

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000702

Dated 28.11.2016

Appellant : Shri Arun Khanna,
C-48, New Multan Nagar,
New Delhi-110 056.

Respondent : Central Public Information Officer,
Delhi Police, O/o ADCP/PIO,
Outer District, Pushpanjali,
Delhi-110 034.

Date of Hearing : 28.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 19.08.2015
CPIO's reply : 16.09.2015
First appeal filed on : 28.09.2015
FAA's order : 23.10.2015
Second appeal filed on : 02.11.2015

ORDER

1. Shri Arun Khanna filed an application dated 19.08.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Outer District, Delhi Police seeking information pertaining to copy of photos taken by the photographer of the crime team on 07.01.2015 relating to FIR No.263/12.

2. The appellant filed a second appeal dated 02.11.2015 before the Commission on the grounds that the CPIO has denied information by taking the plea of Section 8 of the RTI Act. The First Appellate Authority (FAA) had upheld the reply provided by the CPIO..

Hearing:

3. The appellant Shri Arun Khanna and the respondent Ms. Parwati, ACP were present in person.

4. The appellant submitted that he had sought copies of the photographs taken during investigation of case FIR No.263/12. The appellant further submitted that the CPIO vide letter dated 16.09.2015 has informed him that the requisite documents cannot be provided on the grounds that the said FIR is pending investigation.

5. The respondent submitted that since the matter is under investigation, disclosure of the information would impede the process of investigation. Hence, the disclosure of the same is exempted under Section 8(1) (h) of the RTI Act. The respondent in response to a query could not explain as to how the disclosure of the information sought would impede the process of investigation.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that the respondent had denied information on the grounds that the investigation in the matter is pending and any disclosure of the information sought would impede the process of investigation and hence, the information is exempted from disclosure under Section 8 (1)(h) of the RTI Act. However, the respondent could not establish as to how the disclosure of the information sought would impede the process of investigation. The Commission, therefore, directs the respondent to provide the information

sought by the appellant, within a period of four 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