

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 120/SIC/2011

Shri Jowett D'Souza,
H. No. 139, Ambeaxir,
Sernabatim, Colva,
Salcete – Goa

.... Appellant

V/s.

1) Public Information Officer,
Superintendent of Police,
Crime Branch,
Dona Paula – Goa

... Respondent No.1.

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

... Respondent No. 2.

Appellant in person.

Adv. Shri N. Dias for Respondent No. 1.

J U D G M E N T
(30.03.2012)

1. The Appellant, Shri Jowett D'souza, has filed the present Appeal praying that the Order of the Respondent No. 2 dated 01.04.2011 in Appeal No. 19/2011 be quashed, cancelled and set aside; that Respondent No. 1 be directed to give information/certified copy of the documents at Sr. No.1 to 4 of the Application dated 11.02.2011; that disciplinary proceedings be initiated against the Respondents and penalty be imposed on the Respondents.

2. That the Appellant, vide an application dated 11.02.2011, sought certain information under the Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/Respondent No. 1. That the information was sought under section 7(1) of the RTI Act as the same concerned "the life of a person". That by reply dated 08.03.2011 the Respondent No.1 rejected the request under section 8(1) (g) and 8(1) (h) of the RTI Act. That the Appellant preferred the Appeal, however, the

Respondent No. 2 failed to hear nor replied to the First Appeal of the Appellant within 48 hours. That the Respondent No. 2 rejected information at Sr. No. 1 to 4 by upholding the findings of the Respondent No. 1 vide order dated 01.04.2011. Being aggrieved by the Order of the First Appellate Authority the Appellant has preferred the Appeal on various grounds as set out in the Memo of Appeal.

3. The Respondent has filed the detail reply which is on record. That the investigation pertaining to Cr. No. 4/2011 is conducted by Special Investigation Team. That all the documents and case diaries of this crime are in the custody of Special Investigation Team. No case diaries have been submitted to S.P./Respondent No. 1. That vide reply dated 08.03.2011 information pertaining to Cr. No. 4/2011 under section 302 201 r/w. 34 of I.P.C. was denied on the ground that the investigation was in progress and the same cannot be provided in view of section 8(1)(g) and 8(1) (h) of RTI Act. The Respondent No. 1 relied on 3 decisions of C.I.C. in support of their contention.

4. Heard the Appellant and the learned Adv. Shri N. Dias for the Respondent No. 1.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties.

It is seen that this Commission has disposed off the Appeal No. 65/SCIC/2011. In the said Appeal as well as the present Appeal the information sought is, point to point, the same. The same could be taken in respect of the present Appeal.

R.T.I. Act though does not bar yet it is not in the spirit of the Act to ask the information again.

The Appellant when asked states that the same could be disposed off in view of the Appeal No. 66/SCIC/2011.

6. In view of the above, I pass the following Order:-

ORDER

In view of the Judgment/Order passed in Appeal No. 66/SCIC/2011 the present Appeal is disposed off.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 30th day of March, 2012.

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

