

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 262/2021/SIC

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

..... Appellant

v/s

1. The Public Information Officer (PIO),
Sub-Divisional Police Officer,
Bicholim Police Station,
Bicholim, Goa 403504
2. The First Appellate Authority (FAA),
Superintendent of Police North,
Police Headquarters, Porvorim-Goa

..... Respondents

Filed on : 18/10/2021

Decided on: 25/03/2022

Relevant dates emerging from appeal:

RTI application filed on	: 13/07/2021
PIO replied on	: 12/08/2021
First appeal filed on	: 20/08/2021
FAA order passed on	: 21/09/2021
Second appeal received on	: 18/10/2021

ORDER

1. The brief facts of this appeal are that the appellant vide application dated 13/07/2021 sought certain information from respondent No. 1 Public Information Officer (PIO). Being aggrieved with the denial of information vide letter dated 12/08/2021, appellant preferred appeal before respondent No. 2 First Appellate Authority (FAA) which was dismissed vide order dated 21/09/2021. Aggrieved by the order of the FAA, appellant filed second appeal before the Commission.
2. The concerned parties were notified and the matter was taken up for hearing. Pursuant to the notice the PIO deputed his authorised representative to attend the proceeding and filed reply on 13/12/2021. Subsequently, appellant appeared and filed reply cum arguments dated 10/01/2022. PIO vide letter dated 17/02/2022 requested for dismissal of the matter.

3. Appellant stated that he is not satisfied with the reply of the PIO which denied him information under section 8(1) (g) and 8(1)(h). Appellant further stated that he is aggrieved with the order of the FAA since the FAA passed order entirely relying on the written say filed by the PIO. The first appeal was not heard on merit and was decided mechanically; therefore the appellant prays for setting aside the said order of FAA.
4. PIO stated that the appellant asked information under three points and had sought copies of statements of four witnesses in cases registered in Bicholim Police Station Crime No. 144/2020 under section 341, 504, 506 (ii), 323 r/w 34 IPC. The said information was denied under section 8(1)(h) of the Act since the matter was under investigation and disclosure of the said information would have impeded the investigation. The reply to the application was sent within stipulated time.

PIO further stated that, now the investigation of the above mentioned cases has been completed and chargesheet has been filed in the J.M.F.C. Bicholim. Therefore the information sought by the appellant at point No. 1 and 2 is available with the PIO for disclosure and the appellant may be directed to collect the same from the office of the PIO after paying requisite charges.

5. After the perusal of the submissions and records of this appeal it is observed that the appellant had sought information pertaining to the statements recorded by the witnesses in the cases mentioned at para 4. Since the matter was being investigated by Bicholim Police during the relevant period of RTI application, the disclosure would have hampered the process of investigation. Hence the stand taken by PIO vide letter dated 12/08/2021 cannot be faulted.
6. Appellant has raised grievance against the order of the FAA stating the FAA has passed the order mechanically. However upon perusal of the order of the FAA, it appears that the FAA conducted hearing on 21/09/2021 and decided the matter as required under section 19(6) of the Act. Therefore, no wrong is found in the said order.
7. It is seen that PIO vide his reply has stated that the investigation is complete and case has been chargesheeted and hence the information is available for disclosure. The Act though does not cast responsibility on the PIO to furnish the information as and when the investigation is complete for the request rejected under section 8(1) (g) and (h), the Commission is of the considered

opinion that the PIO, in the present matter, should furnish the information in the interest of justice, free of cost. It is true that a valid reply to the request made under section 6 (1) of the Act, puts the application to a logical end. However, in the present case, during the appellate procedure, the investigation is over and chargesheet has been filed, and PIO has himself submitted that it is available and can be furnished.

8. During the hearing on 25/03/2022, appellant filed additional reply acknowledging the receipt of the said information. In view of this, the appellant has requested for the disposal of the appeal and sought directions to the respondents to implement the provisions of section 4(1)(a) and (b) of the Act.

9. In the circumstances narrated above, the appeal is disposed with the following order:-

a) As the information has been furnished to the appellant, the prayer for information becomes infructuous and no more intervention of the Commission is required in the matter.

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