

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000449

Dated 29.11.2016

Appellant : Shri Pradeep Dutta,
A-2, Kailash Colony,
New Delhi-110048.

Respondent : Central Public Information Officer,
Delhi Police, O/o DCP
South East District,
Sarita Vihar,
New Delhi-110044.

Date of Hearing : 29.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 08.06.2015

CPIO's reply : 08.07.2015/28.07.2015

First appeal filed on : 27.07.2015/03.08.2015

FAA's order : 18.08.2015

Second appeal filed on : 04.11.2015

ORDER

1. Shri Pradeep Dutta filed an application dated 08.06.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), South East District, Delhi Police seeking inspection of police file in Case FIR No. 33/02 (State Vs Pradeep Dutta) and Case FIR No. 34/02 (State Vs Balbir Singh), both registered in Police Station, Greater Kailash Part I on 04.02.2002 and 05.02.2002 respectively.

2. Shri Pradeep Dutta filed a second appeal dated 04.11.2015 before the Commission on the grounds that the CPIO, South East District informed him that the said Police files in FIR No. 33/02 and 34/02 registered at P.S. Greater Kailash-I are pending trial in the court of Metropolitan Magistrate (MM), Saket Court and was requested to approach the trial court for inspection of the said case files and the RTI application was then transferred to the PIO, Prosecution Branch, Saket Court for providing further information to the applicant and that the First Appellate Authority (FAA) did not respond to his appeal. The appellant states that the CPIO, Directorate of Prosecution, to whom his RTI application was transferred denied inspection of the files in view of the provisions of Section 172 Criminal Procedure Code (Cr.PC), Section 126 Evidence Act and Sections 8(1) and 8(2) of the RTI Act, 2005. The appellant requested the Commission to direct the CPIO to furnish the information sought as it relates to his own case.

Hearing on 29.11.2016:

3. Both the appellant Shri Pradeep Dutta and the respondent Shri Sanjeev Kumar, Sub-Inspector, Delhi Police were present in person.

4. The appellant submitted that he had sought inspection of the Police file but the same was denied to him on the ground that the matter is pending trial. The appellant further submitted that no exemption has been claimed while rejecting the RTI application and the first appeal and that no speaking order has been passed by the FAA in response to his first appeal. The appellant also stated that CPIO, Prosecution Branch, Tis Hazari Court has also been made a respondent to the case. However, he has not been summoned by the Commission.

5. The respondent submitted that the appellant was informed vide letter dated 08.07.2015 that the matter is pending trial before the Metropolitan Magistrate (MM), Saket Court and, therefore, the RTI application of the

appellant was transferred to the Prosecution Branch, Saket Court under Section 6(3) of the RTI Act for taking further action.

Interim Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that notice of hearing has not been served on the Additional Public Prosecutor and CPIO, Prosecution Branch, Tis Hazari Court, who is the second respondent in the case. In view of this, the Commission directs the Registry to issue a fresh notice to the Additional Public Prosecutor and CPIO, Prosecution Branch, Tis Hazari Court and thereafter, list the matter for hearing.

7. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer