

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 284/2021/SIC

Shri Bhagyashri J. Parsekar,
R/O. Police Qrtrs. No. B-19-3,
1st floor, Alto Porvorim,
Bardez Goa

..... Appellant

v/s

1. The Public Information Officer (PIO),
Scientific Officer,
Forensic Science Laboratory,
Verna-Goa
2. The First Appellate Authority (FAA),
Superintendent of Police (Crime),
Ribandar-Goa

..... Respondents

Filed on: 16/11/2021

Decided on: 29/04/2022

Relevant dates emerging from appeal:

RTI application filed on	: 18/05/2021
PIO replied on	: 11/06/2021
First appeal filed on	: 15/07/2021
FAA order passed on	: 18/08/2021
Second appeal received on	: 16/11/2021

ORDER

1. The brief facts of this appeal are as under:-

Appellant vide application dated 18/05/2021 sought certain information from Respondent No. 1 Public Information Officer (PIO). Part information was rejected under section 8(1) (h) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'). Being aggrieved, appellant preferred appeal dated 15/07/2021 before Respondent No. 2 First Appellate Authority (FAA). The appeal was dismissed by the FAA vide order dated 18/08/2021. Appellant filed second appeal before the Commission on 16/11/2021, praying for the information.

2. Notice was issued to both the sides and pursuant to the notice Shri. Jairam Parsekar appeared on behalf of the appellant, whereas Shri. V. S. Bansode, PIO appeared in person. Submission dated 10/12/2021 from FAA and dated 13/12/2021 from PIO requesting for fresh date of hearing, received in the Registry is taken on record.
3. It is seen from the appeal memo that the appellant sought information on two points, out of which information under point no. 2 has been furnished by the PIO within the stipulated period and information under point No. 1 was denied under section 8(1)(h) of the Act.
4. Appellant contended that he is not an accused in the said crime, related to the subject matter of the application, hence the information is required to be furnished. He further submitted that the PIO has failed to give satisfactory reasons for not furnishing the said information and denial of information under section 8(1)(h) of the Act is not substantiated properly by the PIO.
5. During the hearing on 01/04/2022, PIO stated that the said information was withheld since the disclosure would have hampered the investigation. However now the investigation of the said matter is complete and chargesheet has been filed in the court of J. M.F.C. Mapusa and that the PIO shall obey order issued by the Commission.
6. The Commission notes that though the information under point no. 1 was withheld by the PIO under section 8(1)(h), need not be held by the PIO anymore since the investigation is complete. The PIO has also shown willingness to furnish the information. Hence the present appeal needs to be disposed with appropriate directions to the PIO.
7. Thus, the PIO is directed to furnish the information sought by the appellant vide application dated 18/05/2021, within 15 days from the receipt of this order, free of cost.

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