

**THE SUPERINTENDENT OF POLICE HQs. - CUM-APPELLATE AUTHORITY-
CRIME, UNDER RIGHT TO INFORMATION ACT, 2005.**

ORDER

Order on First Appeal u/s 19 RTI Act.

This is an order on the appeal dated 17.08.2020 preferred by Dr. Mohit Dhawan, # 1197, Sector 21-B, Chandigarh under RTI Act 2005, received in this office through email id of Dr. Mohit Dhawan i.e. drmohitdhawan@gmail.com on the same day, against disposal of his RTI application dated 09/07/2020, by CPIO/Crime. The above said appeal is also transferred to this office from the o/o Director General of Police and SSP/UT vide No. 3776/SO/DGP/UT and D-313/UT/RTI/FAA/SSP dated 17.08.2020, respectively.

1. The appellant, vide his RTI application dated 09.07.2020 under RTI Act 2005, had requested CPIO/PHQ, Sector-9, Chandigarh to supply him information in 03 points pertaining to public window complaint No. PW-201816563 dated 03.10.2018, PW-201817339 dated 15.10.2018, PW-201817740 dated 19.10.2018, PW-201816130 dated 27.09.2018, PW-201816245 dated 28.09.2018 and PW-201817747 dated 19.10.2018 dealt by Crime Branch, Sector-11, Chandigarh. The said RTI application was submitted at Jan Sampark Centre Sector-21, Chandigarh by the applicant vide No. jsc21/2020/81 dated 11.07.2020 and the same was transferred to DSP-cum-CPIO/Crime by CAPIO/HQs. vide no. 606/RTI/CAPIO(PHQ)/UT/PWS dated 17.07.2020. The said RTI application was disposed of by CPIO/Crime, vide no. 29/RTI/CPIO Crime dated 11.08.2020.

2. The appellant, not satisfied with the manner, his RTI application was disposed of by the CPIO/Crime, filed the instant appeal alleging that the CPIO has deliberately denied the information sought.

3. The comments of DSP-cum-CPIO/Crime have been called for. He has reported that after going through the reference, the RTI information was denied u/s 8(1)(h) of RTI Act-2005 and section 8(1)(j) of RTI Act-2005 and sent to applicant within 30 days, as the receipt date of RTI application in CAPIO/PHQ office stands 15.07.2020. The applicant is a prime accused in FIR No.76 dated 19.03.2018 u/s 420,467,468,471 IPC, Police Station, Sector-19, Chandigarh. The information sought by applicant Dr. Mohit Dhawan relates to complaints which are against him. So, the information sought by applicant was denied, as the mentioned complaints are against him and under enquiry stage.

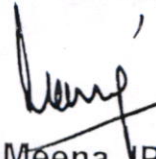
4. I have gone through the RTI appeal, vis-a-vis facts of the RTI application & comments by DSP-cum-CPIO/Crime. The information sought by the appellant, supplied by the CPIO, grievance of the appellant and the order/decision of the undersigned being first appellate authority is given below:

Information sought in RTI application	Information supplied by CPIO	Grievance raised in first appeal	Decision of the First Appellant Authority.
With reference to the notice to join the enquiry issued to the undersigned applicant Dr. Mohit Dhawan by ASI Suresh Kumar, Crime Branch Sector 11 Chandigarh dated 6th July 2020 for complaints no PW No. 201816563 dated 03.10.18, PW No. 201817339 dated 15.10.18, PW No. 201817740 dated 19.10.18, and PW No. 201816130 dated 27.09.18, PW NO. 201816245 dated 28.09.18, PW No. 201817747 dated 19.10.18 please	In the matter, it is intimated that the information sought by you is related to the complaints, which are under enquiry in Crime Branch, UT., Chandigarh. At this stage, any information which are related to above mentioned complaints cannot be supplied under the provisions of section 8(1)(h) of RTI Act-2005. So far the matter of posting record of ASI Suresh	1. The learned CPIO, Mr. Rajiv Kumar Ambasta, who earlier had provided forged copies of Chandigarh Police Complaints Tracking System is now deliberately concealing the information under the umbrella of section 8(1)(h) of RTI Act 2005. The learned CPIO should be asked why the information relating to transfer of investigation(out	

provide the following information:	Kumar, it cannot be provided as per section 8(1) (j) of RTI Act-2005	of jurisdiction of sector 19) cannot be shared with the undersigned applicant ?	
Point No. 1 Certified copy/order for transfer of enquiry/ investigation to Crime Branch, Sector 11 Chandigarh in the complaints PW No. 201816563 dated 03.10.18, PW No. 201817339 dated 15.10.18, PW No. 201817740 dated 19.10.18, (attached as Annexure A-1) and PW No. 201816130 dated 27.09.18, PW NO. 201816245 dated 28.09.18, PW No. 201817747 dated 19.10.18 (attached as Annexure A-2) from Police Station Sector 19, Chandigarh along with the reasons thereof.		2. The learned CPIO should be asked to explain how providing the certified copies of orders to transfer the investigation to Crime Branch, certified copies of closure of complaints in year 2019 and police stations of posting of ASI Suresh Kumar would impede the investigation process or prosecution of offenders.	Point No. 1 The undersigned being first appellate authority agree with the CPIO denying the information u/s 8(1)(h).
Point No. 2 Certified copy of the official orders/noting/reasoning for re-enquiry of the complaints above-mentioned, which have been already filed. The copy of the official note confirming filing of the complaints in year 2019 is attached for your kind perusal as Annexure A-3		3. Penalty as prescribed by the Sub section 1 of Section 20 of RTI Act, 2005.	Point No. 2 The undersigned being first appellate authority agree with the CPIO denying the information u/s 8(1)(h).
Point No. 3 Police station and current posting of ASI Suresh Kumar.		4. Personal inspection of the records and information sought. 5. Any other directions/ orders necessary may be passed in the case.	Point No. 3 The CPIO is directed to supply the information regarding the current posting of ASI Suresh Kumar to the appellant, as sought by him, within 7 days of issue of this order. The information should be supplied free of cost.

The RTI appeal is disposed of accordingly.

The appellant, if not satisfied with the disposal of appeal in the manner as above can file second appeal with the Hon'ble Chief Information Commission, CIC Bhawan, Baba Gangnath Marg, Munrika, New Delhi-110067 within a period of 90 days.


8/9/2020
Manoj Kumar Meena, IPS
Superintendent of Police, HQs.,
-cum-Appellate Authority/Crime,
U.T., Chandigarh.

Dr. Mohit Dhawan, H.No. 1197,
Sector 21-B, Chandigarh.

No. D-1658-60 /RTI/SP/HQs. dated Chandigarh, the: - 8/9/20

Copies to the: -

1. DSP-cum-CPIO/Crime, for necessary action.
2. I/C Computer Section for updating the Web