opportunity having been provided to her through repeated notices issued by the Inquiry Officer and also duly acknowledged by her remained away from being examined and cross examined before the Inquiry Officer. As such these documents are left without any force as evidence for sustaining the charge as leveled against me. As regards documents P-3 and P-4, these are only intimation letters regarding arrest and release of me (the Charged Officer). When the documents P-1 and P-2, relying on which the prima facie case was made against me, have lost their locus-standie and have become irrelevant as evidence, these documents i.e P-3 and P-4 bear no probative value as evidence in the instant case..

Now I would like to traverse through the oral evidence adduced before the Inquiry Officer during the course of the inquiry. The Presenting Officer could get examined only two State Witnesses namely Shri M.A. Naushad, Inspector of Police, the then SHO, PS Aberdeen and Shri K. Mohammed Salim, Driver of the complainant Smti MV Jayalakshmi.

State Witness No. 2 Shri M.A.Naushad, the then SHO, Police Station, Aberdeen, during his deposition has identified the FIR No. 835/08 U/S 342/354 IPC as mentioned in the charged sheet framed against me (the Charged Officer) Shri Govind Ram and admitted that it was registered at 1600 hrs on 07-10-2008 on the basis of a written complaint of Smti MV Jayalakshmi, W/o Shri R. Vasantha Kumar, R/o Minnie Bay. He also admitted that the said FIR and the notice of arrest of a govt. servant vide No. PS/AB/46/08/5-47 dated 08-10-2008 bears his signature as SHO, Police Station Aberdeen. Here it is pertinent to note that the SHO is not a material witness and his statement, that too only to the extent of identifying the FIR and the complaint bears no value as an evidence unless the facts of the issue recorded in the FIR and the veracity of the complaint on the basis of which the said FIR has been registered is established through cross-examination of the Complainant before the Inquiry Officer and it can be accepted as an evidence only if it passes the test of credibility of the averments made by the Complainant. This fact has been admitted by the said State Witness also during cross examination wherein he has admitted that on the basis of FIR it can not be said as to how much of the averments made in the Complaint is true or false or fabricated. This proves that I, the Charged Officer was implicated.

The Staate Witness No. 3 viz Shri Mohd Salim, the Driver of the complainant Smti MV Jayalakshmi has stated that on 07-10-2008 he was present in front of the house of the complainant Smti MV Jayalakshmi from 01.00 pm to 02.45 pm. During this relevant time he did not see any body visiting the house of the complainant Smti MV Jayalakshmi and that Smti Jayalakshmi appeared out of her house around 2.45 pm and asked him to drive her to PS. Aberdeen. He further stated that when she came out of her house at 2.45 pm she appeared absolutely