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Dy. Commissioner of Police N/W and First Appellant Authority under RTI-Act  
No. No. 22102 Dt. 2/10/17

The Dy Commissioner of Police N/W and First Appellant Authority under RTI-Act  
Ashok Vihar New Delhi

DCP	
Asst. DCP	
Asst. DCP	
ACP	
Inter. Adm.	
Branch	RTI Appeal

APPELLANT

APPEAL No \_\_\_\_\_/2017

1. Rajender Goel  
B-3/73 Rajasthali Apartment  
Madhuban Chowk  
Delhi-34  
Mob NO 9350428171

Dy. No. 999 /Appeal Cell/RTI/NWD

VERSUS

Dated 03/07/2017

The Central Public Information Officer  
Office of the Dy Commissioner of Police  
Ashok Vihar Delhi

RESPONDENT

Appeal U/S 19(1) Right to information act 2005

STATEMENT OF FACTS:

1. That appellant had filed an application under RTI Act-2005 Dated 18-8-2017 with respondent for seeking information, action and enquiry conducted to the complainant filed by the applicant to ACP/DIU/NWD Diarized on 17-8-2017 vide 1655/ACP/ DIU/ NWD in respect of Para No 2, 4 and 5 of the complainant Dated 16-8-2017. It was registered as ID No. 2688/RTI Cell/NWD, dated 2108-2017.

Para No. 2

The above case was reported as un-traced to exonerate named accused in FIR by SI.Vikas DIU/NWD for the consideration received by him from the named accused Sh Shallabh before ACMM Rohini Court Delhi based on mere surmises and conjuncture on 22-3-2016. The statement recorded on 10-7-2014 by SI Pancham PS. Rani Bagh of my son Sh Gaurav Goel on the floor of the Hospital was also ignored. Photo copy of statement dated 10-7-2014 recorded by SI Pancham.

Para No. 4

The details of evidences collected by me were submitted with DIU/NWD acknowledged vide diary no 1947/ACP/DIU/NWD dated 25-5-2017 are as under which warranted detailed investigation to bring un-varnished truth on surface so that all the accused are booked to law of land:

Appeal No. 219 /Appeal Cell/NWD  
Dated 03/07/2017

S.N	An No	Pertain to	No of clue not Investigated by SI.Vikas
1	A	Motive & conspiracy	Nine-Evidences not brought on record
2	C	Interrogations	Sixtytwo-Evidence not brought on record
3	D	CDR & To be obtained	Nine-Evidences not brought on record
4	E	CCTV Footage	Twenty Evidences not brought on record
5	F	Lie Detector Test	Five-Evidences not brought on record
6	G	Lt Governor Letter	False reporting
7	K	RTI Application	Why no action initiated on clue provided
8	L	Preservation of CDR	When earlier CDR of mob no mentioned were not taken by investigating agency although involved.

The above information reveals the **criminal conspiracy** hatched by named accused Sh Shallabh in collusion with local Police for the murderous assault on me. Secondly another **criminal conspiracy** hatched amongst named accused Sh Shallabh with SI.Vikas DIU/NWD to exonerate named accused in FIR because the evidences which were appearing was turning the case towards attempt to murder but not attempt to culpable homicide as booked earlier by SI Pancham PS. Rani Bagh Delhi.

#### Para No. 5

The complainant met with SI Pardeep DIU/NWD on various dates and explained the case and analysis of CDR of **Mob No 9999622300** procured by investigating agency of DT,9-7-2014 belonging to one of the named accused Sh Ajay as under.

Time	From	To	Period	Person and Message
12:13:24	9416528734	9999622300	103	Pahalwan Mahender from Jajjar informs Ajay that Amit Pahalwan has left for Delhi for his job as desired by you.
13:55:32	9999622300	8570833329	1	Ajay via SMS enquires from Amit as to where he is.
13:55:47	9643868736	9999622300	14	Amit from his Delhi number informs Ajay he is about to reach Delhi at Pram's office.
14:18:49	8743982077	9999622300	45	Pram Pahalwan confirms to Ajay, Amit has reached Delhi & about to reach his house.
14:24:33	9582816128	9999622300	8	Ajay, s son Shubam confirms that Amit uncle has reached our house.
14:25:46	8743982077	9999622300	51	Pram Pahalwan confirms to Ajay that after leaving Amit he is going to back to office.
14:29:05	9212227806	9999622300	163	Friend Dheeraj reaches his house to take Amit and his group to Hotel Yug.
14:53:12	9999622300	9582816128	45	Ajay calls his son to confirm that Dheeraj and Amit Group have left their house or not.
14:54:34	9999622300	9868741429	47	Wife Jaya confirms that Dheeraj and Amit

				Group have left their house.
16:08:40	9999622300	9212227806	137	Ajay calls to DEERAJ to leave hotel so as to reach Pritam Pura.
17:21:34	9999622300	9643868796	16	Ajay calls to AMIT to find out his location in Pritam pura.
17:48:25	9999622300	9643868796	33	Ajay calls again to AMIT to find out his location in Pritam pura.
17:54:35	9643868796	9999622300	20	AMIT confirms having reached Pritam pura and ask for location in Pritampura.
18:00:24	9643868796	9999622300	15	AMIT confirms having reached his desired location in Pritam pura.
18:38:00	9999622300	9999991801	34	Ajay calls to Pawan owner of YUG HOTEL that Amit has reached.
21:21:58	9643868796	9999622300	18	AMIT after attack ask Ajay where to meet now with his group members.
21:24:51	9999622300	9643868796	27	Ajay tells AMIT to reach Shalimar Bagh where he and Shallabh are reaching.

The analysis reflects the active role in crime of named accused Sh Ajay along with his Goon Sh Amit on 9-7-2014. The previous investigating officers till filling the un-traced report did not work out the above details obviously for the considerations received by them from time to time from named accused Sh Shallabh.

2. That appellant received reply vide letter dated 19-9-2017 from respondent as **DEPOL/R/2017/21922** by forwarding the reply furnished to her by I/C DIU stating there in that which is self-explanatory.

3. That it was stated by the applicant in application that the applicant is complainant in the FIR and as such has all the rights and liberties guaranteed by Article 19(1)(a) of the Constitution of India as fundamental right to obtain information in all respect so that if any illegal investigation activities are carried out or facts are suppressed by the investigating agency could be brought to the higher officials and court of law for proper directions to the investigation agency and departmental action against the erring officials.

4. That there are directions of Delhi High Court on section 8(1)(h) RTI Act. It stipulates whenever above section is evoked by investigating officer/APIO/PIO he is duty bound to give reasons as to how the investigation will be impeded if the information desired by applicant is given. The complainant boosts the investigation and never impedes the investigation as per well settled principal of natural justice. But none of these directions have been followed for the reason best known to investigating agency.

5. That none of the directions have been followed of Hon'ble Delhi High Court which amount to contempt of courts orders.

6. That table below shows the query put up before the Public Information officer by the applicant and the reply given by respondent.

S.N	Query	REPLY RECEIVED
1	Please tell me any investigation carried out so far in respect of allegation alleged by complainant under para no 2 of letter DT 17-8-2017 addressed to ACP/DIU/NWD for <b>consideration received</b> by SI.Vikas DIU/NWD for exonerating named accused in FIR by filling un-traced report with ACMM Rohini Court Delhi.	Alleged Shallabh Goel and wife of the alleged Ajay Gupta has been interrogated.
2	If yes provide copy of the report in this respect.	Report cannot be provided regarding the investigation.
3	If not reasons for the same.	Under provision of section 8 1 (h) of RTI Act
4	Please tell me any investigation carried out so far in respect evidences collected and reported under para 4 letter DT 17-8-2017 by complainant to ACP/DIU/NWD pertaing to Motive & conspiracy, CCTV Footage, contradiction and controversies in Interrogations of named accused in FIR, anylised CDR previously obtained by investigating agency & CDR suggested to be obtained, motive of previous investigating agency for not driving adverse inference of Lie Detector Test refusal by named accused in FIR and false reporting to Lt Governor of Delhi.	Investigation is going on keeping all the points in consideration.
5	If yes provide copy of the report in this respect.	Report cannot be given under provision of section 8 1 (h) of RTI Act
6	If not reasons for the same.	As above in point No 5
7	Please tell me any investigation or interrogation carried out so far from Sh Mahender Pahalwan, Sh Pram Pahalwan, Sh Shubam, Sh Dheeraj, Sh Pawan and Ms. Jaya as they were in constant touch with named accused Sh Ajay on <b>his mobile no 9999622300 between 12:13:24 to 18:38:00 on 9-7-2014</b> as per para no 5 of above letter dt 17-8-2017 which has been copied by complainant from the CDR obtained by investigating agency.	Interrogation has been done from Sh Pram Pahalwan and Ms. Jaya.
8	If yes provide copy of the report in this respect.	As per point No 5
9	If not reasons for the same.	As per point No 5