

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 97/2009

Mr. Socorro D'souza,  
Noronha Heritage Apts.,  
Dongor Waddo, Fatorda,  
Margao – Goa

... Appellant.

V/s.

1) Public Information Officer,  
Superintendent of Police,  
Headquarters,  
Panaji – Goa

... Respondent No. 1

2) First Appellate Authority,  
Inspector General of Police,  
Police Headquarters,  
Panaji – Goa

... Respondent No. 2.

Appellant alongwith Adv. Mrs. D'souza.  
Smt. D. Kinlekar for Respondent No. 1.

**J U D G M E N T**

(Per Afonso Araujo)

Based on the appointment of Shri V. V. Chaudhary on Adhoc Committee to inquire on a false and fabricated case registered under Crime No. 257/07 by PSI Navlesh Dessai at Margao Police Station, the Appellant by request dated 25.06.2009 sought information under RTI Act and requires (1) the statements of the builder Ismail Baig in the enquiry and (2) what action was initiated by Police Department against corrupt/tainted PSI Navlesh Dessai for misuse of powers for his personal gains.

2. By communication dated 08.07.2009 the Respondent No. 1 provided the information at Sr. No. 1 and 2. Not satisfied

...2/-

with the information provided the Appellant preferred the First Appeal and the First Appellate Authority by Order dated 23.09.2009 upheld the decision of the Respondent No. 1 and disposed the Appeal. This is the Impugned Order.

3. The Appellant requires the statement of Ismail Baig recorded in the enquiry conducted by V. V. Chaudhary, IPS, Sr. SP. However, this Committee has stopped further enquiry since a criminal case was registered at Margao Town Police Crime No. 257/07 and it was chargesheeted before the Court. It may be pointed out here that a number of statements were recorded by the said Committee and this Commission in the Order dated 04.05.2009 passed in Appeal No. 228/08 directed the Respondent No. 1 to provide the statement of those persons whose name appeared in the chargesheet filed before the Court of Magistrate at Margao. Once the Committee stopped functioning in view of an offence being registered and subsequently a chargesheet being filed, there is no question of providing the information of Ismail Baig. Moreover, his statement, if it was recorded by the Committee, he has not been shown as a witness in the chargesheet filed by the Police. For all purpose, the Committee has not concluded the enquiry and not been finalized and even the said Baig is not a witness in the criminal case pending trial. As such this statement of Ismail Baig recorded by the Committee has to be considered as personal information and which has no relationship with any public activity or interest and rightly the First Appellate Authority upheld the decision of the Respondent No. 1. There

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are no reasons for interference with the Impugned Order.  
Hence, the following Order:

**ORDER**

The Appeal is dismissed.

Pronounced on this 15<sup>th</sup> day of July, 2010.

Sd/-  
(Afonso Araujo)  
State Information Commissioner