

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 229/2022/SCIC

Shri. Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11,
Khorlim-Mapusa-Goa 403507.

.....Appellant

V/S

1. The Public Information Officer,
Su-Divisional Police Officer,
Panaji-Goa 403001.

2. The First Appellate Authority,
Superintendent of Police (North),
Porvorim Police Head Quarters,
Alto, Porvorim, Bardez-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 22/08/2022

Decided on: 09/11/2022

ORDER

1. The Appellant, Shri. Jawaharlal T. Shetye, r/o. H.No. 35/A, Ward No. 11, Khorlim, Mapusa, Goa by his application dated 13/04/2022 filed under Section 6 (1) of the Right to Information Act, 2005 (hereinafter to be referred as Act) sought certain information from the Public Information Officer (PIO), Office of Sub-Divisional Police Officer, Panaji-Goa.
2. The said application was responded by the PIO on 02/05/2022 in the following manner:-

Sr.No.	Question	Answer
1.	Furnish the certified copy of the police complaint lodged by vigilance officer Paramsivan posted at Directorate of Vigilance Altinho Panaji-Goa with Panaji Police Station.	The information sought by the applicant is enclosed herewith as "Annexure A".
2.	Furnish the certified copy of the FIR registered against Shrikrishna Durbhatkar from	The information sought by the applicant is enclosed herewith as

	Madkai for allegedly obstructing a public servant (a vigilance officer) from discharging public functions.	"Annexure B".
3.	Furnish the certified copies of all the call letters and summons issued to the alleged accused person Mr. Shrikrishna Durbhatkar from Madkai summoning him to the Panaji Police Station for conducting the enquiry in the FIR registered against him at Panaji Police Station	The information sought by the applicant is exempted u/sec 8(1)(h) of RTI Act as the case is under investigation.
4.	Under Section 2(j)(i) of the RTI Act 2005 this undersigned would like to inspect the entire file records documents pertaining to the FIR registered against Mr. Shrikrishna Durbhatkar resident of Madkai from your office records. Kindly intimate to me the Date, time and venue for inspecting the above requested file documents as early as possible.	The information sought by the applicant is exempted u/sec 8(1)(h) of RTI Act as the case is under investigation.
5.	Also furnish to me the present up to date status report with regards to the police complaint dated 04/05/04/2022 filed by Smt. Siddhi Naik R/o. Mapusa Goa against the registrar, Shri. Vasant Dhargalkar of Administrative Tribunal Panaji-Goa which is self-explanatory	The said complaint is under enquiry with LPSI Sapna Gawas.

3. Not satisfied with the reply of the PIO, the Appellant preferred first appeal on 25/05/2022 before the Superintendent of Police (North), Porvorim Goa being the First Appellate Authority (FAA).
4. The FAA by its order allowed the first appeal and directed the PIO to provide the copy of the Complaint in to Panaji PS Cr. No. 73/2022

U/s 186, 352 506-II of IPC filed by Vigilance Officer and provide a copy of enquiry report into the complaint of Smt. Siddhi Naik r/o. Mapusa after completion of enquiry to the Appellant within 10 days.

5. Since the PIO failed and neglected to comply the order of the FAA, the Appellant landed before the Commission with this second appeal under Section 19(3) of the Act.
6. Notices was issued to the parties, pursuant to which the PIO, Shri. Sudesh Naik, SDPO Panaji appeared and file his reply on 03/10/2022 and furnished bunch of documents to the Appellant. FAA duly served, opted not to remain present for the hearing and matter was posted for rejoinder on 09/11/2022.
7. During the course of hearing today, the PIO, Shri. Sudesh Naik appeared and submitted that information at point No. 1 and 2 has been furnished to the Appellant on 02/05/2022 and rest of the information was denied under Section 8(1)(h), since the matter was under the investigation stage.

However soon after the enquiry was over and complete, he complied the direction of the FAA and remaining information has been provided to the Appellant on first date of hearing only i.e on 03/10/2022.

8. The Appellant scrutinised the documents provided by the PIO and submitted that he has received the information. Since the purported information has been furnished free of cost to the Appellant, nothing is survived. Accordingly the matter is disposed off.
 - Proceedings closed.
 - Pronounced in the open court.
 - Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner