



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

Appeal Order No. D-451-453 **/UT/RTI/SSP, dated:** 03/01/23

Name of Appellant : Ms. Manjit Kaur Majie,
R/o H. No. 25, Sector-3 A,
Chandigarh

Concerned CPIO : CPIO/East

Date of RTI application : 20.10.2022

Reply of CPIO on : 18.11.2022

Date of 1st Appeal : 21.11.2022

ORDER

The appellant has preferred 1st appeal through online RTI portal vide No. PODEP/A/E/22/00138 dated 21.11.2022 against the disposal of her RTI application bearing No. PODEP/R/E/22/00829 dated 20.10.2022 by CPIO/East with the contentions that she has been provided incomplete, misleading or false information.

Information sought vide RTI application :-

The appellant vide her RTI application dated 20.10.2022 had sought copy of DDR registered on her complaint for theft of Car bearing No. CHO1BT-0444 dated 17.10.2022.

Comments of CPIO/East :-

CPIO/East vide her comments submitted that RTI application of the appellant was received in her office through online RTI portal vide No. PODEP/R/E/22/00829 dated 20.10.2022 for seeking copy of DDR lodged on her complaint for theft of Car bearing No. CHO1BT-0444 dated 17.10.2022. In this regard, report from SHO PS 26 was obtained who reported that no such DDR of theft of Car bearing No. CHO1BT-0444 found to be lodged in PS 26 on 17.10.2022. However, as per record of PS 26, DDR bearing No. 39 dated 17.10.2022 was lodged at 15:21 hours regarding a spot of "person having some problem at H. No. 1644, Sector 07, Chandigarh" and this spot was handed over to I/O ASI Moti Lal by PCR. After attending the said spot, I/O ASI Moti Lal vide DDR No. 04 dated 18.10.2022 reported that there was a dispute between two parties, thereby preventive action u/s 107/151 CrPC and 107/150 CrPC was initiated against both the parties. The applicant was informed accordingly through mail vide letter No. 293-RTI/CPIO/East, dated 12.11.2022. Copies of DDR No.60, 61 dated 17.10.2022 and DDR No. 04 dated 18.10.2022 was also supplied to the appellant along with this letter.

Decision :-

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/East vis-à-vis material available on record which revealed that no such DDR of theft of Car bearing No. CHO1BT-0444 found to be lodged in PS 26 on 17.10.2022 rather ASI Moti Lal vide DDR No. 04 dated 18.10.2022 reported that there was a dispute between two

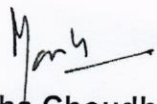
parties, thereby preventive action u/s 107/151 CrPC and 107/150 CrPC was initiated against both the parties. The applicant was informed accordingly through mail vide letter No. 293-RTI/CPIO/East, dated 12.11.2022. Moreover, copies of DDR Nos. 60 & 61 dated 17.10.2022 and DDR No. 04 dated 18.10.2022 was also supplied to the appellant by CPIO/East.

So far as the instant appeal is concerned, appellant has sought information which is not available in the records of PS-26. As per the provisions of section 2 (f) & (j) of RTI Act the CPIO has to furnish the available information to applicant. Moreover, for more clarity section 2 (f) & (j) RTI Act is reiterated below:-

- (f) *"Information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form".*
- (j) *"Right to information" means the right to information accessible under this Act which is held by or under the control of any public authority....."*

In view of above, it is clear that CPIO is bound to provide only the available information on record of the public authority which has already been done by CPIO/East in this case. Hence, instant appeal is not maintainable and rejected accordingly.

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


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

Ms. Manjit Kaur Majie,
R/o H. No. 25, Sector-3 A,
Chandigarh

Copies to :-

- 1 CPIO/East
- 2 Computer Section.