

GOA STATE INFORMATION COMMISSION
AT PANAJI

CORAM: Shri. M. S. Keny, State Chief Information Commissioner

Appeal No. 310/2008

Shri Ranjit Satardekar,
R/o. Flat No. D1/2, 1st Floor,
Cedmar Apartments,
Next to Fidalgo Hotel, M.G. Road,
Panaji – Goa

...

Appellant

V/s

1. The Dy. Inspector General of Police,
Government of Goa,
Police Headquarters,
Panaji – Goa

...

Respondent No.1.

2. The Superintendent of Police (North),
Government of Goa,
Porvorim,
Bardez – Goa

...

Respondent No.2.

Appellant Adv. R. Satardekar in person.

Adv. Mrs. N. Narvekar for Respondent No. 1 and 2.

J U D G M E N T
(31.01.2011)

1. The Appellant, Shri Ranjit Satardekar, has filed the present Appeal praying that the order of First Appellate Authority be quashed; that Respondent No. 2 be directed to give the Appellant the said information as per his request made in the said Application dated 10.11.2008; that Penalty be imposed on the Respondents and the disciplinary Action be recommended.

2. The brief facts leading to the present Appeal are as under:

That the appellant filed an application dated 10.11.2008 seeking certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer ('P.I.O.)/Respondent No. 2. That by letter dated 13.11.2008 the Respondent No. 2 rejected the said request of the appellant for inspection of files, etc. on the ground that

the Appellant and other Accused are chargesheeted in the said Crime Case No. 36/2002 before the Court of Judicial Magistrate First Class at Panaji. That the said ground of rejection is baseless and is an attempt to conceal information to the Appellant. Being not satisfied the Appellant preferred the First Appeal, however, the same was dismissed. Being aggrieved by the said order the Appellant has preferred the present appeal on various grounds as set out in the Memo of Appeal.

3. The Respondents resist the Appeal and their reply is on record. It is the case of the Respondents that the request of the Appellant seeking information was received and the same was disposed off by reply dated 13.11.2008 stating therein that the request for inspecting the file cannot be considered since the case registered against the Applicant/Appellant and others has already been chargesheeted on 20.06.2003 vide charge sheet No. 86/2003 and the same was registered in the Court vide C.C. No. 146/2003/E. That the Appeal preferred by the Appellant was dismissed. It is the case of the Respondents that order is just and proper of both Respondent No. 1 and 2. It is further the case of the Respondents that matter is presently under the jurisdiction of the J.M.F.C. E Court, Panaji and the office of Director of the Directorate of Prosecution Panaji. That since these Authorities are not within the jurisdiction of Police Department, it is not proper for the Public Information Officer to refer the matter of the Appellant to the Court of Director of Prosecution. That the documents supplied to the Appellant in the context of C.C. No. 146/2003/E are relied on in the case. In any case any such relied documents have not been supplied to the accused he can exercise his privilege/right under the Cr. P.C. According to the Respondent the Appeal be dismissed.

4. Rejoinder of the Appellant is on record. One more Application/reply filed by the Appellant is also on record.

5. Heard the arguments of the Appellant/Adv. Ranjit Satardekar and Adv. Smt. N. Narvekar for the Respondents.

I have carefully gone through the records of the case and also considered the arguments advanced by the parties. It is seen that by Application dated 10.11.2008 the Appellant herein sought certain information under R.T.I. Act from Respondent No. 2. The information sought is under:

“..... to give me the inspection of all files pertaining to Crime Case No. 36/2002 registered at the Panaji Town Police Station on the Complaint dated 25.02.2002 of Smt. Rucmini Raghunath Narvenker of Sawantwadi against me, my wife Smt. Vijaya Satardekar, Umesh Pokre and Antonio Fernandes and also request you to give me the attested copies of the case papers/documents therefrom”.

By reply dated 13.11.2008 the Respondent No. 2 informed that the said case has already been chargesheeted on 20.06.2003 vide chargesheet No. 86/2003 and that chargesheet copy is already sent to the Court and that his request for inspecting the file cannot be considered. The Appellant preferred the First Appeal before Respondent No. 1 and the reply of the Respondent No. 2 was upheld thereby dismissing the Appeal. The request of the Appellant was not granted.

6. In the case before me it is an admitted position that the charge sheet is filed in the Court.

The rule of law now crystallized by the various rulings of Central Information Commission is that a matter being sub-judice is not a ground to deny disclosure of information under the R.T.I. Act. Again it is also observed that the term ‘investigation’ in the context of this Act should be interpreted broadly and liberally.

7. It is to be noted here that in Appeal No. 50/SIC/2010 similar request was made by Smt. Vijaya R. Satardekar and the same was granted. In view of the same the present request is also to be granted.

8. The request of the Appellant is twofold. Firstly the Appellant wants inspection of all files pertaining to Cr. No. 36/2002 registered at Panaji Town Police Station on the complaint of R. R. Narveker of Sawantwade. That means Appellant wants to see the files. To my mind this can be given since charge sheet is filed. However, certain documents such as case diaries, station diary as a whole need not be given as disclosing the details of case diary will have far reaching consequences. Secondly, the Appellant wants true copies of the documents. In respect of this, once inspection is taken the Appellant to point out what documents the Appellant wants and P.I. O. can furnish the same. Station diary is asked can be shown in respect of Appellant.

9. Advocate for Appellant contends about delay. It is seen that application is dated 10.11.2008 received in the office of Respondent No. 2 on 11.11.2008. The reply is dated 13.11.2008. No doubt there is 1-2 days delay. Since it is minor the same is to be overlooked. No doubt there are various rulings of Commission on this aspect. P.I.O. should bear in mind the same and follow the same in the factual backdrop of each case. In view of the ground taken in this case it is not possible to hold that denial is illegal or willful or malafide.

10. In view of all the above, I am of the opinion that request of the Appellant is to be granted as observed above. Hence, I pass the following Order:

ORDER

The Appeal is allowed. The Order of the First Appellate Authority is set aside. The Public Information Officer/Respondent No. 2 is hereby

directed to furnish the information to the Appellant vide his application dated 10.11.2008 within twenty days from the date of receipt of this Order.

Public Information Officer/Respondent No. 2 to give inspection to the Appellant on a mutually agreed date and the Appellant to specify the documents as observed in para 8 hereinabove. All this to be completed within twenty days from the date of receipt of the Order and report compliance.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 31st day of January, 2011.

Sd/-
(M. S. Keny)
State Chief Information Commissioner

