

**OFFICE OF THE SE00NIOR SUPERINTENDENT OF POLICE-CUM-1st
APPELLATE AU0THORITY (UNDER RTI ACT 2005), UT, CHANDIGARH.**

Appeal Order No. 0-215 - 217

/UT/RTI/SSP, dated: 19.06.2020

Name of Appellant : Mr. Tarminder Singh Chaudhary
R/o # 2206 Sector-45, Chd.

Concerned CPIOs : CPIO/South

Date of RTI application : 21.04.2020

Reply of CPIOs : 20.05.2020


Date of 1st Appeal : 25.05.2020

ORDER

The appellant has preferred his 1st appeal through online portal (bearing No. PODEP/A/E/20/00039 dated 25.05.2020) against the reply of CPIO/South in connection with his RTI application (bearing No. PODEP/R/E/20/00135 dated 21.04.2020) with the contentions that requisite information was not supplied to him. The instant appeal was diarized vide No. 43/UT/RTI/FAA/SSP dated 25.05.2020 for further proceeding under RTI Act.

Information sought vide RTI application:

The appellant had sought information on 7 points relating to case FIR No 378 dated 17.10.2018, PS 34 i.e. the date and time of depositing Mobile Phone MAX 2 in Malakhana, the date and time of sending the said Mobile to CFSL. Lab Sec 36, whether concerned IO has mentioned in the reply to Honourable High Court that the Mobile has been sent to CFSL lab on 15.02.2019 & the name of IO who represented Police in High Court and name of IO who prepared charge sheet, whether this has been reported in charge sheet prepared and submitted to Lower Court, please provide information whether Mobile phone was in whose custody, CFSL lab, Malkhana or in personal custody of IO and the date of release of mobile phone as per records.

 19/6/2020.

Comments of CPIO/South:

CPIO/South submitted that RTI application of the appellant was received through online portal for supplying the requisite information. Thereafter, requisite information was obtained from SHO/PS-34 and thereafter, point's wise reply was sent to the applicant vide No. 156/CPIO/South dated 20.05.2020.

Decision:

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/South vis-à-vis material available on record which revealed that appellant had sought information on 7 points relating to case FIR No 378 dated 17.10.2018, PS 34 i.e. the date and time of depositing Mobile Phone MAX 2 in Malakhana, the date and time of sending the said Mobile to CFSL. Lab Sec 36, whether concerned IO has mentioned in the reply to Honourable High Court that the Mobile has been sent to CFSL lab on 15.02.2019 & the name of IO who represented Police in High Court and name of IO who prepared charge sheet, whether this has been reported in charge sheet prepared and submitted to Lower Court, please provide information whether Mobile phone was in whose custody, CFSL lab, Malkhana or in personal custody of IO and the date of release of mobile phone as per records.

In reply, CPIO/South had denied the requisite information u/s 8(1)(h) of RTI to the appellant as the case is under investigation.

So far as the appeal is concerned, it is clear that from the reply of CPIO/South that case FIR No. 378 dated 17.10.2018 is under trial in the Ld. District Court, Chandigarh, however, the supplementary challan is yet to be presented in the Ld. Court as the said case is still under investigation with regard to section 67-A IT Act. Therefore, CPIO/South has rightly denied the requisite information by applying section 8(1) (h) of RTI Act as the matter is sub-judice in the Court of Law as well as some part of the case is under investigation.

Y 19/6/2020.

However, with regard to Point No. 4 i.e. name of I/O of the case, can be supplied under RTI Act. Accordingly CPIO/South is hereby directed to supply the same to the appellant as per RTI Act.

With these observations, the instant appeal stands disposed off.

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.

19/6/2020

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

1. Mr. Tarminder Singh Chaudhary,
R/o # 2206 Sector-45, Chandigarh
2. CPIO/South
3. Computer Section.

HC. Sanjay Kumar
for nla.

Insb.
i/c Comp. Section
dt 19/6/2020