

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**W.P. (C) 6226/2007**

**S.M.LAMBA .....**

**Petitioner**

**Through Ms. Girija Krishan Varma, Advocate**

**versus**

**S.C. GUTPA and ANR .....**

**Respondents**

**Through Ms. Kittu Bajaj, Advocate for R-1 and 2**

**CORAM: JUSTICE S. MURALIDHAR**

**ORDER**

**04.05.2010**

**1. There were three specific pieces of information sought by the Petitioner:**

**(i) Sanction for prosecution in respect of S.M. Lamba issued in connection with case RC:SIA-2003-E-0001 dated 30th June 2003 registered in CBI/SIU(X)/BSandFC), New Delhi.**

**(ii) The request sent by the CBI in the said case to the Oriental Bank of Commerce seeking sanction of prosecution of S.M. Lamba along with enclosures.**

**(iii) Relevant copies of the office notings on the basis of which the said prosecution was issued.**

**2. The information at (i) was provided by the Central Public Information Officer (CPIO) of the Respondent Bank.**

**3. The information at (ii) was declined because the Central Bureau of Investigation (CBI) had itself treated the said document as confidential. Section 11 of the Right to Information Act 2005 (RTI Act) was invoked by the Respondent Bank to decline the request.**

4. As regards the aforesaid document, learned counsel for the Petitioner points out that in the criminal case a charge sheet has been filed and an order framing charges has also been passed. She submits that there is no justification for withholding this document any longer.

5. This Court would like to observe that under the Code of Criminal Procedure 1973 (CrPC) once the stage of an order framing charges has been crossed, it would be open to the accused to make an appropriate application before the learned trial court to summon the above document in accordance with law.

6. As far as the Respondent Bank is concerned, this Court finds that no error has been committed by it by taking recourse to Section 11 of the RTI Act.

7. The document at (iii) was referred to be given by the Respondent Bank is citing Section 8 (1) (h) of the RTI Act. The reason given was that the prosecution was in progress in the CBI Court at Ambala against the Petitioner.

8. A perusal of Section 8 (1) (h) of the RTI Act shows that information can be withheld which would impede the process of investigation or apprehension or prosecution of offenders. In the present case the charge sheet having been filed upon completion of investigation, there can be no apprehension that the disclosure would impede the progress of the investigation. It would also not impede the trial which is already in progress.

9. In that view of the matter, there is no justification in withholding the information sought by the Petitioner at (iii) above. Consequently, the impugned order of the Central Information Commission is modified to the extent that the Respondent Bank is directed to make available to the Petitioner the information at (iii) above within two weeks from today. It will be open to the Respondent Bank while furnishing the above information, to conceal the names of any of the other officers whose names may be reflected.

10. The petition is disposed of. Order be given dasti to learned counsel for the parties.

**S. MURALIDHAR, J**

**MAY 04, 2010**

