

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 105/2024/SCIC

Shri. Luel Fernandes,
136, Cotta Chandor,
Salcete-Goa 403714.

.....Appellant

V/S

The Public Information Officer,
Sub Divisional Police Officer (South Goa),
Police Headquarters, South Goa,
Margao-Goa.

.....Respondent

Shri. Aravind Kumar H. Nair State Chief Information Commissioner

Filed on: 25/04/2024

Decided on: 10/02/2025

FACTS IN BRIEF

1. Shri. Luel Fernandes filed an RTI application dated 04/01/2024 to the PIO, O/o. Maina Curtorim Police Station, Manora Raia, Goa seeking copy of chargesheet made in respect of his complaint dated 19/01/2023 filed before SIT, Crime Branch, Ribandar which was transferred to Maina Curtorim Police Station and Appellant's subsequent complaint dated 11/12/2023 submitted to S.P. South.
2. Failing to receive any response/reply from the PIO, Maina Curtorim Police Station to his RTI application, Appellant Luel Fernandes filed first appeal dated 12/02/2024 to First Appellate Authority, (S.P. South Goa) praying for necessary direction to the Respondent PIO to provide the information sought vide RTI application dated 04/01/2024.
3. Based on the information furnished by the APIO/P.I. Maina Curtorim Police Station, PIO, SDPO, Margao vide letter dated 15/02/2024 replied to RTI applicant Luel Fernandes as under:-

"As per APIO/PI of Maina Curtorim Police Station, the Complaint filed by Luel Fernandes before SIT, Crime Branch, Ribandar on 19/01/2023 does not pertain to this Police Station. As regards to Complaint dated 11/12/2023, the complaint is under inquiry by PSI Praful Giri of Maina Curtorim Police Station."

4. During the course of hearing on first appeal by the FAA (S.P South Goa) on 09/02/2024, Shri. Arun Dessai, PI Maina Curtorim Police Station who attended the hearing on behalf of the SDPO, Margao, made his oral submission that no chargesheet is filed in the matter (with respect to Appellant's complaint to SIT, Crime Branch on 19/01/2023) and hence no chargesheet is available. However, report into the matter submitted by PI, Maina Curtorim Police Station to SDPO Margao can be furnished to the Appellant. With regards to Appellant's complaint dated 11/12/2023, Shri. Arun Dessai, PI submitted in the hearing that enquiry is in progress.
5. During the hearing in first appeal, FAA observed that *"incomplete reply has been furnished by the Respondent PIO in respect of 1st part of the RTI query regarding complaint filed before SIT on 19/01/2023 which was transferred to S.P. South. Since no chargesheet has been filed into the matter specific reply should have been given to the Appellant. With regards to 2nd point of the RTI query i.e. complaint dated 11/12/2023, the PIO has furnished correct reply."*
6. FAA vide order dated 12/03/2024 directed the PIO/ SDPO Margao to furnish specific reply afresh to the Appellant along with copy of the enquiry report submitted by the PI, Maina Curtorim to SDPO, Margao into the matter within 10 days of receipt of the order free of cost.
7. Dissatisfied with the information furnished by the Respondent PIO, Appellant filed second appeal dated 25/04/2024 before the

Commission praying for a direction to Respondent to furnish correct and complete information to his RTI application dated 04/01/2024 and impose fine on the Respondent PIO.

8. Pursuant to the second appeal, parties were notified fixing hearing in the matter on 23/01/2025 followed by today i.e. 10/02/2025. On both the occasions, Respondent PIO remained absent but Appellant appeared in person for both the hearings.
9. Appellant submitted that the Police treated his complaint as a Civil Offence instead of Criminal Offence. Appellant further submitted that in the Regular Civil Suit No. 277/2011/III in the Court of IIIrd Additional Civil Judge, Senior Division, Margao Court observed that defendant No. 1,2,3 and 4 committed frauds at the time of execution of Deed of Sale dated 24/09/08 and that the defendants in order to grab the property of the plaintiff produced one forged document.
10. Appellant has the opinion that based on his complaint of Comunidade land grabbing issue, police, either Maina Curtorim Police Station or S.P. South Goa should investigate the matter as a criminal case and chargesheet of such criminal investigation should be made available to him.
11. Commission informed the Appellant that it is not the forum to submit that his complaint should be investigated as a criminal case instead of civil case and advised the Appellant to approach the appropriate Police authority or the Court seeking intervention to get his complaint investigated as criminal case.

DECISION

Since the Commission has no jurisdiction to intervene in Appellant's submission to conduct Criminal investigation by the Police into his complaint filed before the SIT dated

19/01/2023 and S.P, South Goa dated 11/12/2023, Commission decided today i.e. 10/02/2025 to dispose the matter with the direction to the Appellant to approach the concerned police authority or Hon'ble Court seeking investigation/inquiry into his complaint as Criminal case instead of Civil case.

Commission also directs the Respondent PIO to furnish copy of chargesheet filed after the completion of inquiry/investigation and if chargesheet is not filed, furnish the status as of today i.e. 10/02/2025 on the Appellant's complaints dated 19/01/2023 and 11/12/2023 to the Appellant within 10 days of the receipt of this order dated 10/02/2025.

- Pronounced in open court.**
- Notify the parties.**

Sd/-

(Aravind Kumar H. Nair)

State Chief Information Commissioner