

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 263/2008

Shri Joao C. Pereira,
H. No. 40, Acsona,
Utorda, Majorda,
Salcete – Goa

... Appellant.

V/s.

1) The Public Information Officer,
Superintendent of Police (Crime)
Dona Paula, Panaji –Goa.

... Respondent No. 1.

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

... Respondent No. 2

Appellant in person.

Smt. N. Narvekar for the Respondents.

JUDGMENT

(Per Afonso Araujo)

The Appellant on 1st November, 2008 sought information under the Right to Information Act, 2005 (for short, 'The RTI Act') pertaining to Crime No. 328/07 registered at Vasco Police Station and subsequently transferred to the Crime Branch, Panaji and which is as follows:

- (a) Give me certified copies of the specimen's signatures sheets marked as 'S-1' to 'S-10' and 'S-29' to 'S-33' alongwith the copies of panchanama report prepared by Investigation Officer.
- (b) Give me certified Xerox-copies of the envelope received from the Office of Govt. Examiner of Questioned Documents, Hyderabad containing the final opinion report alongwith the questioned documents sent by Dy S.P. Shri Deu Benaulikar, Vasco.

...2/-

- (c) Give me the date, name, designation of the officer who received the final opinion report alongwith Questioned Documents at Crime Branch, Panaji from Hyderabad.
- (d) Whether final opinion report alongwith questioned documents were sent in a sealed envelope or open envelope to the Crime Branch, Panaji from Hyderabad.
- (e) How was the final opinion report alongwith questioned documents delivered to the Crime Branch, Panaji from Hyderabad by post, or hand delivery? If by hand delivery, give me the name and designation of the officer alongwith certified copy of authority letter from the Crime Department to collect the final opinion report alongwith the questioned documents from Hyderabad.
- (f) Give me the name and designation of the officer who has opened the sealed envelope containing final opinion report alongwith questioned documents received at Hyderabad, where it was opened and in whose presence? Give me their names and designations.
- (g) Give me the date alongwith certified copy of the inward entry page of the Inward Register at the Crime branch where the final opinion report entry is made, and also give me the name of the inward officer.
- (h) Give me the name and designation of the officer in whose possession/custody the final opinion report and questioned documents was at the Crime Branch, Panaji before handing over to the concerned Investigation Officer of Cr. No. 328/07 of Vasco Police Station.
- (i) Give me the name, date and designation of the officer of the Crime Branch, Panaji who informed the investigation officer of Cr. No. 328/07 about the final opinion report and questioned documents from Hyderabad to SDPO, Vasco. How it was informed? On phone or by other means.

(j) Give me the date and name of the officer who collected the final opinion report and questioned documents of Cr. No. 328/07 from Crime Branch, Panaji on behalf of Investigation Officer, SDPO, Vasco.

(k) Kindly let me know whether final opinion report alongwith the questioned documents sent by the Examiner of Questioned Documents received from Hyderabad in a sealed envelope can be opened by any other officer other than Investigation Officer of Cr. No. 328/07 of SDPO, Vasco under the Criminal Procedure Code.

2. The Respondent No. 1 rejected the request of the Appellant on the ground that the information is exempt under section 8(1) (h) of the RTI Act. Not content with this decision the Appellant preferred First Appeal and by order dated 22.12.2008 the First Appellate Authority upheld the decision of the Respondent No. 1. Hence, this Second Appeal.

3. The only question for determination is whether the Appellant is entitled for the information sought in respect of Cr. No. 328/07 initially registered at Vasco Police Station and subsequently transferred to the Crime Branch, Panaji. It appears that the Appellant is the Complainant who has filed the FIR and Crime No. 328/07 was registered. On analyzing the request dated 01.11.2008 at Sr. (a) the Appellant requires certified copies of the specimen signatures sheets, panchanama report and at Sr. (b) the Appellant requires copies of the envelope received from Government Examiner, Hyderabad, final report and questioned documents. At the instance of the Appellant, Crime No. 328/07 was registered and at present it is been dealt by the Crime Branch, Panaji. Being the Complainant the question of the information being denied on the ground that it will impede the process of investigation does not arise and the Appellant is entitled for the information at Sr. (a) and (b) of the request dated 01.11.2008.

4. The information at Sr. (c), (d), (e), (f), (g), (h), (i),(j) and (k) of the request dated 1st November, 2008 are in relation to the documents sent from Government Examiner, Hyderabad in Cr. No. 328/07 and once the final report of the Government Examiner; copies of the specimen signatures sheets; panchanama report are provided to the Appellant and in case the envelope received from the Government Examiner, Hyderabad is available and which will have to be provided to the Appellant then there is no need on the part of the Respondent No. 1 to provide the information at (c), (d), (e), (f), (g), (h), (i), (j) and (k). With the above observation the following order:

ORDER

The Appeal is partly allowed. The Respondent No. 1 to provide information sought in the request dated 01.11.2008 at Sr. (a) and (b) within a period of twenty days from the date of receipt of this order and report compliance on 26.02.2010.

Pronounced on this 27th day of January, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

