GOA STATE INFORMATION COMMISSION
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Appeal No. 220/2022/SCIC

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

V/S

1. The Public Information Officer,
Dy. Superintendent of Police, Crime Branch,
Ribandar, Panaji-Goa.

2. The First Appellate Authority,
Superintendent of Police Crime,
Ribandar-Goa. .....Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 08/08/2022
Decided on: 15/02/2023

FACTS IN BRIEF

1. The Appellant, Shri. Jawaharlal T. Shetye r/o. H.No. 35/A, Ward no. 11, Khorlim, Mapusa-Goa vide application dated 12/04/2022 filed under the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Crime Branch Police Station at Ribandar, Goa.

2. The said application was responded by the PIO on 17/05/2022, thereby rejecting the request of the Appellant by virtue of Section 8(1)(h) of the Act.

3. Aggrieved with the reply of the PIO, the Appellant preferred an appeal under Section 19(1) of the Act before the Superintendent of Police (SP Crime) at Dona Paula, Goa being the First Appellate Authority (FAA).

4. The FAA vide its order upheld the reply of the PIO and dismissed the first appeal on 19/07/2022.

5. Being aggrieved and dissatisfied with the order of the FAA, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act, with the prayer to direct the PIO to provide the information and to impose penalty on the PIO for denying the information.

6. Notices were issued to the parties, pursuant to which representative of the PIO, Shri. Santosh Govekar appeared once on 26/09/2022 and placed on record the reply of the PIO. The Appellant appeared once on 26/09/2022 and collected the copy of reply, however did not remain present throughout thereafter for hearings viz. 02/11/2022, 01/12/2022, 11/01/2023 and 15/02/2023.

7. None of the parties appeared for the subsequent hearings, hence the Commission finds no reason to further prolong the proceeding and hence proceed to dispose the appeal on the basis of available records.

8. In the case in hand, the Appellant has specifically sought details of the crime No. 126/2021 registered in Crime Branch Police Station at Ribandar Goa. Record reveals that the said crime is registered under Section 120-B, 420 of IPC and Section 13(1)d and 13(2) of the prevention of corruption Act 1988 and same is in progress.

9. It is a consistent stand of the PIO that, information has been rejected under Section 8(1)(h) of the Act. Contextually in Section 8(1)(h) it will mean anything which would hamper and interfere with procedure followed in the investigation and have the effect to hold back the progress of investigation.

10. In the case of **Ravindra Kumar v/s B. S. Bassi, Joint Commissioner, Police (CIC/AT/A/2006/00004)** it has been held that the disclosure of information in cases under investigation by the Police are exempted according to the provision of Section

8(1)(g) and 8(1)(h) of the RTI Act. It is justified not to disclose information in cases of ongoing Police investigations, which have not yet been completed, because such a disclosure could hamper the investigation process.

11. The Appellant upon collecting the reply on 26/09/2022, did not appear before the Commission for subsequent hearings nor rebutted the contents of the reply filed by the PIO. Therefore, I presume and hold that he has no say to offer in the matter.

12. On perusal of the proceeding before the first appeal it is seen that Appellant filed first appeal but never appeared for the hearings before the FAA.

In this second appeal also Appellant did not participate in the proceeding. The lack of bonafide and uncertainty on the part of the Appellant is evident from the fact that he did not choose to appear before the Appellate authorities, having put the entire machinery in motion.

In view of above, the appeal is disposed off.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-
(Vishwas R. Satarkar)
State Chief Information Commissioner