

# GOA STATE INFORMATION COMMISSION

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

**Appeal No. 110/2021/SIC**

Shri Jawaharlal T. Shetye,  
H.No. 35/A, Ward No. 11, Khorlim,  
Mapusa-Goa

..... Appellant

**v/s**

1. The Public Information Officer (PIO),  
Sub Divisional Police Officer,  
Bicholim-Goa

2. The First Appellate Authority (FAA),  
Superintendent of Police, (North),  
Police Headquarters,  
Porvorim-Goa

..... Respondents

Filed on : 12/05/2021

Decided on : 30/12/2021

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

RTI application filed on	: 06/01/2021
PIO replied on	: 28/01/2021
First appeal filed on	: 10/02/2021
First Appellate Authority Order passed on	: 25/03/2021
Second appeal received on	: 12/05/2021

## **ORDER**

1. The brief facts of this appeal are as follows:- The appellant Jawaharlal T. Shetye, resident of Khorlim-Mapusa Goa vide application dated 06/01/2021 sought information from Respondent No. 1 Public Information Officer (PIO). The PIO vide letter dated 28/01/2021 furnished some information. Being not satisfied, the appellant filed appeal dated 10/02/2021 before Respondent No. 2 First Appellate Authority (FAA). The FAA vide order dated 25/03/2021 directed PIO to

provide the remaining information, i.e. copy of panchnama after completing the investigation of the case. However the PIO did not furnish the remaining information and thus the appellant preferred second appeal before this Commission.

2. The matter was taken on board after notifying the parties. The appellant appeared before the Commission and PIO was represented by his authorized representatives. PIO filed reply dated 10/08/2021 and 06/10/2021, whereas appellant filed a submission dated 02/09/2021.
3. The PIO stated in reply that information sought under point No. 1,2,3 and 4 has already been furnished to the appellant and information under point No. 5 is exempted under section 8(1)(h). The said information, i.e. panchnama copy is pertaining to Bicholim PS Crime No. 144/2020, registered on 28/11/2020 and the same is under investigation. Disclosure of the said information will impede the ongoing investigation. Hence the copy of panchnama cannot be provided.
4. The appellant stated that during the course of the hearing of first appeal on 25/03/2021, the FAA had verbally directed the Police Inspector/APIO to complete the investigation of the case within 30 days and then furnish the copy of panchnama to the appellant free of cost. Therefore the investigation has to be completed and the information must be provided to him.
5. It is seen from the records that the appellant has sought information pertaining to the crime No. 144/2020 registered in the Bicholim Police Station on 28/11/2020. Information under point No. 1, 2, 3 and 4 has been furnished to the appellant within the stipulated period. Information sought at point No. 5 i.e. panchanama copy is denied by the PIO under section

8(1)(h). However, the FAA, Superintendent of Police (North) vide his order dated 25/03/2021 had directed PIO/SDPO Bicholim to provide the copy of panchnama after completing the investigation of the case.

6. In the present case the incident has occurred on 27/11/2020 within the jurisdiction of Bicholim Police Station and the said matter is registered in Bicholim Police Station under Crime No. 144/2020 on 28/11/2020. SDPO, Bicholim initiated the investigation of the said case and the concerned officer was directed by the FAA, Superintendent of Police (North) to complete the investigation and furnish copy of panchnama to the appellant. It is more than a year that the investigation is going on and more importantly, it is more than nine months that the FAA directed the SDPO to complete the investigation and furnish copy of panchnama to the appellant. Any investigation has to attain its logical conclusion at certain point and cannot be continued indefinitely, and on this pretext the information cannot be denied. Thus the SDPO is required to complete the investigation in a time bound manner.
7. In the light of above discussion and after considering the facts of this matter, the Commission has arrived at a conclusion that at present since the investigation is not complete information cannot be provided to the appellant. Thus, no malafide can be attributed to the decision of the PIO as he has furnished information under point no. 1,2,3 and 4 to the appellant within the stipulated period. Hence the Commission is of the view that there is no requirement of invoking section 20 for penal action against the PIO.
8. Hence the appeal is disposed with the following order:-

(a) The PIO is directed to furnish the information under point No. 5 sought by the appellant vide application dated 06/01/2021, within 30 days from the date of completion of investigation, free of cost

(b) All other prayers are rejected.

Proceeding stands 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