

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information
Commissioner

Appeal No. 02/2009

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,
Police Headquarters,
Panaji – Goa

... Respondent No. 2.

Appellant in person.
Smt. N. Narvekar for the Respondents.

J U D G M E N T

(Per Afonso Araujo)

The Appellant sought information under the Right to Information Act, 2005 (for short the 'RTI Act') by request dated 31.01.2009 and requires:

(a) Date, name and designation of the officer who received the enquiry file of Cr. No. 327/07 and 328/08 registered at Vasco Police Station at the Crime Branch, Dona Paula from SDPO Office, Vasco, alongwith the

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certified copy of inward register page where the same is noted at the Crime Branch, Dona Paula.

(b) Name of the officer and designation who delivered the enquiry file from SDPO, Vasco office to Crime Branch, Dona Paula.

2. By communication dated 18.02.2009 the Respondent No. 1 on the reasoning that information provided would endanger life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes/would impede the process of investigation or apprehension or prosecution of offenders, rejected the request of the Appellant u/s. 8(1) (h) and 8(1) (g) of the RTI Act. Aggrieved by this decision, the Appellant preferred an Appeal and by order dated 19.03.2009 the First Appellate Authority upheld the decision of the Public Information Officer. Hence, this Second Appeal.

3. The information sought by the Appellant consists of the Appellant requiring the name and designation of officer who received the enquiry file of Cr. No. 327/07 and Cr. No. 328/07 at the Crime Branch, Dona Paula alongwith certified copy of inward register where the same is noted at Crime Branch, Dona Paula and also the name and designation of the officer who delivered the files from SDPO, Vasco to Crime Branch, Dona Paula. The Appellant is not entitled for the information regarding name and designation of the officer who received the file at Crime Branch, Dona Paula and the name and designation of the officer who delivered the enquiry file from SDPO, Vasco to the Crime Branch, Dona Paula though the Appellant is

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the complainant in Crime No. 328/07. The information sought should be from the records and practically it is impossible at that point of time to know who was the officer who received the enquiry file at Crime Branch, Dona Paula and also the officer who took the enquiry file from SDPO, Vasco to Crime Branch, Dona Paula. However, the Appellant being the complainant in the Cr. No. 327/07 and 328/07, is entitled for the copy of the inward register where these two Crime Nos. are entered at the Crime Branch, Dona Paula as in no manner it would impede the process of investigation. Hence, the following order:

ORDER

The Appeal is partly allowed. The second part of the information sought at Sr. (a) regarding copy of the inward register only where there is entry of Cr. No. 327/07 and of Cr. No. 328/07, the Respondent No. 1 to provide to the Appellant.

Rejection of the first part of the information at Sr. (a) and rejection of information sought at Sr. (b) is maintained.

Fixed for compliance on 30.03.2010.

Pronounced on this 26th day of February, 2010.

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

