

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000174

Dated 31.10.2016

Appellant : Shri Sushil Malhotra,
Shop No. 44, Old Market,
Timarpur,
Delhi.

Respondent : Central Public Information Officer,
Delhi Police, O/o ADCP-cum-PIO,
North District,
Civil Lines, Delhi-110 054.

Date of Hearing : 31 .10.2016

Relevant dates emerging from the appeal:

RTI application filed on : 27.04.2015

CPIO's reply : 25.05.2015

First appeal filed on : 29.05.2015

FAA's order : 30.06.2015

Second appeal filed on : 06.07.2015

ORDER

1. Shri Sushil Malhotra filed an application dated 27.04.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), North District, Delhi Police seeking information on five points pertaining to his application dated 16.02.2015 to the Dy. Commissioner of Police (North), Delhi Police requesting transfer of investigation of FIR No. 710 dated 19.10.2014 U/S 509 IPC P.S, Timarpur, Delhi lodged against S.I. Mohd.

Yamin Khan from I.O. of the case to the I.O. of the DIU for investigation, in pursuance of the directions issued by the court of Shri R.K. Pandey M.M.-2 (Central). Tis Hazari Courts, Delhi on 13.02.2015, including (1) statements made by the applicant Shri Sushil Malhotra on 18.04.2015 and (2) other statements so recorded in the present matter.

2. The appellant filed a second appeal dated 06.07.2015 before the Commission on the grounds that the PIO has given totally vague reply and failed to give complete and relevant reply information and that the First Appellate Authority (FAA) upheld the decision of the PIO, the appellant requested the Commission to direct the PIO to provide complete information as sought by him.

Hearing:

3. The appellant Shri Sushil Malhotra and the respondent Shri Surendra Kumar, ACP, Delhi were present in person.

4. The appellant submitted that the CPIO vide letter dated 25.05.2015 has provided him incomplete information.

5. The respondent submitted that the appellant was informed vide letter dated 25.05.2015 that information sought cannot be provided as the case FIR No.710 dated 19.10.2014 was pending investigation at the time of responding to the RTI application. However, since the investigation has now been completed, the matter is pending trial and disclosure of any information relating to the case would impede the prosecution of offenders. The respondent further submitted that all the records relating to case FIR No. 710 dated 19.12.2014 have been submitted to the MM Court concerned and the next date of hearing being on 09.02.2017.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that as per the respondent, information sought cannot be provided as the same is pending trial and disclosure of any information relating to the case would impede the prosecution of offenders. Therefore, information sought is exempted from disclosure as per Section 8(1)(h) of the RTI Act. Nonetheless, since the appellant in point no. 6.1 of the RTI application had sought copy of his own statement, the Commission is of the view that the disclosure of the same in no way would defeat the prosecution of offender. The Commission, therefore, directs the respondent to provide information in respect of point no. 6.1 of the RTI application to the appellant within a period of two weeks from the date of receipt of a copy of this decision.

7. With the above 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