

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

Appeal No. 289/2019/SIC-I

Miss Preeti Vithoba Naik,
H.No. 519/2, Colsor,
Galgibag, Canacona Goa.

.....Appellant

V/s

1. Public Information Officer,
The Deputy Superintendent of Police .
South Sub-Division of Quepem,
Quepem-Goa.

2. The First Appellate Authority,
Superintendent of Police (South),
Margao Goa.

..... Respondents

CORAM: Ms. Pratima K. Vernekar, State Information Commissioner

Filed on: 13/09/2019
Decided on: 14/10/2019

ORDER

1. The second appeal came to be filed by the appellant Ms. Preeti Vithoba Naik on 13/09/2019 against the Respondent No.1 Public Information Officer and against Respondent No.2 First Appellate Authority under sub section (3) of section (19) of Right To Information Act, 2005.
2. The brief facts leading to the second appeal are that the Appellant vide her application dated 22/06/2019 had sought from the Respondent No.1 Public Information Officer (PIO) for the information on seven points as listed therein pertaining to the crime No. 59/2019 of Canacona Police Station .
3. The said information was sought by the appellant in exercise of her right u/s 6(1) of RTI Act, 2005.
4. It is the contention of the appellant that her above application filed in terms of sub section (1) of section (6) was responded by

the respondent no 1 PIO on 18/07/2019 wherein the information was denied to her u/s 8(h) of RTI Act, 2005 on the ground that the case is under investigation and it will impede the process of investigation .

5. It is the contention of the appellant that she being not satisfied with a said reply , filed 1st Appeal on 9/8/2019 to Respondent no. 2 the Superintendent of Police, South –Goa at Margao being first Appellate Authority in terms of section 19(1) of Right To Information Act, 2005.
6. It is the contention of the appellant that the Respondent no.2 First Appellate Authority vide order dated 28/8/2019 dismissed her appeal by upholding the say of the Public Information Officer (PIO) and hence she being aggrieved by the action of both the respondents is forced to approach this commission in his 2nd appeal on 13/9/2019 as contemplated u/s 19(3) of Right To Information, Act.
7. In this background the appellant has approached this commission with a contention that the information is still not provided and thereby seeking relief of directions to PIO to furnish her the required information at the earliest and for invoking penal provisions .
8. Notices were issued to both the parties, in pursuant to which Appellant was represented by Advocate P. Gawande. The Respondent No.1 PIO was represented by P.I. Shri Sudesh Narvekar. Respondent No.2 First Appellate Authority opted to remain absent .
9. During the hearing on 9/10/2019 the representative of Respondent PIO submitted that since the investigation in crime No. 59/2019 of Canacona Police Station has been concluded and chargesheet has been filed in the court, the requested information

could be now provided to the appellant herein. Accordingly the same was furnished to the appellant on 14/10/2019. Which was acknowledged and verified by the appellant.

10. Since the available information have now been furnished to the appellant as per the requirement of the appellant, I find no further intervention of this Commission is required for the purpose of furnishing information.
11. It is seen that the application of the appellant was responded by the respondent PIO within the stipulated time of 30 days. The respondent No. 2 first appellate authority who is also senior officer of Respondent PIO has also concluded that the case is under investigation. The bonafides have been shown by the PIO in offering and furnishing the information no sooner the investigation is over and charge sheet is filed. Hence in my opinion the facts of the present case doesn't warrant levy of the penalty or fine on the Respondent PIO. The appellant also did not press for penal provision and accordingly made endorsement on the memo of appeal.

Appeal disposed and closed accordingly.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-
(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa