

GOA STATE INFORMATION COMMISSION
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Appeal No. 274/2025/SIC

Gurudas P. Pilarnekar,
H. No. E-26, Om Shiv Shambho,
Palmar Don Filipe, Poilem Bhat,
Merces, Tiswadi-Goa.

..... **Appellant**

V/s

1. The Public Information Officer (PIO),
Office of the Sub Divisional Police Officer,
Panaji-Goa.

2. The First Appellate Authority (FAA)/
Superintendent of Police, (North Goa)
Office of the Superintendent of Police,
Panaji-Goa

.....**Respondents**

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 05/11/2025

Disposed on: 12/01/2026

ORDER

1. The present second appeal arises out of the Right to Information (RTI) application dated 15/05/2025 made by the Appellant herein, Shri. Gurudas P. Pilarnekar and addressed to the Public Information Officer (PIO) at Office of the Dy. Superintendent of Police, Tiswadi, Panaji- Goa.
2. Vide this application the Appellant herein sought certified copies of the written complaint which led to deployment of Police Officers on Comunidade land at village Morombi-O-Grande from 29/04/2025 to 05/05/2025 and also various other information pertaining to First Information Report or any other non cognizable offence registered in the context.
3. Shri. Sudesh R. Naik the PIO vide his reply dated 10/06/2025 gave a pointwise reply to the aforesaid application.

4. Aggrieved by the said reply, the Appellant herein preferred First Appeal before the Competent Authority vide reply dated 14/08/2025.
5. The First Appellate Authority (FAA) vide its order dated 17/10/2025 dismissed the First Appeal citing the grounds thereof that information sought by Appellant is exempted under Section 8(1) (h) of the RTI Act, 2005.
6. Aggrieved by this order the Appellant herein preferred Second Appeal before this Authority vide Appeal memo dated 05/11/2025 and matter came to be heard on 01/12/2025 onwards.
7. Both parties filed their respective contentions and orally argued the matter.
8. It has been the contention of Appellant herein that the Annexures to written complaint i.e. the property documents attached by the complaint which led to an FIR being registered against the Appellant herein form the core of the matter and as such the said documents must be made available to him by virtue of being an interested party in this matter. However, it is the contention of PIO that the said documents being the fundamental basis of investigation; cannot be revealed as it would hamper the process of investigation.
10. Upon perusal of appeal memo and all other material on record and the arguments led by both parties this Commission is of considered opinion as under:-
 - a. Prima Facie; there appears to be nothing on record to suggest denial of information or delay in furnishing information on part of the PIO.
 - b. The fundamental point of argument is that whether the accused person should be given access to documentary evidences during course of investigation or not.
 - c. Although Section 8(1)(h) of the RTI Act, 2005 makes it very clear that information which would impede the process of investigation

or apprehension or prosecution of offenders is exempted from disclosure, Section 8(2) also makes a provision for the Public Authority to allow access to information; if public interest in disclosure outweighs the harm to the protected interest. In the present context there is no case made out by the Appellant herein to invoke Section 8(2) of RTI Act.

d. Moreover, if such exemption are overruled by the adjudicating Authority, it would set wrong precedent and would completely derail the course of investigations by the competent authorities.

11. Therefore in view of above the present Second Appeal is disposed with following Order:-

- a. The present Second Appeal is dismissed.
- b. No order as to cost.
- c. 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/-

(ATMARAM R. BARVE)

State Information Commissioner