

# GOA STATE INFORMATION COMMISSION

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

## Appeal No. 76/2021/SIC

Shri. Mangaldas Shirodkar,  
R/o. H. No. E/72,  
Behind Datta Agni's House,  
Mala, Panaji, North Goa  
403001

..... Appellant

v/s

1)The Public Information Officer,  
Dy. Superintendent of Police,  
Crime Branch, Ribandar – Goa.

2)The First Appellate Authority,  
Superintendent of Police,  
Crime Branch, Ribandar – Goa.

..... Respondents

Filed on : 31/03/2021  
Decided on : 26/10/2021

### **Relevant dates emerging from appeal:**

RTI application filed on	: 12/10/2020
PIO replied on	: 03/11/2020
First appeal filed on	: 07/01/2021
FAA order passed on	: 28/01/2021
Second appeal received on	: 31/03/2021

## **ORDER**

1. The brief facts of this case, as contended by the Appellant are that the Appellant vide application dated 12/10/2020 filed under section 6(1) of the Right to Information Act, 2005 (for short, the Act), had sought from Respondent No. 1, Public Information Officer (PIO), Dy. Superintendent of Police, Crime Branch, Ribandar Goa, information on five points as mentioned in the application. The Appellant received reply dated 03/11/2020 from the PIO stating the information is denied under section 8 (1)(h) of the Act, as the case is under investigation. The Appellant thereafter preferred appeal before

Respondent No. 2, First Appellate Authority (FAA), Superintendent of Police, Crime Branch, Ribandar Goa. The FAA vide order dated 28/01/2021 dismissed the appeal.

2. The Appellant filed second appeal dated 31/03/2021 against PIO and FAA before this Commission, with various prayers such as direction to PIO to furnish the information, to impose penalty on the PIO etc. The concerned parties were notified and the matter was taken on board for hearing. Adv. Harsha Naik appeared on behalf of the Respondents and filed memo of appearance. Later, Adv. Harsha Naik filed reply dated 08/09/2021 on behalf of PIO.
3. The PIO stated in the reply that he do not wish to withhold the information, however the disclosure will affect the ongoing investigation and therefore the information is denied under section 8(1)(h) of the Act. That the PIO is willing to furnish the information to the Appellant after the investigation is complete. Also that the Appellant is a witness in the same matter and the disclosure may allow the Appellant to interfere in the process of investigation.
4. The Appellant continuously opted to remain absent during the entire proceeding, inspite of ample opportunities given to him, nor did he file any say. Nevertheless, the Commission has considered his case on merit, based on the appeal memo as Goa State Information Commission (Appeal Procedure) Rules, 2006 Rule 7(2) allows Appellant to opt not to be present.
5. The Commission has perused the records of this case and has also considered section 8(1)(h) of the Act. The said section prohibits information in cases where investigation is pending. In the present case, the appellant himself is a witness in the crime under various section of Prevention of Corruption Act, and the matter is still subjudice, the information is rejected. The Commission agrees with this argument of the PIO that the disclosure will affect the process of

investigation and therefore, is of the opinion that the stand taken by the PIO is not in violation of the provision of the Act. The Commission has also perused the order passed by the FAA and is in agreement of the same order.

6. In view of the above discussion and findings the order of FAA is upheld and the present appeal is disposed, as dismissed. However the appellant's right to seek the information under the Act once the investigation is complete remains open.

Proceeding closed.

Pronounced in the open court.

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.

Sd/-

**Sanjay N. Dhavalikar**  
State Information Commissioner  
Goa State Information Commission  
Panaji - Goa