-law. Thereafter, the said matter was brought to the notice of the Lokayuktha on 28.06.2015. Thereafter, the Lokayuktha requested the Government to entrust the enquiry to the Special Investigation Team.



Acting on the said letter, it is submitted that the Government of Karnataka has by an order dated 30.06.2015 entrusted the matter to the Special Investigating Agency headed by Sri.Kamalpanth, Additional Inspector General of Police, Prisons.

In the meanwhile, the learned Hon'ble Upa Lokayuktha by his order dated 23<sup>rd</sup>. June, 2015 has directed Smt.Sonia Narang to conduct an independent investigation and to submit a report. It is in this background, the petitioner has approached this Court apprehending that the investigation ordered by the Upa Lokayuktha may be directed against him.

From the aforesaid material, it is clear that the investigation ordered by the Lokayuktha and the orders passed thereon have not been noticed by the Hon'ble Upa Lokayuktha. Under the scheme of the Act, we do not find any provision which empowers both





Lokayuktha and Upalokayuktha to investigate the same issue in question. As the complaint now is against the Officials of the Lokayuktha itself, as observed by the Lokayuktha, it is appropriate that it is conducted by an outside agency. On the request of the Lokayuktha, the State Government has acted and appointed a Special Investigating Team. In order to avoid conflicting findings, it is appropriate that both Lokayuktha and Upalokayuktha shall not direct any in-house investigation and await the report of the Special Investigating Team appointed by the State of Karnataka in this regard.

Issue notice.



**COPY**

M.V. Sushree 1/7/15  
Assistant Registrar  
High Court of Karnataka  
Bangalore - 560 001

**Ed/-  
JUDGE**

**TRUE COPY**  
N - 11/7  
Section Officer  
High Court of Karnataka  
Bangalore - 560 001

1. The date on which the application was made ..... 1/7/15
2. The date on which charges and addl. charges, if any, are called for ..... 1/7/15
3. The date on which the charges and addl. charges if any, are deposited ..... 1/7/15
4. The date on which the copy is ready for delivery ..... 1/7/15
5. The date of notifying that the copy is ready for delivery ..... 1/7/15
6. The date on which the copy is ready for delivery ..... 1/7/15

**ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿ**

**FIRST INFORMATION REPORT**

ಗೌರವಾನ್ವಿತ 23ನೇ ಹೆಚ್ಚುವರಿ ಸಿಟಿ ಸಿವಿಲ್ ಹಾಗೂ ಸತ್ರ ನ್ಯಾಯಾಲಯ ಮತ್ತು ವಿಶೇಷ ನ್ಯಾಯಾಲಯ, ಲಂಚ ನಿರೋಧ ಕಾಯ್ದೆ-1988 ನ್ಯಾಯಾಧೀಶರವರ ಸನ್ನಿಧಾನಕ್ಕೆ, ಬೆಂಗಳೂರು ನಗರ.

Under Section 154 Cr.P.C.

|   |                                                                                                |                                                                                                       |                              |                                 |                     |
|---|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------|---------------------|
| 1 | ಪೊಲೀಸ್ ಠಾಣೆ: ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ                                                                 |                                                                                                       | ವೃತ್ತ: ಬೆಂಗಳೂರು ನಗರ          |                                 | ತಾಲ್ಲೂಕು : --       |
|   | ಜಿಲ್ಲೆ : ಬೆಂಗಳೂರು ನಗರ                                                                          |                                                                                                       | ಅಪರಾಧ ಸಂಖ್ಯೆ : 56/2015       |                                 | ದಿನಾಂಕ : 01.07.2015 |
| 2 | (i) ಕಲಂ                                                                                        | 8                                                                                                     | ಕಾಯ್ದೆ                       | ಭ್ರಷ್ಟಾಚಾರ ಪ್ರತಿಬಂಧ ಕಾಯ್ದೆ-1988 |                     |
|   | (ii) ಕಲಂ                                                                                       | 384, 419, 420 ರೆ/ವಿ 120(ಜಿ)                                                                           | ಕಾಯ್ದೆ                       | ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ-1860          |                     |
|   | (iii) ಇತರೆ ಕಲಂ ಮತ್ತು ಕಾಯ್ದೆ                                                                    |                                                                                                       |                              |                                 |                     |
| 3 | (a) ಅಪರಾಧ ನಡೆದ ದಿನ:                                                                            | ದಿನಾಂಕ                                                                                                | 04-05-2015 ರೆ                | ಸಮಯ                             | -                   |
|   |                                                                                                |                                                                                                       | ಹಿಂದಿನ ಹಾಗೂ ನಂತರದ ದಿನಗಳಲ್ಲಿ. |                                 |                     |
|   | (b) ವರ್ತಮಾನ ಸ್ವೀಕರಿಸಿದ ಠಾಣೆ.                                                                   | ಕ.ಲೋ.ಬೆಂ.ನಗರ                                                                                          |                              | ಬರವಣಿಗೆ/ಹೇಳಿಕೆ: - ಟೈಪಿಂಗ್       |                     |
|   | (c) ಫಿರ್ಯಾದುದಾರ/ವರದಿಗಾರನಿಂದ ವರದಿ ತಡವಾದುದಕ್ಕೆ ಕಾರಣ                                              | --                                                                                                    |                              |                                 |                     |
|   | (d) ಸಾಮಾನ್ಯ ಡೈರಿಯ ಉಲ್ಲೇಖ ಸಂಖ್ಯೆ ಮತ್ತು ಸಮಯ                                                      | ದಿನಾಂಕ 01.07.2015 ರಂದು ಮಧ್ಯಾಹ್ನ 12.00 ಗಂಟೆಯಲ್ಲಿ                                                       |                              |                                 |                     |
| 4 | (a) ಕೃತ್ಯ ನಡೆದ ಸ್ಥಳ ಮತ್ತು ಪೂರ್ಣ ವಿಳಾಸ                                                          | ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯ ಸಭಾಂಗಣ, 2ನೇ ಮಹಡಿ, ಬಹುಮಹಡಿ ಕಟ್ಟಡ, ಡಾ  ಜಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀಧಿ, ಬೆಂಗಳೂರು-560001. |                              |                                 |                     |
|   | (b) ಪೊಲೀಸ್ ಠಾಣೆಯಿಂದ ಇರುವ ದೂರ.                                                                  | -                                                                                                     |                              |                                 |                     |
|   | (c) ಸ್ಥಳವು ಬೇರೆ ಪೊಲೀಸ್ ಠಾಣೆ ವ್ಯಾಪ್ತಿಗೆ ಬರುವಂತಹದ್ದು ಆದರೆ ಪೊ. ಠಾ. ಹೆಸರು                          | -                                                                                                     |                              | ಜಿಲ್ಲೆ                          | -                   |
| 5 | ಫಿರ್ಯಾದುದಾರ/ವರದಿಗಾರ                                                                            |                                                                                                       |                              |                                 |                     |
|   | (a) ಹೆಸರು : ಎಂ.ಎನ್.ಕೃಷ್ಣಮೂರ್ತಿ                                                                 | ತಂದೆಯ/ಗಂಡನ ಹೆಸರು: ಮುನಿನಂಜಪ್ಪ                                                                          |                              |                                 |                     |
|   | (b) ವಯಸ್ಸು : 50 ವರ್ಷ                                                                           | (c) ಉದ್ಯೋಗ : ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು                                                                      |                              |                                 |                     |
|   | (d) ಜಾತಿ :                                                                                     | (e) ರಾಷ್ಟ್ರೀಯತೆ : ಭಾರತೀಯ                                                                              |                              |                                 |                     |
|   | (f) ರಹದಾರಿ ಪತ್ರ ಸಂಖ್ಯೆ/ -                                                                      | ಪಡೆದ ದಿನಾಂಕ : -                                                                                       |                              |                                 |                     |
|   | (g) ವಿಳಾಸ: ಕಛೇರಿಯ ವಿಳಾಸ: ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ ಕಾರ್ಯಾಲಯ, ಕನಕಮಠ ರಸ್ತೆ, ಬನಶಂಕರಿ, ಬೆಂಗಳೂರು. |                                                                                                       |                              |                                 |                     |
|   | (h) ಫಿರ್ಯಾದುದಾರ ಖುದ್ದಾಗಿ ನೋಡಿದ್ದರೆ ಅಥವಾ ಕೇಳಿಕೊಂಡಿದ್ದರೆ :-                                      |                                                                                                       |                              |                                 |                     |
| 6 | ಗೊತ್ತಾದ/ಅನುಮಾನಿತ/ಗೊತ್ತಿಲ್ಲದ ಅಪರಾಧಿಯ ಪೂರ್ಣ ವಿವರ (ಅವಶ್ಯವಿದ್ದಲ್ಲಿ ಪ್ರತ್ಯೇಕ ಹಾಳೆ ಲಗತ್ತಿಸಿ)         |                                                                                                       |                              |                                 |                     |
|   | ಅಶ್ವಿನಿರಾವ್ @ ಕೃಷ್ಣರಾವ್ ಜಿನ್ ವೈ.ಭಾಸ್ಕರರಾವ್, ಹಾಗೂ ಇತರರು                                         |                                                                                                       |                              |                                 |                     |
| 7 | ಕಳವು ಮಾಲನ/ಅಪರಾಧಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ವಸ್ತುವಿನ ವಿವರ ಮತ್ತು ಬೆಲೆ (ಅವಶ್ಯವಿದ್ದಲ್ಲಿ ಹಾಳೆ ಲಗತ್ತಿಸಿ) --       |                                                                                                       |                              |                                 |                     |
| 8 | ಪಂಚನಾಮೆ ವರದಿ/ಯು.ಡಿ. ಕೇಸ್ ನಂ. (ಇದ್ದಲ್ಲಿ ಮಾತ್ರ) ---                                              |                                                                                                       |                              |                                 |                     |
| 9 | ಎಫ್.ಐ.ಆರ್. ಅನುಸೂಚಿ                                                                             |                                                                                                       |                              |                                 |                     |
|   | ನಿವೇದನೆ:-                                                                                      |                                                                                                       |                              |                                 |                     |
|   | ಫಿರ್ಯಾದುದಾರರಾದ ಶ್ರೀ ಎಂ.ಎನ್.ಕೃಷ್ಣಮೂರ್ತಿ ರವರು ನೀಡಿರುವ ಹೇಳಿಕೆಯ ಅಸಲು ಪ್ರತಿಯನ್ನು ಲಗತ್ತಿಸಿದೆ.        |                                                                                                       |                              |                                 |                     |

(Signature) (ಪ್ರಸನ್ನ ವಿ.ರಾಜು) 11/7/15

ಪೊಲೀಸ್ ಉಪಾಧ್ಯಕ್ಷರು-2  
ನಗರ ವಿಭಾಗ  
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ  
ಬೆಂಗಳೂರು



|    |                                                                                                                                                                                                                                                                                                                             |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 | <p>(a) ಕೈಗೊಂಡ ಕ್ರಮ ದಾಖಲು ಮಾಡಿ ತನಿಖೆ ಪ್ರಾರಂಭಿಸಿದೆ: ಪ್ರಸನ್ನ ವಿ.ರಾಜು, ಹುದ್ದೆ :ಮೋಲೀಸ್ ಉಪಅಧೀಕ್ಷಕರು -02,</p> <p>(b) ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ನಗರ ವಿಭಾಗ, ಬೆಂಗಳೂರು.</p> <p>(c) ಎಫ್.ಐ.ಆರ್. ಅನ್ನು ಫಿರ್ಯಾದಿಗೆ ಹೇಳಿ ಅವನ/ಅವಳ ಭಾಷೆಯಲ್ಲಿಯೇ ವಿವರಿಸಿದೆಯೇ ಮತ್ತು ಉಚಿತವಾಗಿ ಒಂದು ಪ್ರತಿಯನ್ನು ನೀಡಿದೆಯೇ?</p> <p style="text-align: right;">ನೀಡಲಾಗಿದೆ.</p> |
| 11 | <p>ಯಾವುದೇ ಕಾರಣದಿಂದ ಮೋಲೀಸ್ ಅಧಿಕಾರಿಯು ಅಪರಾಧ ಸ್ಥಳಕ್ಕೆ ಹೋಗದಿದ್ದಲ್ಲಿ ಅಥವಾ ಸಿ.ಆರ್.ಪಿ.ಸಿ ಕಲಂ 157 ವಿಧಿ ಬಿ ಅಥವಾ (ಆ) ಅಡಿ ತನಿಖೆ ಮಾಡಲು ನಿರಾಕರಿಸಿದ್ದಲ್ಲಿ ಅದನ್ನು ಇಲ್ಲಿ ಕಾಣಿಸುವುದು.</p>                                                                                                                                                    |
| 12 | <p>ಪಿರಾಗುದಾರರ/ಬಾತ್ಮಿದಾರರ ಸಹಿ/ಹೆಚ್ಚೆಣ್ಣಿನ ಗುರುತು</p>                                                                                                                                                                                                                                                                         |
| 13 | <p>ಕೋರ್ಟಿಗೆ ಕಳುಹಿಸಿದ ದಿನಾಂಕ ಮತ್ತು ಸಮಯ ಕೊಂಡೊಯ್ದ ಪಿ.ಸಿ/ಹೆಚ್.ಸಿ.ಯ ಹೆಸರು. ದಿನಾಂಕ 01.07.2015 ರಂದು ಮಧ್ಯಾ. 1.30 ಗಂಟೆಯಲ್ಲಿ ಶ್ರೀ ವೈ.ಎನ್.ದೇಶಿಕ, ಹೆಡ್‌ಕಾನ್ಸ್ಟೇಬಲ್ ರವರ ಮೂಲಕ ಕಳುಹಿಸಿರುತ್ತದೆ.</p>                                                                                                                                         |
|    | <p>14 ಠಾಣಾಧಿಕಾರಿಯ ಸಹಿ</p> <p style="text-align: right;"><i>(Signature)</i> 01/07/2015</p>                                                                                                                                                                                                                                   |
|    | <p>Name/ಹೆಸರು ಪ್ರಸನ್ನ ವಿ.ರಾಜು ಮೋಲೀಸ್ ಉಪಅಧೀಕ್ಷಕರು</p> <p style="text-align: right;">ನಗರ ವಿಭಾಗ</p>                                                                                                                                                                                                                            |
|    | <p>Rank/ಹುದ್ದೆ ಮೋಲೀಸ್ ಉಪಅಧೀಕ್ಷಕರು</p>                                                                                                                                                                                                                                                                                       |
| 15 | <p>ಪ್ರತಿಗಳು:-<br/>Copy to</p> <ol style="list-style-type: none"> <li>1. ಮಾನ್ಯ ಅಪರ ಮೋಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು ಕ.ಲೋ, ಬೆಂಗಳೂರು</li> <li>2. ಮಾನ್ಯ ಮೋಲೀಸ್ ಮಹಾ ನಿರೀಕ್ಷಕರು, ಕ.ಲೋ, ಬೆಂಗಳೂರು.</li> <li>3. ಮಾನ್ಯ ಮೋಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕ.ಲೋ., ನಗರ ವಿಭಾಗ, ಬೆಂಗಳೂರು.</li> <li>4. ಕಛೇರಿ ಕಡತ.</li> </ol>                                            |



**FIRST INFORMATION REPORT**

**For the kind information of the Hon'ble 23<sup>rd</sup> Additional City Civil And Sessions Judge and Special Judge, Prevention of Corruption Act, 1988, Bangalore City**

**Under Section 154 Cr. P.C**

|   |                                                                                                 |                                 |                                                    |                                                                                                                                                     |                                       |      |
|---|-------------------------------------------------------------------------------------------------|---------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|------|
| 1 | <b>Police station:</b><br>Karnataka Lokayukta                                                   |                                 | <b>Place: Bangalore City</b>                       |                                                                                                                                                     | Taluk:                                |      |
|   | <b>District:</b> Bangalore City                                                                 |                                 | <b>Case No. 56/2015</b>                            |                                                                                                                                                     | Date: 01/07/2015                      |      |
| 2 | (i) Column                                                                                      | 8                               | Act                                                | Prevention of Corruption Act, 1988                                                                                                                  |                                       |      |
|   | (ii) Column                                                                                     | 384, 419,<br>420 R/W<br>120 (B) | Act                                                | Indian Penal Code, 1860                                                                                                                             |                                       |      |
|   | (iii) Other Sections and Act                                                                    |                                 |                                                    |                                                                                                                                                     |                                       |      |
| 3 | (a) Date of commission of Offence                                                               |                                 | Date                                               | <b>Prior to and subsequent to<br/>04.05.2015</b>                                                                                                    |                                       | Time |
|   | (b) Station receiving information                                                               |                                 | <b>Karnataka Lokayukta Police, Bangalore Urban</b> |                                                                                                                                                     | <u>Written</u> / Oral:- <b>Typing</b> |      |
|   | (c) Reasons for delay by the informant                                                          |                                 |                                                    |                                                                                                                                                     | --                                    |      |
| 4 | (a) Place of offence and full address                                                           |                                 |                                                    | <b>Conference Hall of the Office of the Karnataka Lokayukta, 2<sup>nd</sup> Floor, M.S. Building, Dr. B.R. Ambedkar Veedhi, Bangalore- 560 001.</b> |                                       |      |
|   | (b) Distance from the Police Station                                                            |                                 |                                                    | --                                                                                                                                                  |                                       |      |
|   | (c) If the place is within the jurisdiction of other police station, name of the Police Station |                                 |                                                    |                                                                                                                                                     | District ---                          |      |
| 5 | Complainant/ Informant:                                                                         |                                 |                                                    |                                                                                                                                                     |                                       |      |
|   | (a) Name : <b>M.N. Krishnamurthy</b>                                                            |                                 |                                                    | Name of the father/husband: <b>Muninanjappa</b>                                                                                                     |                                       |      |
|   | (b) Age : <b>50 years</b>                                                                       |                                 | (c) Occupation: <b>Executive Engineer</b>          |                                                                                                                                                     |                                       |      |
|   | (d) Caste:                                                                                      |                                 |                                                    | (e) Nationality : <b>Indian</b>                                                                                                                     |                                       |      |

|    |                                                                                                                                                                                                                                                                                                                                                           |                 |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
|    | (f) Passport Number :                                                                                                                                                                                                                                                                                                                                     | Date of issue : |
|    | (g) Address: <b>Office Address: Office of the Bangalore Urban Zilla Panchayath, Kanakapura Road, Banashankari, Bangalore.</b>                                                                                                                                                                                                                             |                 |
|    | (h) If the informant has seen or heard himself:                                                                                                                                                                                                                                                                                                           |                 |
| 6  | Name of the accused/suspected / unknown full details (Insert additional sheets if necessary)                                                                                                                                                                                                                                                              |                 |
|    | <b>Ashwin Rao also known as Krishna Rao S/o Y. Bhaskar Rao and others.</b>                                                                                                                                                                                                                                                                                |                 |
| 7  | Value and details of the article stolen/related to the offence –                                                                                                                                                                                                                                                                                          |                 |
| 8  | Mahazar Report/U.D. Case No. (if any) ----                                                                                                                                                                                                                                                                                                                |                 |
| 9  | <p>F.I.R. Annexures</p> <p>Requisition :<br/>The original Statement of informant Mr. M.N. Krishna Murthy enclosed</p> <p style="text-align: right;">Sd/-<br/><b>(PRASANNA V. RAJU)</b><br/>DySP 01/07/2015<br/>Deputy Superintendent of Police-2,<br/>Urban Division,<br/>Karnataka Lokayukta,<br/>BANGALORE.</p>                                         |                 |
| 10 | <p>(a) Action taken : Case registered and investigation taken up : <b>Prasanna V. Raju, Deputy Superintendent of Police-2,</b></p> <p>(b) <b>Karnataka Lokayukta, City Division, Bangalore.</b></p> <p>(c) Whether the content of the F.I.R. has been explained to the informant in his/her language and a copy is issued free of cost? <b>Issued</b></p> |                 |
| 11 | The reasons for not visiting the scene of offence or refusal for conducting investigation under Sec. 157(b) or (a)                                                                                                                                                                                                                                        |                 |
| 12 | Signature/Left thumb impression of the Complainant/Informant                                                                                                                                                                                                                                                                                              |                 |
| 13 | Time sent to the Court and the name of the P.C/H.C. who carried it to the Court : <b>Dated 01/07/2015 at 1:30 p.m.</b> Sent to the Court through <b>Mr. Y.N. Deshika, Head Constable</b>                                                                                                                                                                  |                 |

|    |           |                                                                                                                                                                                                                                                                      |
|----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |           | 14. Signature of the Station House Officer :<br>Sd/-<br>(PRASANNA V. RAJU)<br>DySP 01/07/2015                                                                                                                                                                        |
|    |           | Name : <b>PRASANNA V. RAJU</b><br>Deputy Superintendent of Police,<br>City Division,<br>Karnataka Lokayukta.                                                                                                                                                         |
|    |           | Rank : <b>Deputy Superintendent of Police</b>                                                                                                                                                                                                                        |
| 15 | Copies to | <b>1. Addl. Director General of Police, Karnataka Lokayukta, Bangalore.</b><br><b>2. Inspector General of Police, Karnataka Lokayukta, Bangalore.</b><br><b>3. Superintendent of Police, Karnataka Lokayukta, City Division, Bangalore.</b><br><b>4. Office file</b> |