

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 09/2009

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

... Appellant.

V/s.

1) The Public Information Officer,  
Superintendent of Police (South),  
Margao – 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 by request dated 12.02.2009 sought information under the Right to Information Act, 2005 (for short the 'RTI Act') and required:

(a) Copy of the letter No. SP/South Goa/Tel/232/2007 addressed to Vodafone Essar Cellular Ltd.

(b) Copy of the letter under No. PI/VRN/PS/901/2008 dated 18.1.2008 addressed to Bharat Sanchar Nigam Ltd.

2. By communication dated 12.03.2009 the Respondent No. 1 stated that an offence was registered under Crime No. 11/2007 of Verna Police Station u/s. 447, 504, 506 (ii) IPC. The same has been chargesheeted in the Court of Judicial Magistrate First Class and is pending trial as Criminal Case No. 26/S/09/Ist Addl, and the information sought was rejected u/s.

...2/-

8(1) (g) of the RTI Act. Aggrieved by this decision the Appellant preferred the First Appeal and by order dated 02.04.2009 the First Appellate Authority upheld the decision of the Respondent No. 1. Hence, this Second Appeal.

3. It appears that a Crime No. 11/2007 registered at Verna Police Station is against the Appellant himself and being an accused is not entitled to the documents in the Cr. No. 11/2007. Moreover, not only the chargesheet has been filed but the case is pending trial before the Judicial Magistrate First Class at Margao and the Court will provide to the Appellant being accused in the said case all the case papers which the prosecution relies. In such circumstances, the Appellant is not entitled for the information sought at Sr. (a) and (b) of the request dated 12.02.2009. With these observations, the Appeal is disposed off.

Pronounced on this 27<sup>th</sup> day of January, 2010.

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