

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 227/SIC/2008

Mr. Dinesh Vaghela,  
R/o Navagauri Apt., 2<sup>nd</sup> Floor,  
Opp. ICICI ATM, Alto Porvorim,  
Bardez – Goa.

..... Appellant.

V/s.

1. Public Information Officer,  
The Mamlatdar of Bardez,  
Mapusa, Bardez – Goa.
2. First Appellate Authority,  
The Deputy Collector & SDO,  
Mapusa, Bardez – Goa.

..... Respondents.

Authorized representative for the Appellant.

Respondent No. 1 in person.

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

(Per Afonso Araujo)

The Appellant by referring to the Complaint for Public Nuisance dated 31/01/2007 and Chapter Case under section 133 Cr.P.C. by request dated 15<sup>th</sup> September, 2008 sought the following information from the Public Information Officer – Respondent No. 1: -

- 1) What is the status of this Chapter Case?
- 2) Certified Xerox Copy of Roznama
- 3) Reason for the delay
- 4) Copy of the Chapter Case and other documents filed alongwith it.

2. The Respondent No. 1 on 30/09/2008 called the Appellant for clarification. Again on 3<sup>rd</sup> October, 2008, the Appellant by producing his letter dated 31/01/2007 and letter dated 29/08/2008 from the Public Information Officer and Superintendent of Police (North) to expedite and provide him the information and in case the Chapter Case under Section 133 Cr.P.C. has not been received to know the status of his complaint received in the office of Executive Magistrate. The Respondent No. 1 on 21/10/2008 stated that the information sought by the Appellant is not

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available in the office. The Appellant preferred First Appeal on 21/10/2008 with the Respondent No. 2 and as no decision has taken place, filed Second Appeal on 21/11/2008. Written arguments were filed by the Appellant. Shri Shankhwalkar submitted that he called the Appellant for clarification as he required to know the exact number of the Chapter Case and that inspite of the efforts made the file was not traceable.

3. I have gone through the records and proceedings of the case and taken into consideration the submission of the parties. In the request dated 15/09/2008, the information sought is in respect of Chapter Case under Section 133 Cr.P.C. against Mrs. Sanyogita wife of Kashinath Shetye before Executive Magistrate, Mapusa. It appears that this Chapter Case originated as a result of a complaint for public nuisance dated 31/01/2007 from Navagauri Apartments Co-operative Housing Society. The Respondent No. 1 required some clarification in order to locate the said Chapter Case. From the letter dated 29/08/2008 addressed to Appellant, the Public Information Officer – Supdt. of Police (North) has stated that upon receipt of application dated 31/01/2007, Chapter Case under Section 133 Cr.P.C. was sent by Police Inspector, Porvorim Police Station against Mrs. Sanyogita wife of Kashinath Shetye before Executive Magistrate to initiate action against the Restaurant 'Dabba Express' and the letter further states that the disposal of said case is not yet received at Porvorim Police Station. It appears that the Police authorities received the complaint and the authorities of Porvorim Police Station has forwarded this complaint to Executive Magistrate in order to initiate the Chapter Case under Section 133. But based on the Complaint dated 31/01/2007, there is nothing on record to indicate that the Police Inspector, Porvorim Police Station has actually sent the report to the Executive Magistrate, Mapusa or the same Executive Magistrate received any report from the Police so as to enable the Executive Magistrate to initiate proceedings under section 133 of Cr.P.C.

4. The main purpose of the Act is to provide the information to the citizens and an endeavour has to be made by the Public Information Officer to promptly provide the information sought and any delay or willful or intentional refusal to provide information can attract penalties. Since the primary concern is to provide information and before dealing with the

question of penalties, it would be proper to the Respondent No. 1 to provide the information sought by the Appellant by locating the report of the Police that has been submitted to and received by Executive Magistrate to commence the proceedings under section 133 Cr.P.C. and also by referring to the Complaint dated 31/01/2007 from Navagauri Apartments Co-operative Housing Society in respect of nuisance of restaurant 'Dabba Express' and the letter dated 29/08/2008 of the Superintendent of Police, North Goa, Porvorim. With these observations, the following order: -

**ORDER**

The Appeal is allowed. The Respondent No. 1 to provide the information in the request dated 15/09/2008 by 30/11/2009 and Respondent No. 1 to report compliance on 07/12/2009.

Pronounced in the open court on this 2<sup>nd</sup> day of November, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



