

APPLICATION UNDER THE RTI ACT, 2005

FOR OFFICE USE

Application Receipt Date	
Application ID	
File Number	

NAME & ADDRESS OF APPLICANT	PIO'S DESIGNATION AND ADDRESS
	THE PUBLIC INFORMATION OFFICER, ASST. INSPECTOR GENERAL OF POLICE (ADMIN) OFFICE OF THE DIRECTOR GENERAL OF POLICE, SAIFABAD, LAKDIKAPUL, HYDERABAD

1. Date:
2. Place:
3. Does this application concern the life and liberty of a person: YES
4. Is the applicant below poverty line: NO
5. RTI Fee details: DD/Banker's Cheque/Postal Order for Rs 10
Date:
No:
6. Method of supply of information: Speed/Registered post
7. Information required in which form: On paper
8. Period from which the information is required: From June 2002 to 2012
9. Total Number of pages in the RTI request including this page: 4 + Copy of the FIR
10. Details of attachments: Copy of the 498A FIR and the MV Krishna Rao memo (No L&O/M6/1315/2002)

DECLARATION OF THE APPLICANT

I am a citizen of India and owe my allegiance to the sovereignty, unity, and integrity of India.
The details of the information requested are on the following page(s).

(Signature of the applicant)

Continued on next page:

Details of Information Requested

On 06/04/2002, the former Jt Comm (Adm) Of Hyderabad Police, Sri MV Krishna Rao, issued a memo (No L&O/M6/1315/2002) prohibiting arrests in 498A cases in Hyderabad without the DCP's permission.

For ease of reference, we will refer to this memo as the MV Krishna Rao order in this RTI request.

A copy of the MV Krishna Rao order is attached along with this RTI request.

Given below is the gist of this order:

3. With a view to avoid adverse criticism, miscarriage of justice, and arbitrary deprivation of liberty of an individual, it is hereby ordered that henceforth no person (either woman, man or child) shall be arrested in any case registered under the above sections of law without obtaining the prior written permission from the concerned Deputy Commissioner of Police supervising the investigation of the case. For this purpose, the concerned Inspector of Police shall send a detailed report, duly enclosing the CD file and all relevant documents, clearly placing on record the evidence available against each accused to the concerned Deputy Commissioner of Police who will properly examine the complicity of each accused and accord written permission to effect the arrest of the accused persons.

On _____ (date), I/we was/were arrested by the Hyderabad police when my/our name(s) were listed in a 498A FIR.

I/we are requesting the following information/documents:

1. In accordance with the MV Krishna Rao order, please provide a copy of the DCP's letter which authorized my/our arrest as the accused in this 498A case.
2. In order with the MV Krishna Rao order, please send us a copy of the detailed report with the duly enclosed case diary file and all relevant documents which clearly place on record the evidence gathered against each of the accused listed in the enclosed FIR no:
3. If no such order authorizing my/our arrest exists, please list the procedures I need to follow to bring to the attention of the DGP of Andhra Pradesh details of the unlawful arrest I was subjected to by Hyderabad's police in violation of the MV Krishna Rao order.

Note:

Since this matter pertains to our right to life and liberty, please respond within 48hrs to our request as per the rules of the RTI Act.

Continued on next page:

Given below is the information pertaining to my case:

FIR Number:

Date FIR was filed:

Name of investigating officer:

Police Station where FIR was filed:

Date of my/our arrest:

Date of my/our release from custody:

My/Our Names:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

My/Our Address:

Continued on next page:

The MV Krishna Rao Order (No L&O/M6/1315/2002)

GOVERNMENT OF ANDHRA PRADESH

Office of the
Commissioner of Police,
Hyderabad.
Dated 06-04-2002

No.L&O/M6/1315/2002.

M. E. M. O

Sub - City Police - cases registered under Sections 498, 498(A) IPC or under Dowry Prohibition Act - Arrest of accused - Certain standing instructions - Issued.

Of late, several complaints have been received that innocent and very distant relatives of the husband are being wrongly implicated in cases registered under Sections 498, 498(A) IPC or "Dowry Prohibition Act". It is quite natural that in such cases, the aggrieved parties might also cite relatives of the accused, close as well as distant, as having abetted or indulged in such crimes. But investigation later reveals that some of them are innocent. It is upto the Police Officers investigating the cases to properly weigh the evidence against each accused, and decide whether to arrest or not.

2. The Supreme Court of India in "Joginder Kumar Vs the State of UP" has directed that, though Police Officers have the power to arrest under section 41 of Cr.PC, "they shall not arrest unless there is a need to arrest." It is, therefore, obvious that Police investigating any case should resort to arresting the accused only if there is sufficient evidence against him/her, and there is a need to arrest. Mere complaint against a person or mention of his name in the FIR should not be the only cause for arresting anyone.

3. With a view to avoid adverse criticism, miscarriage of justice, and arbitrary deprivation of liberty of an individual, it is hereby ordered that henceforth no person (either woman, man or child) shall be arrested in any case registered under the above sections of law without obtaining the prior written permission from the concerned Deputy Commissioner of Police supervising the investigation of the case. For this purpose, the concerned Inspector of Police shall send a detailed report, duly enclosing the CO file and all relevant documents, clearly placing on record the evidence available against each accused to the concerned Deputy Commissioner of Police who will properly examine the complicity of each accused and accord written permission to effect the arrest of the accused persons.

4. It is reiterated that arrest of any accused in the above cases shall be effected only after obtaining the written permission from the D.C.P. supervising investigation of that case.

5. These instructions shall be followed scrupulously with immediate effect, and any deviation will be viewed seriously.

M.V. KRISHNA RAO,
Commissioner of Police.

To
All the Station House Officer of L&O and Women P.Ss.
All the Divisional ACsP,
All the Additional, Joint, Deputy Commissioners of Police.
Copy to CC to CP.


J. Commissioner of Police,
(Administration), Hyderabad.