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12-7-17

RTI Cell.  
05.07.2017

To:  
The Joint Commissioner of Police,  
Special Police Unit for Women and Children,  
Malviya Nagar, New Delhi-110017  
First Appellant Authority Under RTI ACT 2005,

3  
11/7/17

485  
11/7/17

From:  
Mrs. Sunita Gupta  
16/15 Alipur Road  
Civil Lines,  
Delhi-110054

**No:27 APPEAL/2017**  
**12-7-2017**

Total: 7 Pages (Including this one)

Mobile: 9810170293

Dear Sir,

**SUB: First Appeal under Sec 19(1) of the RTI Act 2005**

I, Mrs. Sunita Gupta, a citizen of India, would like to make a **FIRST APPEAL** under **Sec 19(1) of the RTI Act 2005**.

I had applied to the PIO, Deputy Commissioner of Police, Police Headquarters, Delhi for certain information, under the RTI Act 2005, as per my application dated 19<sup>th</sup> May, 2017. The application was accompanied by an IPO of Rs. 10.00 (No. 38F197784), as payment for application fees.

The RTI application was sent by Speed Post vide Speed Post Receipt No. ED273749563IN

A copy of the said application and the proof of payment along with the postal receipt is attached herewith as **ANNEXURE – I (Total 2 pages)**

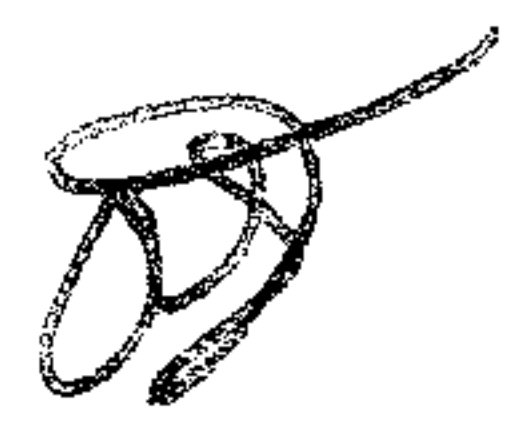
The RTI Application was transferred to PIO, Addl. DCP, SPUWAC, Nanakpura. Transfer letter is attached here as **ANNEXURE-II (1 Page)**

A copy of the Reply received from the Dy. Commissioner of Police (PIO), North SPUWAC, Malviya Nagar, New Delhi is attached as **ANNEXURE- III (1 page)**

**GROUND FOR FIRST APPEAL:**

As per Point No. 7 of the Circular No. 459-66/P.Sec/Addl.CP/CAW 29/03/2007:-

I/C RTI/Cell/SPUWAC



*“7. The receipt of purchase/procure or manufacture of the Istri-dhan articles should be procured by IO immediately where in allegation of misappropriation/ criminal breach of trust exists. In the absence of any documentary proof, the efforts put in by the IO in this regard should be reflected in the body of the case diary and proper verification should be done to establish the source of the Istri-dhan to establish the genuineness of the allegations leveled by the complainant the complainant should also be asked to disclose the source of money used to purchase costly items.”*

Vide my RTI Application I had sought information about the procedure followed by the Investigating Officer of a case where in allegation of misappropriation/ criminal breach of trust exists to verify the source of istri-dhan and to verify the genuineness of the sources of money disclosed by the complainant.

The PIO has informed me vide reply dated 14.06.2017 ID No. 369/2017/637 that the IO can verify all Bills/ Cash memos of the Stridhan articles or other proofs submitted by the complainant. Any document can be verified from the concerned Authority and that the procedure is being followed by Police Station CWC/

Sir, I understand that the IO can, rather he must verify the Bills and Cash Memos but I had sought to know what does verification means and what is the procedure followed for proper verification. What procedure does he follows to verify the Bills and Cash Memos?

- a. Does the IO only ask the seller for the confirmation whether a particular Bill or Cash Memo belongs to his shop or whether he also checks his **Ledger and Account Books** to see whether a Sale was truly made by the Seller?
- b. Does the IO check the genuineness of the Bill/ Cash Memo, whether it is **Tax/ VAT paid** or not.
- c. Does the IO check the **Income Tax Return** of the complainant and her family to establish the genuineness of the sources of money disclosed by the complainant and her family?



As per the Judgment of Delhi High Court in the matter of Neera Singh Vs. The State of Delhi in CRL.M.C.7262/2006 delivered on February 23, 2007, no action can be taken merely on the statement of the complainant and proper verification should be made.

There must be a proper procedure established for the IO to follow in cases where in allegation of misappropriation/ criminal breach of trust exists to verify the source of istri-dhan and to verify the genuineness of the sources of money disclosed by the complainant.

Vide this RTI Application I have sought a copy of the procedure. Kindly, provide me a copy of that procedure.

Since. **NO Satisfactory Reply** has been received from the PIO to my RTI Application, this First Appeal is made under Section 19(1) of the RTI Act 2005.

**MY "PRAYER/PLEA" IN THIS FIRST APPEAL:**

- Instruct the PIO, in writing, to give complete information as requested in my above mentioned RTI Application.**
- I would like to be present during this hearing of First Appeal under the RTI Act 2005.**

**Kindly therefore, inform me in advance about the date, time and venue of the First Hearing scheduled by you, so as to enable me to attend the same.**

Thanking You,

  
Sunita Gupta

Mobile: 9810170293

16/15 Alipur Road,

Civil Lines, Delhi 110054

**Encl: RTI Application, Speed Post Receipt, IPO Copy, Reply Received – 4 Pages**