

OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE-CUM-1st
APPELLATE AUTHORITY (UNDER RTI ACT 2005), UT, CHANDIGARH

Appeal Order No. D-172-175

/UT/RTI/SSP, dated : 21.5.2020

Name of Appellant : Brig. B. S. Gill,
R/o H. No. 608, Sector 36 B,
Chandigarh

Concerned CPIOs : CPIO/South & W&CSU

Date of RTI application : 29.01.2020

Date of CPIO's Reply : 20.02.2020 & 11.02.2020

Date of 1st Appeal : 18.04.2020, received on 22.04.2020

ORDER

The appellant preferred his 1st appeal on 18.04.2020, received on 22.04.2020 against the reply/order of CPIO/South, W&CSU & Hqrs in connection with his RTI application dated 29.01.2020 with the contentions that requisite information was not supplied to him. The instant appeal is diarized vide no. 35/UT/RTI/FAA/SSP dated 22.04.2020 for further proceeding under RTI Act. **The same is also transferred to FAA-cum-SP/Hqrs w.r.t. part information as the RTI application was dealt by CPIO/Hqrs with respect to part information concerning his office.**

Information sought vide RTI application :-

The appellant had sought complete file pertaining to complaint no. 2017-17256 and case FIR no. 233/2017 u/s 498 A, 294, 506, 34 IPC PS Sector 36, Chandigarh.

Comments of CPIO/W&CSU :-

Comments of CPIO/W&CSU have been obtained who submitted that RTI application dated 29.01.2020 of the appellant was received in his office on 12.02.2020 from the office of CPIO/Hqrs vide letter no. 124/DSP/Hqrs/RTI-2020/D-159 dated 12.02.2020. Thereafter, SHO WPS was directed to supply the requisite information who submitted that case FIR no. 233/2017 u/s 498 A, 294, 506, 34 IPC PS Sector 36, Chandigarh had been sent as cancelled with the approval of senior officers and the relevant record was sent to MM branch for

21/5/2020

further proceedings. As such, the RTI application was return back to CPIO/Hqrs vide letter no. 92/UT/DSP/W&CSU dated 19.02.2020 for supplying information at his own level.

Comments of CPIO/South :

CPIO/South submitted that RTI application of the appellant was received in his office from CAPIO/Hqrs-cum-I/C Public Window vide letter no. 172/RTI/CAPIO/PHQ/UT/PWS dated 29.01.2020. Thereafter, SHO PS Sector 36 was directed to supply requisite information who submitted that case FIR no. 233/2017 u/s 498 A, 294, 506, 34 IPC had been sent as cancelled but the case file was received back from the concerned branch of Police Headquarter for sending the same for the acceptance/approval of Ld. Court. ASI Parhlad Singh was deputed to submit the case file before the Ld. Court which is still under process as the statement of complainant in the above said case is yet to be recorded before the Ld. Court. The complainant is currently residing in Madhya Pradesh and due to COVID-19 she is unable to visit Chandigarh. Hence, information could not be supplied to the appellant.

Decision :-

I have gone through the contents of RTI application & appeal of the appellant, comments of CPIO/W&CSU & South vis-à-vis material available on record which revealed that the appellant has sought complete file pertaining to complaint no. 2017-17256 and case FIR no. 233/2017 u/s 498 A, 294, 506, 34 IPC PS Sector 36, Chandigarh in which, appellant is one of the accused in the FIR. The whole matter is related to a matrimonial dispute. Wife of brother-in-law of the appellant namely Kulwinder Kaur is the complainant in the case who is presently residing in Madhya Pradesh.

CPIO/W&CSU had informed the appellant that case FIR no. 233/2017 u/s 498 A, 294, 506, 34 IPC PS Sector 36, Chandigarh was sent for cancellation with the approval of senior officers and the relevant record was also sent to MM branch, Police Headquarter for further proceedings. As such, the RTI application was return back to CPIO/Hqrs for supplying information concerning to his office.

CPIO/South submitted that the case file was received back from the concerned branch of Police Headquarter for sending the same for the acceptance/approval of Ld. Court. ASI Parhlad Singh was deputed to submit the

21/5/2020

case file before the Ld. Court which is still under process as the statement of complainant Ms. Kulwinder Kaur in the above said case is yet to be recorded before the Ld. Court. The complainant is currently residing in Madhya Pradesh and due to COVID-19 she is unable to visit Chandigarh. Hence, information could not be supplied to the appellant.

So far as the appeal is concerned, it is clear that the appellant has been apprised about all the relevant facts but the complete information of the case file cannot be supplied at this stage as the same is under final process for obtaining approval from Ld. Court. The information can only be supplied after final approval of Ld. Court. Hence, information is hereby denied u/s 8(1)(h) of RTI act. But CPIO/South is hereby directed to supply the requisite information to the appellant in accordance with RTI act as and when the proceedings are finalized in the case in question. With these observations, instant appeal alongwith all other references of the appellant received till date, stands disposed of accordingly.

In case, the appellant is not satisfied with the disposal of this appeal, he can file second appeal before the Hon'ble CIC, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067 under the RTI Act within 90 days.

21/5/2020.

(Nilambari Jagadale, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
1st Appellate Authority.

1. Brig. B. S. Gill,
R/o H. No. 608, Sector 36,
UT Chandigarh
Mob. 98728-68095
2. CPIO/South
3. CPIO/W&CSU
4. Computer Section