

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

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**Shri Prashant S.P. Tendolkar, State Chief  
Information Commissioner,**

**Complaint No.508/SIC/2010**

Mr. Domnic D'Souza,  
H. No.315/4, Tropa Vaddo,  
Sodiem, Siolim –Goa. .... Complainant.

V/s

The Public Information Officer/  
Superintendent of Police (North),  
Porvorim-Goa. .... Opponent.

**Date: 22/8/2017**

**O R D E R**

1.This Commission while disposing the above complaint vide order dated 08/02/2011, has granted an opportunity to the Complainant to prove its contention that the information furnished by the PIO is false, incomplete, incorrect, misleading etc.

2.Accordingly, after the said order the matter was posted for inquiry. In spite of several opportunities granted to the complainant no inquiry was lead by him and the matter was adjourned from the date of said order till 10/12/2014.

3. After constitution of this Commission a fresh notice was issued to the parties. As the complainant has not appeared on the date of hearing as notified i.e. on 10/07/2017 opportunity was given to him. On 03/08/2017 the representative of the Complainant Ms. Sneha Toraskar

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remained present and filed written submission on the behalf of the complainant . However no evidence in support of the inquiry was lead. The Respondent, PIO remained absent. As the complainant has not lead any evidence in support of his contentions that information furnished is false, incomplete, incorrect etc. the matter, was posted for orders based on the submissions filed by the complainant.

4. I have perused the records and also considered the said written submissions. It is the contention of the complainant that in reply to his application, dated 17/05/2010 at point (1) thereof the PIO has furnished the copy of only one FIR recorded in crime No.124/96 and details of other FIRs/cases registered with Siolim out post/ Mapusa Police station where not furnished. According to him the copies and details of additional cases filed against the accused were given to him only in response to his subsequent application dated 21/06/2010.

5. Though the complainant has the said grievance he has not stepped in the box to substantiate his contentions consequently no opportunity was available to the PIO to clarify and explain the allegations of the complainant.

6. Be that as it may on perusal of the application it is seen that the application, dated 17/05/2010 filed by the complainant it is seen that the complainant has sought for details of FIR/cases registered in the said police station. Accordingly copy of the FIR was furnished by PIO.

In the subsequent application, dated 21/06/2010 the complainant has sought for the copy of complaint filed against

the said accused based on which chapter case No.144/08 was filed. In response to the same the PIO has furnished the copies of non cognizable complaint filed against the said accused and copy of chapter case filed by the Police station before the Magistrate. There is a distinction in both records. The first was pertaining to cognizable offence based on which FIR are recorded and offence registered at Police Station and the second set was a non cognizable complaint pertaining to which no case is registered by police station, but by Magistrate. Thus, the information sought by the complainant on two occasions was distinct. Consequently I do not find that any incorrect information was furnished to appellant.

7.The Hon'ble High Court of Bombay, Goa bench at Panaji, while dealing with a case of penalty (**Writ petition No. 205/2007, Shri A. A. Parulekar, V/s Goa State Information Commission and others** ) has observed:

***"11. The order of penalty for failure is akin to action under criminal Law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate."***

8. In the present case it is the contention of complainant that though the information was available in May 2010 it was furnished only in response to second application. The complainant has not lead any evidence to support his contention hence no opportunity was available to PIO to explain his case. Consequently no ingredient as required under the criminal law are made out by

the complainant for invoking my powers u/s 20(1) and/or 20(2) of The Right to Information Act 2005 and hence the proceedings cannot survive.

In the above circumstances the inquiry stands closed.

Notify the parties.

Pronounced in the open proceeding.

**Sd/-**  
**(Mr. Prashant S. Prabhu Tendolkar)**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa