

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/A/2015/000064

Dated 23.09.2016

Appellant : Shri Ajay Pal,
H. No. 662/8,
Gali No. 2, Railway Colony,
Mandawali,
Delhi-110092.

Respondent : The Central Public Information Officer,
Delhi Police, O/o the DCP.,
East District, Mandawali,
Fazalpur, Delhi.

Date of Hearing : 23.09.2016

Relevant dates emerging from the appeal:

RTI application filed on : 08.04.2015

CPIO's reply : 20.04.2015

First appeal filed on : 23.04.2015

FAA's order : 21.05.2015

Second appeal filed on : 28.06.2015

ORDER

1. Shri Ajay Pal filed an application dated 08.04.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), East District, Delhi Police seeking information on fourteen points pertaining to FIR No. 822/14 dated 01.09.2014 registered with Police Station, Mandawali on a complaint of Shri Rahul Chaudhary, including (i) if any

quarrel/scuffle has taken place with Shri Rahul Chaudhary on 31.08.2014 on which a case vide FIR No. 822/14 has been registered against his family, under what circumstances police has not recorded the statement of any eye witness/resident and (ii) as no incidence has taken place at the place mentioned in the FIR, and he and his family falsely implicated in this case provide the name of the person or any other source of information who informed the police regarding the scuffle/quarrel at the place mentioned.

2. The appellant filed a second appeal dated 28.06.2015 before the Commission on the grounds that correct, to the point and satisfactory information has not been provided either by the CPIO or the First Appellate Authority (FAA). The appellant requested the Commission to pass suitable orders and let him have correct, to the point and satisfactory information on all points of his RTI application.

Hearing:

3. The appellant's representative Shri D.K. Pal and the respondent S.I. Omender Singh, Delhi Police East District were present in person.

4. The appellant submitted that he was informed vide letter dated 20.04.2015 as investigation in the matter was pending. Hence, the information sought for was denied at this stage as the same is exempted under Section 8(1)(h) of the RTI Act. The appellant further submitted that the investigation has now been completed and the charge sheet has been filed by the Police, but the requisite information is not available in the copy of the charge sheet that has been served on him. Hence, the respondent should be directed to provide the requisite information.

5. The respondent submitted that the charge sheet had been filed in the court on 18.01.2016 and a copy of the charge sheet was provided to the

appellant at the time of hearing on 23.02.2016. The respondent further submitted that the FAA vide order dated 21.05.2015 had observed that the information sought by the appellant is in the form of queries regarding the registration/investigation of case FIR no. 822/14 P.S. Mandawali. Further, under the RTI Act, 2005 the appellant cannot challenge the action taken report. The respondent also stated that the documents sought are not available.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that in the RTI application, the appellant has sought information such as photocopy of all the concerned pages of DD register showing DD Nos. 44(A), 45(A), 46(A) all dated 31.08.2014 etc., which might be available with the respondent. Hence, the Commission directs the respondent to enable the appellant to inspect the relevant file(s) and obtain copies and requisite documents free of cost, within a period of four weeks from the date of receipt of a copy of this order.
7. With these observations, the appeal is disposed of.
8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer