

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

Appeal Order No. D-47-50

/UT/RTI/SSP, dated : 29.01.2019

Name of Appellant :

Ms. Timsi Vasal R/o # 1079,
Phase 9, Mohali.

Concerned CPIOs :

CPIO/South

Date of RTI application :

30.11.2018

Date of 1st Appeal :

10.01.2019

ORDER

The instant appeal of the appellant was received in the office of the undersigned from the office of the First Appellate Authority-cum-Senior Superintendent of Police, Communication & Headquarters, UT, Chandigarh vide letter No. 32/FA/RTI/R/SSP/Hqrs dated 09.01.2019 mentioning therein that available information with the CPIO/Communication has already been supplied. As far as the CD of call recording is concerned, the same may be available with the main case file of FIR No. 266/2015, PS-49. This is diarized vide No. R-09/UT/RTI/SSP dated 10.01.2019.

Information sought vide RTI application:

The appellant had sought recording of a call made at 100 number against her and later on a case FIR no. 266/2015 in PS 49, Chandigarh was registered in this matter.

Comments of CPIO/Communication were found attached with the 1st appeal of the appellant who submitted that the appellant was informed vide letter no. RTI-114/SP/Commn./UT dated 12.12.2018 that DVR (Digital Voice Recorder) of Police Control Room has the capacity to store the data/recording for only six months, but the information sought for, belongs to the year 2014 i.e. 4 years earlier which cannot be supplied to the appellant as the same is not available in the record.

CPIO/Communication further proposed that CD of recording might be available with the Investigating Officer of case FIR no. 266/2015, PS Sector 49, Chandigarh.

Comments of CPIO/South :

Accordingly, comments of CPIO/South were obtained in the matter who submitted that report from SHO/PS-49 was obtained who reported that case FIR No. 266 dated 19.05.2015 u/s 420, 467, 468, 471 IPC was registered in PS-34, Chandigarh and the said case is presently under investigation with PS-49, Chandigarh. As per record, a CD of call recording made by unknown person to control room on 03.12.2014 is attached with case file. The supplying of requisite information would impede the process of investigation at this stage. Hence, the same is hereby denied under section 8 (1) (h) of RTI Act.

Decision :

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/Communication and South vis-à-vis material available on record which

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revealed that the appellant had sought recording of a call made at 100 number against her and later on a case FIR no. 266/2015 in PS 49, Chandigarh was registered in this matter.

On thorough perusing the facts of appeal it has been revealed that before transferring this appeal to the undersigned, comments of CPIO/Communication were obtained by FAA-cum-SSP/Hqrs in the matter who submitted that the appellant was duly informed that DVR (Digital Voice Recorder) of Police Control Room has the capacity to store the data/recording for only six months, but the information sought for, belongs to the year 2014 i.e. 4 years earlier which cannot be supplied to the appellant as the same is not available in the record.

CPIO/Communication further proposed that CD of recording might be available with the Investigating Officer of case FIR no. 266/2015, PS Sector 49, Chandigarh.

Thereafter, comments of CPIO/South were obtained who submitted that requisite information was denied to the appellant u/s 8(1) (h) of RTI Act as case FIR No. 266/2015, PS Sector 49, Chandigarh is still under investigation and the requisite information i.e. CD of call recording of 100 number, is an integral part of investigation.

In view of above, it is clear that requisite information cannot be supplied to the appellant at this stage as the same is an integral part of investigation. Hence the same is denied u/s 8(1)(h) of RTI act.

It is also pertinent to mention here that after examining his own record, CPIO/Communication should have transferred the RTI application to CPIO/South while dealing with it, but he failed to do so which is contrary to the provisions of RTI act. Hence, CPIO/Communication is hereby advised to be remained careful in future and strictly follow the provisions of RTI act in its letter and spirit.

With aforementioned observations, the instant appeal is disposed of accordingly.

In case, the appellant is not satisfied with the disposal of his appeal, as above, 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.

29/11/2019
(Nilambari Jagdale, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
1st Appellate Authority.

1. Mr. Timsi Vasal,
R/o # 1079, Phase 9,
Mohali, Punjab.
2. CPIO/South
3. CPIO/Communication.
4. Computer Section

Seen
K. S. K.
31/11/19