



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

Appeal Order No. D-337 - 339 /UT/RTI/SSP, dated : 20.09.2023

Name of Appellant : Ms. Navjot Lehal,
R/o F-144, Phase 8/B, Sector 74,
Ind. Area, Mohali, Punjab
Mob. 94652-24814

Concerned CPIO : CPIO/South

Date of RTI application : 17.07.2023

Reply of CPIO : 26.07.2023

Date of 1st Appeal : 02.08.2023

ORDER

The appellant has preferred her 1st appeal dated 02.08.2023 against the disposal of her RTI application dated 17.07.2023 by CPIO/South with the contentions that requisite information was not provided to him.

Information sought vide RTI application :-

The appellant vide her RTI application had sought information through point Nos. 4 (a to t) pertaining to the truthfulness and correctness of reply dated 13.07.2023 (in TA. Crl. No. 9/2023) submitted by SI Jaspal Singh No. 1484/CHG, PS Sector 49, Chandigarh.

COMMENTS OF CPIO/South :-

CPIO/South vide his comments submitted that RTI application of the appellant was received in his office directly/personally from the appellant on 17.07.2023 to supply the requisite information. Accordingly, available information was obtained from SHO PS Sector 49 and the same in pointwise form was supplied to the appellant vide letter No. 170/RTI-23/CPIO-South/Chandigarh dated 26.07.2023. As far as the appeal is concerned, as per report of SHO PS Sector 49, all the points are related to Case FIR No. 19 dated 28.02.2017 u/s 354 A, 341, 323, 34 IPC PS 49, Chandigarh which was registered against the appellant Ms. Navjot Lehal & others. The said case was transferred to Crime Branch on 06.03.2017 and after completion of investigation, challan (without arrest) was presented before the Learned Court on 25.09.2017 against the appellant Ms. Navjot Lehal D/o Sh. Gurmukh Singh, Gurpreet Kaur W/o Sh. Gurmukh Singh, Gurmukh Singh S/o Lt. Sh. Niranjan Singh and Harkamal Singh S/o Sh. Gurmukh Singh. Accused copy of the said challan has already been provided as per procedure and the same is under trial before the learned Court. This case FIR was neither investigated by SI Jaspal Singh (No. 1484/CHG) nor by any official of PS Sector 49, Chandigarh. The requisite record is not available with PS Sector 49, Chandigarh as Police File as well as Judicial File is in the custody of Learned Court.

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 the appellant vide her RTI application had sought information through point Nos. 4 (a to t) pertaining to the truthfulness and correctness of reply dated 13.07.2023 (in TA. Crl. No. 9/2023) submitted by SI Jaspal Singh No. 1484/CHG, PS Sector 49, Chandigarh.

In reply, CPIO/South had provided the available information in pointwise form to the appellant after obtaining the same from SHO PS Sector 49, Chandigarh.

So far as the instant appeal is concerned, as per report of CPIO/South, all the points are primarily related to reply dated 13.07.2023 (in TA. Crl. No. 9/2023) submitted by SI Jaspal Singh No. 1484/CHG, PS Sector 49, Chandigarh before the Learned Court of Sessions Judge UT Chandigarh against the application of appellant Ms. Navjot Lehal to transfer her cases to any other competent Court of Law. She questions the truthfulness and correctness of the said reply filed by SI Jaspal Singh before Learned Sessions Court through RTI act. This

The above mentioned reply was filed in connection with case FIR No. 19 dated 28.02.2017 u/s 354 A, 341, 323, 34 IPC PS 49, Chandigarh and other related facts. All the points of RTI application are related to the process of investigation of above mentioned case which was registered against the appellant Ms. Navjot Lehal & others. The said case was transferred to Crime Branch on 06.03.2017 and after completion of investigation, challan (without arrest) was presented before the Learned Court on 25.09.2017 against the appellant Ms. Navjot Lehal D/o Sh. Gurmukh Singh, Gurpreet Kaur W/o Sh. Gurmukh Singh, Gurmukh Singh S/o Lt. Sh. Niranjan Singh and Harkamal Singh S/o Sh. Gurmukh Singh. Accused copy of the said challan has already been provided as per procedure and the case is under trial before the learned Court. This case FIR was neither investigated by SI Jaspal Singh (No. 1484/CHG) nor by any official of PS Sector 49, Chandigarh. The requisite record is not available with PS Sector 49, Chandigarh as Police File as well as Judicial File is in the custody of Learned Court.

Moreover, through her RTI application and appeal, appellant wants to ascertain the truthfulness and correctness of some of the documents submitted by concerned officials before the learned Court in connection with a Case FIR which is not covered under the purview of RTI act. If the appellant has any grievances, she can easily pursue the same before the learned Court of Law which is final adjudicating authority.

The above mentioned fact/issue is clearly illustrated by Hon'ble Court and CIC, New Delhi in the following judgments :-

Hon'ble High Court of Bombay vide its order dated 03.04.2008 in case titled as "Dr. Celsa Pinto Vs. Goa State Information Commission (W.P.No.419 of 2007)" categorically explained the issue as under :-

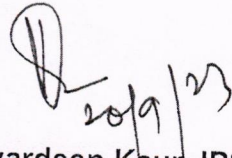
"The definition (of information) cannot include within its fold answers to the question "why" which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

Similarly, Hon'ble Central Information Commission, New Delhi in Complaint No.CIC/RBIND/C/2020/664244 titled as "Shishir Gupta Vs. Reserve Bank of India also cleared the matter as under :-

"The CPIO cannot create information in the manner as sought by the applicant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him".

With these observations, instant appeal stands disposed off.

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


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

Ms. Navjot Lehal,
R/o F-144, Phase 8/B, Sector 74,
Ind. Area, Mohali, Punjab 94652-24814

Copies to :-

- 1 CPIO/South
- 2 Computer Section.