

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 105/2007-08

Shri Jowett D'Souza,
H.No. 139, Ambeaxis,
Senarbatim, Calva,
Salcete – Goa.

... Appellant.

V/s

1. The First Appellate Authority,
The Deputy Inspector,
General of Police,
PHQ, Panaji – Goa.

... Respondent No.1.

2. The Public Information Officer,
The Superintendent of Police (South),
Town Police Station,
Margao – Goa.

... Respondent No.2.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

&

Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 18/02/2008.

Appellant present in person.

Shri K. L. Bagat, Government Counsel for the Respondents.

O R D E R

The Appellant challenges the order dated 01/11/2007 passed by the Respondent No. 1 in case No. PHQ/PET-Cell/RTI/2023/2007 (herein after refer to impugned order) under section 19(3) of the Right to Information Act 2005 (for short the Act).

2. According to the Appellant, the facts of the case are that the Appellant lodged the Complaint on 22/07/2005 with the Superintendent of Police,

...2/-

South Goa, Dy. Superintendent of Police and PI Margao which was transferred to Maina Curtorim Police Station on 22/07/2005 and belatedly, after 19 days, registered under FIR No. 52 dated 10/08/2005 against (1) Official of ICICI bank and (2) Assistant Director of Transport, South Goa under section 465,466, 467,468 read with section 120-B of IPC.

3. The Appellant alleges that even though more than 2 years since the FIR was lodged, the Police are deliberately derailing the investigation and number of questions remained unanswered by the Investigation Officer and the Complainant has been made to run from pillar to post to see that the investigation is carried out without any influence/extraneous consideration. The Complainant also alleges that in spite of several requests to know the progress of his Complaint, the Appellant has been deliberately denied the information.

4. The Appellant, therefore, vide his application dated 13/09/2007 addressed to the Respondents, among others, sought certain information under the Act. The Respondent No. 2 vide reply dated 26/09/2007 rejected the request of the Appellant under section 8(1) (h) of the Act on the ground that the disclosure of such information would impede the process of investigation of the said case. Feeling aggrieved by the said letter of the Respondent No. 2, the Appellant preferred the Appeal before the Respondent No. 1 who by his impugned order rejected the appeal on the same ground that the investigation are at a crucial stage and divulging the information at this stage would spoil the progress of the case. On perusal of the impugned order, it is seen that the Respondent No. 1 had also discussed the matter with PI Canacona, PS, Shri T. N. Vernekar before passing the impugned order.

5. It is pertinent to note here that the Appellant is the Complainant who has lodged the FIR and is certainly interested in the progress of the case. The Appellant has alleged that the investigation is not being carried out properly in accordance with the law as the Police have not attached the vehicle, even though they are aware of whereabouts of the car, though more than 2 years have been lapsed from lodging the FIR as a result of which the Appellant apprehends that the car will be complete damaged/destroyed and

render useless for any purpose.

6. The Respondents have not explained as to how the disclosure of the information to the Complainant would impede the investigation when the Appellant is the Complainant and is very much interested in getting his vehicle as well as to bring the offenders to book as per the law. We feel that the disclosure of the information to the Complainant may help the investigating agency to complete the investigation and file the charge sheet. It is in his own interest, the Appellant should render all the necessary cooperation in the investigation so that the accused are convicted and the justice is done to the Appellant. The disclosure of the information to the Complainant cannot be said that it will impede the process of investigation.

7. We have already held in our order dated 17/01/2008 passed in appeal 86,77,99/2007-08 between the same parties that the disclosure of the information to the Appellant will not impede the process of investigation and had directed to provide the information. We maintain the same view in this appeal.

Accordingly, we pass the following order:-

O R D E R

Appeal is allowed and the impugned order dated 01/11/2007 passed by the Respondent No. 1 and the letter dated 26/09/2007 of the Respondent No. 2 are hereby quashed and set aside. We direct the Respondent No. 2 to provide the information to the Appellant as per the letter dated 13/09/2007 of the Appellant within 15 days and submit the compliance report to this Commission on 10/03/2008.

Announced in the open court on this 18th day of February, 2008.

Sd/-
(G. G. Kambli)
State Information Commissioner.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner.

No.GSIC/Appeal-105/2007-08/Police.

Goa State Information Commission
Shrama Shakti Bhavan,
Patto Plaza, Ground floor,
Panaji – Goa.

Dated: 20/02/2008.

1. The First Appellate Authority,
The Deputy Inspector,
General of Police,
PHQ, Panaji – Goa.
2. The Public Information Officer,
The Superintendent of Police (South),
Town Police Station,
Margao – Goa.

Sub: - Complaint No. No.GSIC/Appeal No.105/2007-08/Police.

Sir,

I am directed to forward herewith the copy of the Order dated 18/02/2008 passed by the Commission on the above Appeal for information and necessary action.

Yours faithfully,

**(Pratap Singh Meena)
Secretary,**

Encl: Copy of Order in 3 pages