

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 29/2009

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

... Appellant.

V/s.

1) Public Information Officer,  
Superintendent of Police (South),  
South District Headquarters,  
Margao – Goa

... Respondent No. 1.

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

... Respondent No. 2.

Appellant in person.

Mrs. H. Naik, Advocate for the Respondents.

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

(Per Afonso Araujo)

The order of the First Appellate Authority confirming the refusal of information by the Public Information Officer on the reasoning that the information is exempt from disclosure is being challenged in this appeal.

2. The Appellant on 17.12.2008 sought from the Respondent No. 1 the following information under the Right to Information Act, 2005 (for short, the RTI Act):

- 1) Give me copy of Cr. No. 170/2008 dated 3.7.2008.
- 2) Give me copy of Cr. No. 358/2008 dated 29.11.2008.
- 3) Give me details of who is the rightful owner of the Inova vehicle bearing Reg. No. GA08-E-5185.

- 4) Copies of the documents giving full proof that the vehicle bearing Reg. No. GA08-E-5185, belongs to the rightful owners.
- 5) Give me details of what documents were used by the owner of the Inova vehicle bearing Reg. No. GA08-E-5185, to get the vehicle registered before the concerned registering authorities. (R.T.O).
- 6) Does the name of the rightful owner of the Inova vehicle bearing Reg. No. GA08-E-5185 exist, if yes the name and details of the owner, and if no, then who has registered the said vehicle in a fictitious name?
- 7) On which day was the Inova vehicle bearing Reg. No. GA08-E-5185, attached by the Margao Town Police Station, and on whose instructions?
- 8) On what basis has the Margao Town Police attached the said Inova vehicle bearing Reg. No. GA08-E- 5185?
- 9) Who was the Officer on duty on 10.12.2008 at the Margao Town Police Station?
- 10) How was the Inova vehicle bearing Reg. No. GA08-E 5185 brought to Margao Town Police Station? Was it brought self driven by the owner? Was it brought by the Officer on duty? Or was it towed and brought by the Police crane to the Margao Town Police Station?
- 11) On whose complaint was the Inova vehicle bearing Reg. No. GA08-E-5185 attached by the Margao Town Police Station, if so, copies of the complaint be furnished.
- 12) Give me copy of Station Diary dated 10.12.2008 and entries that have been made in the Station Diary under entry No. 118 (SDEM 05 dated 11.12.2008).
- 13) Who is Bashir Shaikh? And who many criminal cases have been registered against Bashir Shaikh?
- 14) Who is Amin Shaikh? And who many criminal cases have been registered against Amin Shaikh?

15) Who is Zalil Shaikh? And how many criminal cases have been registered against Zalil Shaikh?

16) Give me copy of Stay filed by the Margao Town Police opposing the release of the Inova vehicle bearing Reg. No. GA08-E-5185.

17) Give me copy of the Order passed by J.M.F.C. granting release of the Inova vehicle bearing Reg. No. GA08-E-5185.

The Appellant preferred First Appeal on 18.02.2009 and by order dated 19.03.2009 the First Appellate Authority upheld the decision of the Respondent No. 1.

3. Written arguments were filed by the Appellant and Smt. H. Naik, Ld. Advocate appearing for the Respondents submitted that the information sought is in respect of offence registered and still under investigation and that the information sought is also vague and not specific.

4. I have gone through the records of the case and taken into consideration the submissions of both the parties. The information sought by the Appellant in the request dated 17.12.2008 pertains to the car No. GA-08-E-5185. From the records produced by the Appellant specially pertaining to bail application No. 20508-1 of Court of Judicial Magistrate First Class, Margao and Miscellaneous Application No. 391/08/I of J.M.F.C. indicates that this vehicle is concerned in the Cr. No. 170/2008 dated 03.07.2008 and Cr. No. 358/2008 dated 29.11.2008. These bail applications were moved by one Floyd Coutinho who is also concerned in the complaint filed by the Appellant and registered under Cr. No. 52/05 of Maina Curtorim Police Station and subsequently transferred to CID, Dona Paula. Though the Appellant is not the Complainant in Cr. No. 170/2008 and Cr. No. 358/2008, he is very much interested in

the progress of the investigations in these two cases as the Complainant has stated that Floyd Coutinho is involved in the offence regarding his car Hyundai Accent GA-02 J-8268. Since the Appellant is interested in the outcome of the investigation in Cr. No. 170/2008 and 358/2008, the information cannot be denied on the reasoning that it will impede the process of investigation. On the contrary, he can help the investigating agency to gather the material in the investigation of those cases.

5. On perusing the request for information dated 17.12.2008 the items at Sr. No. 3, 4, 5 and 6, the Appellant requires to know who is the rightful owner, documents of registration of the vehicle bearing No. GA-08-E-5185. This information the Appellant ought to have sought from the RTO authorities rather than the Respondent No. 1. Being a request for information under the RTI Act, the Respondent No. 1 should transfer the items at Sr. No. 3, 5 and 6 of the letter dated 17.12.2008 to the Public Information Officer in the Directorate of Transport and provide the information at item No. 1, 2 and 7 to 17. Hence, the following order:

### **ORDER**

The Appeal is allowed. The Respondent No. 1 to transfer the request at item 3, 4, 5 and 6 of the letter dated 17.12.2008 to the Public Information Officer, Directorate of Transport within five days from the receipt of this order with a request to provide the information directly to the Appellant. The Respondent No. 1 to also provide information at items 1, 2 and 7 to 17 of the letter dated 17.12.2008 to the Appellant within a

period of twenty days from the receipt of this order and report compliance on 07.12.2009.

Pronounced in the open court on this 29<sup>th</sup> day of October 2009.

**Sd/-  
(Afonso Araujo)  
State Information Commissioner**

