



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

Order on First Appeal u/s 19 RTI Act.

This is an order on the appeal dated 29.10.19 preferred by Sh. Jeewan Kumar Gupta r/o Flat No.3033, Ajanta Enclave Society, Sector 51D, Chandigarh-160047 under RTI Act 2005 and received in this office on 06.11.2019. The appellant has filed this appeal against the disposal of his RTI application dated 18.09.2019 by DSP-cum-CPIO/HQs.

1. The appellant, vide his application dated 18.09.2019, under RTI Act-2005, had requested to supply him information regarding his complaint no. PW-201813709 through online RTI application bearing registration No. PODEP/R/2019/50644 dated 18.09.2019. CPIO disposed off the RTI application vide No. 345/DSP/Hqrs./Online RTI-19/D-436 dated 18.10.2019 through online RTI portal.

2. The information sought by the appellant, supplied by the CPIO and grievance of the appellant is given below:

Sr. No	Information sought in RTI application	Remarks of Nodal Officer	Grievance raised in first appeal
1.	Dear Sir, I filed a complaint on 21.08.2019 vide PW201813709 which is pending for the investigation with the Police Station Sector 49, Chandigarh and its online status has been shown as PENDING on 14-08-2019 in SDPO/ SOUTH. You are requested to supply the information / documents as under: 1. One set of the above said police complaint filed by me along with all the statements of all the parties/witnesses, documents/annexure collected during the course of investigation, Zimnies/ Notings.	Reference your RTI application bearing Regd. No. PODEP/R /2019/50644 dated 18/09/2019 was transferred to this office from CPIO South Sub Division, Sec-34, Chandigarh for providing information under RTI Act. As per report of I/C CRU, complaint no. 13709/2018 is under consideration with senior officers. So, the sought information is hereby denied	Dear Sir, The concerned CPIO has wrongly withheld/refused the information/ documents of my RTI Application on the ground that the Complaint is under consideration with senior officers and has disposed my Application under Section 8(l)(h) i.e. Exemption from disclosing information which would impede the process of investigation or apprehension or prosecution of offenders, which reason is totally unjustifiable and illegal well reflecting the casualness, non-inclination, oblique motive and negligence on the part of the CPIO as the information/ documents pertain to a Complaint filed by the Applicant/Complainant himself besides his harassment and violation of his fundamental rights as guaranteed by the Constitution of India as well as his statutory right under RTI Act, moreover, it has no connection

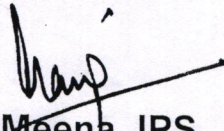
	<p>2. Please inform the status of investigation of the above said complaint.</p> <p>3. Please inform why it is taking too long and why the FIR has not been registered till date, whereas, there are specific and repeated directions by the Honourable Supreme Court as in Bhajan Lal's case to register an FIR at once in case of a cognizable offence.</p> <p>4. Please provide details as to how many of the alleged persons have been summoned to join the investigation and out of that how many have actually joined the investigation, what action has been initiated against the alleged persons who inspite of summoning have not joined investigation.</p> <p>5. Please inform what is the maximum time to lodge an FIR.</p>	<p>under section 8(l)(h) of RTI Act 2005.</p>	<p>to impede the process of investigation or apprehension or prosecution of offenders, instead it will advance the cause of investigation and justice that the Applicant should be provided the desired information/documents, the denial of the same will certainly curtail the rights of the Applicant. Further, the denial of the information/documents also aid to the unspecified length of investigation without any accountability while leaving the Applicant/Complainant wondering as to the Status of the investigation besides helping the offenders, which is contrary to the spirit of the RTI Act. It is pertinent to mention here that the CPIO has not explained as to how the desired information/documents will impede the process of investigation or apprehension or prosecution of offenders, moreover, pendency of any Complaint with senior officers is no ground to deny the same. This is purely harassment H of a common man like me who is left to run from pillar to post on the one hand. You are kindly requested to direct the CPIO to supply the requisitioned information/documents at the earliest with a further directions to impose exemplary penalty on the delinquent official and oblige. Thanking You, Chandigarh Yours faithfully Dated: 06.11.2019</p>
--	---	---	---

3. The comments of DSP-cum-CPIO/HQs. have been called for. He has reported that the RTI application bearing Regd. No. PODEP/R/2019/50644 dated 18/09/2019 was transferred to his office from CPIO South Sub Division through online on 01/10/2019 to supply the information on complaint no. PW-201813709 as the requisite file was consigned with CRU branch. Accordingly, on 10/10/2019, 1/C CRU was directed to supply the relevant file. In response, on 16/10/2019, he replied that relevant file i.e. PW no. 13709/2018 sought by the appellant was under consideration with senior officers which could not be supplied at that stage. In this effect a denial letter under section 8(l)(h) had been sent to the appellant vide no. 345/DSP/Hqrs/Online RTI-19/D-436 dated 18/10/2019 through online RTI portal.

4. Decision of the First Appellate Authority:

I have gone through the RTI appeal, vis-a-vis facts of the RTI application & comments of CPIO/Hqrs. The appellant had requested DSP-cum-CPIO/Hqrs. to supply him information pertaining to complaint No. PW201813709 dated 21.08.2018. The CPIO denied the information, on 18.10.19, under section 8(l)(h) of RTI Act citing the reason that the complaint was under consideration with senior officers. But as of now, the complaint is not under enquiry and is lying in HAC Branch after being filed. **The appellant can visit the office of the CPIO/Hqrs. on any working day during office hours within 15 days of issue of this order, inspect the complaint file and can take the information of his interest. The CPIO is directed to supply the information free of cost.** However, it has been observed that the CPIO has given a general reply to all the five points on which the information was sought in RTI application. In future, the CPIO is directed to give the reply pointwise. The 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.


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

Sh. Jeewan Kumar Gupta
r/o Flat No.3033, Ajanta Enclave Society,
Sector 51D, Chandigarh.

No. D- 253 - 55 /RTI/SP/HQs. dated Chandigarh, the: - 22.11.19

Copies to the: -

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