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

Appeal Order No. 0-407-409 /UT/RTI/SSP, dated: 12-12-2022

Name of Appellant : Sh. Nirmal Kumar S/o Sh. Ved Parkash R/o

VPO Tankri, Tehsil- Bawal, Distt. Rewari,

Haryana-123412

Concerned CPIO : CPIO/South

Date of RTI application : 12.09.2022(received on 15.09.2022)

Reply of CPIO : 17.10.2022

Date of 1st Appeal : 04.11.2022

ORDER

The appellant has preferred 1st appeal dated 04.11.2022 against the disposal of his RTI application dated 12.09.2022(received on 15.09.2022) by CPIO/South with the contentions that he has not been provided any information by saying that he has no relation with deceased Varshah Devi D/o Sh. Sarjiwan Lakhira about whose death information was sought, whereas he is the husband of deceased Varshah Devi.

Information sought vide RTI application :

The appellant vide his RTI application dated 12.09.2022 (received on 15.09.2022) had sought information on 5 points pertaining to inquest proceedings initiated vide DDR No. 42 dated 25.04.2022 by PS Sector-31, Chandigarh regarding death of Varshah Devi D/o Sh. Sarjiwan Lakhira.

Comments of CPIO/South:-

To proceed further in the matter, comments of CPIO/South was sought, who submitted that RTI application of the appellant was received in his office through CAPIO/PHQ on 19.09.2022 in which applicant sought information regarding inquest proceedings U/s 174,175 CrPC dated 25.04.2022 regarding death of deceased Varshah Devi D/o Sarjiwan Lakhira W/o Nirmal Kumar R/o #197/A Near Kabir Dharamshala, Behlana, Chandigarh. Accordingly, requisite information was obtained from SHO PS-31. On point No.1-5 of RTI application of the appellant SHO PS-31 reported that "the inquest proceedings U/s 176 CrPC vide DDR No. 42 dated 25.04.2022 initiated by Executive Magistrate is pending under enquiry with ASI Paramjit Singh. The supply of information would impede the process of enquiry, hence denied under section 8(1)(h) of RTI Act." This information was further sent to the applicant vide letter No. 293/CPIO/South, dated 17.10.2022.

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 at the time of disposing off RTI application of the appellant, the inquest proceedings initiated u/s 176 CrPC by Executive Magistrate vide DDR No. 42 dated 25.04.2022 in PS-31 Chandigarh were under process/enquiry and decision of CPIO/South for denying the requisite information U/s 8(1)(h) of RTI Act is conclusive and not required to be overlooked.

Moreover, the allegation leveled by the appellant in his 1st appeal that requisite information has been denied to him by saying that he has no relation with the deceased Varshah Devi D/o Sh Sarjiwan Lakhera are unjustified as information has been denied to him U/s 8(1)(h) of RTI Act.

As the available information has already been supplied by CPIO/south to the appellant, therefore, no more action is required to be taken on the instant appeal. However, to uphold the spirit of RTI act and in the interest of natural justice as well as for the satisfaction of the appellant, CPIO/South is hereby directed to supply the requisite information to the appellant as and when inquest proceedings initiated vide DDR No. 42 dated 25.04.2022 in PS-31 are completed and if the same is not exempted under RTI Act.

With these observations, instant appeal stands disposed off accordingly.

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

(Kuldeep Singh Chahal, IPS) Senior Superintendent of Police Union Territory, Chandigarh-cum-1st Appellate Authority.

Sh. Nirmal Kumar S/o Sh. Ved Parkash R/o VPO Tankri, Tehsil- Bawal, Distt. Rewari, Haryana-123412

Copies to :-

1 CPIO/South

2 Computer Section.