

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 30/2009

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) 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 17.02.2009 sought from the Public Information Officer, the Superintendent of Police, (Special Branch), C.I.D., Police Head Quarters, the following information under the Right to Information Act, 2005 (for short, the RTI Act):

Kindly allow me to inspect all the files/records under RTI Act 2005, in the name of Jowett D'Souza, i.e. all files

pertaining to the investigation including case diaries, or any connected other files in Cr. No. 52/05, of your Office transferred from Maina Curtorim Police Station to C.I.D., Dona Paula, in the month of October 2008.”

On transfer of the request dated 17.02.2009 the Respondent No. 1 by communication dated 27.02.2009 rejected the request under section 8(1) (h) and section 8(1) (g) of the RTI Act. The Appellant preferred the First Appeal on 19.03.2009 and by order dated 15.04.2009 the decision of the Public Information Officer was upheld. Hence, this Second Appeal.

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 17.02.2009 is only by way of inspection of files including case diaries pertaining to the Crime No. 52/05 wherein the Appellant is the Complainant himself. The letters dated 29.08.2007 and 24.09.2008 of the Superintendent of Police, South Goa District, Margao addressed to the Appellant allowed the Appellant to conduct the inspection of the files, case diaries pertaining to Cr. No. 52/05 of Maina Curtorim Police Station. Since the Appellant is the Complainant in the Cr. No. 52/05 and it is transferred to C.I.D., Dona Paula, the Appellant is entitled for the information sought by way of inspection of files and cases diaries pertaining to Cr. No. 52/05. Hence, the following order:

## **ORDER**

The Appeal is allowed. The Respondent No. 1 to provide the information sought in the letter dated 17.02.2009 and provide inspection of files, case diaries pertaining to Cr. No. 52/05.

The Respondent No. 1 to allow the said inspection of the files and the Appellant to complete the inspection within the period of twenty days from the date of receipt of the order. The Respondent No. 1 to report compliance on 7<sup>th</sup> December 2009.

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

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

