

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 07/2009

Shri Natividade Fernandes,
H. No. 137, Anus, Nuvem,
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 alongwith his authorized representative Shri Joao Pereira.
Smt. N. Narvekar for the Respondents.

J U D G M E N T

(Per Afonso Araujo)

The Appellant by request dated 24.02.2009 sought information under the Right to Information Act, 2005 (for short' RTI Act') the and requires:

- (a) Certified copy of final opinion report alongwith covering letter received on questioned documents from Hyderabad.
- (b) Certified copies of questioned documents marked as Q1, Q(a), Q(b), Q(c), Q(d) and specimen signature marked as S-1, S-2 and S-3 sent to Hyderabad for examination.
- (c) Certified copy of the letter addressed to the Director of Prosecution by the Investigation Officer alongwith the opinion of director of Prosecution on Cr. No. 241/07.
- (d) Inspection of enquiry files and case diaries of Cr. No. 241/07 from Verna Police Station.

2. By communication dated 17.03.2009 the Respondent No. 1 rejected the request of the Appellant u/s. 8(1) (g) and (h) of the RTI Act as furnishing the information would impede further process of investigation. Not content with this decision, the Appellant preferred First Appeal, and the First Appellate Authority by order dated 08.04.2009 upheld the decision of the Respondent No. 1. Hence, this Second Appeal.

...2/-

3. No doubt that the Appellant is the complainant and upon his complaint Cr. No. 241/07 was registered at Verna Police Station u/s. 468, 471, 201 r/w 34 IPC. It appears that the questioned documents which were sent to Government Examiner, Hyderabad revealed that the signature is of the Appellant himself and has filed a false complaint against P.I. H. V. Madkaikar and Ex-PC. B. No. 5868 Premanand P. Humraskar. The Sub Divisional Police Officer Shri U. Y. Gaonkar sought 'B' Final Summary from the Judicial Magistrate First Class, Vasco, and also sought permission to prosecute the Appellant for filing false complaint. Though the Appellant is the complainant in the Cr. No. 241/07 registered at Verna Police Station, is not entitled for the information sought at Sr. (a) to (d) of the request dated 24.02.2009 as the Investigation Officer, based on the opinion from the Government Examiner of questioned documents came to the conclusion that it was a false complaint and sought B Final Summary from the Magistrate and also permission to prosecute the complainant for filing false complaint. It is the Court that will provide all documents which the prosecution relies in that case to be filed against the Appellant as an Accused. In such circumstances, the Appellant is not entitled for the information sought at Sr. (a) to (d). With these observations the Appeal is disposed off.

Pronounced on this 26th day of February, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner