

Central Information Commission

Appeal 04/IC(A)/CIC/2006

Dated, the 3rd March, 2006

Name of the Appellant : R.C. Sankhla, IRS, F-240, Lal Kuan (Badarpur), Near Panchmukhi Mandir, New Delhi-110044

Name of the Public Authority : Central Bureau of Investigation, Anti Corruption Unit-VI, 8th Floor, Lok Nayak Bhavan, Khan Market, New Delhi-110003

DECISION

Grounds of Appeal :

The appellant has filed an appeal dated 4th January, 2006 against the order CBI/AC.III/N.Delhi dated 28th December, 2005 passed by Deputy Inspector General of Police and Appellate Authority of CBI. The Appellate Authority has dismissed the appellant's appeal for certified copies of certain statements recorded during investigation by CBI and before Metropolitan Magistrate and his request for inspection of file No. 2(A)/ACU-VII/2002 of CBI and to take extracts wherever required which concerns his life and liberty. The appellant has further stated that these statements were not placed before the Special Judge, CBI, Patiala.

2 The Appellate Authority has stated that after investigation of the case, a charge sheet against the appellant and others was filed on 27.2.2004 in the Court of Special Judge, CBI, Patiala. Charges have also been framed against the appellant by the court and the case is at the stage of prosecution evidence. The matter is thus subjudice. The disclosure of the documents asked for and permission for inspection of the case file would impede prosecution of offenders. The exemption from disclosure of information is justified under section 8(h) of the Act.

3. The appellate authority has also contended that the appellant is not entitled to have a copy of the statement of the co-accused given to the police. Copies of all the statements of witnesses relied upon by the prosecution have been provided to the appellant as per provisions of the law. The appellant can apply to the trial court for copies of the statements and documents not relied upon by the prosecution as the matter is pending in the court.

4. The appellant is freely performing his duties as a government servant and he is not prevented from leading a normal life. Therefore, there was no immediate threat to his life and liberty, which he claims under Section 7(1) of RTI Act. Further, as the said files deal with investigation carried out in the case, disclosure

of information contained in the said files might impede the process of prosecution of offenders. Accordingly, an exemption under Section 8(1)(h) of the Right to Information Act, 2005 has been claimed.

Commission's Decision:

The appellant has requested for certified copies of statements recorded by the CBI and the Metropolitan Magistrate as well as for inspection of files within 48 hours as it pertains to his life and liberty. The said files contain information about his prosecution initiated by the CBI. As the appellant is performing his normal duties as a government official and is leading a normal life, there is no perceived threat to his life and liberty. Therefore, appellant's appeal under Section 7(1) of the RTI Act, 2005 is not justified.

The proceedings are in progress in the Court of law through which the appellant may have access to the details of papers in the said files. The disclosure of information or inspection of files at this stage by the appellant would impede the process of prosecution of offenders. The exemption from disclosure of information under Section 8(1)(h) has therefore been correctly applied by the appellate authority.

The appeal is accordingly dismissed.

Sd/-
(M.M. Ansari)
Information Commissioner

Authenticated true copy :

(P.K. Gera)
Registrar

CC:

1. Shri Laxmi Prasad, Supdt. of Police, Anti Corruption Unit-VI, Central Bureau of Investigation, 8th Floor, Lok Nayak Bhavan, New Delhi-110003.
2. Shri R.C. Sankhla, IRS, F-240, Lal Kuan (Badarpur), Near Panchmukhi Mandir, New Delhi-110044