

Jammu and Kashmir State Information Commission
(Constituted under the Right to Information Act, 2009)
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Old Assembly Complex, Srinagar, 0194-2506660, 2506661
www.jksic.nic.in

File No. SIC/J/A/237/2018
Decision No. SIC/J/A/237/2018/229

Final Order:

Appellant : Sh. Gharu Ram, S/o Sh. Tulsi Ram
R/o Bardal Kalan, Tehsil Akhnoor, District
Jammu.
Respondent : FAA/PIO, Police Department.
Date of Registration : 19-02-2018.
Date of decision : **23-04-2018.**
Decision : Appeal disposed of.

Brief Facts:

The applicant Sh. Gharu Ram filed RTI application before the PIO, Superintendent of police, Rural Domana seeking the following information:

- 1 Certified copy of FSL report in the FIR No-92/2006 of P/S Akhnoor in which the specimen signature of applicant were sent for verification to FSL Jammu.
- 2 Detail about the date on which the final report of FIR 92/2006 was submitted before the Judicial Magistrate and what documents were submitted with the final report.

The PIO vide his communication dated 20-10-2017 provided the information to the applicant. The applicant filed 1st appeal

before the First Appellate Authority (FAA)/Dy.S.P (Hqrs) of the District, Jammu on 02-12-2017 stating therein that the information provided by the PIO was incomplete, misleading and factually incorrect. The same was disposed of by the FAA on 03-01-2018. Aggrieved by the disposal of 1st appeal by the FAA the applicant filed 2nd appeal before the State Information Commission (SIC) on 19-02-2018 alleging therein that the applicant was not given an opportunity of being heard or present his case before the FAA, who disposed of the 1st appeal filed by him without hearing the applicant.

Proceeding/Decision:

The instant appeal came up for hearing before the SIC on 16-03-2018. The counsel for the appellant, representing the appellant during the hearing, submitted that the information provided to him on 18-10-2017 was incomplete. The respondents filed rejoinder and informed the SIC that the information sought by the appellant was given to him by the FAA while disposing of the 1st appeal. The appellant was directed to file a rejoinder in respect of the counter statement filed by the respondents.

The appeal again came up for the hearing before the SIC today on 23-04-2018. The appellant did not attend the hearing, nor did he file any rejoinder. The PIO submitted that through the RTI

application dated 15-09-2017, the appellant had sought copy of FSL report in the FIR-92/2006 of Police Station, Akhnoor and also the details as to the date on which the final report of FIR-92/2006 was submitted before the Judicial Magistrate and what documents were submitted in the final report. The PIO submitted that a duplicate copy of the FSL report in case FIR 92/2006 has been obtained from the Director, FSL. She also informed that the date on which final report was submitted before the Judicial Magistrate was also available with the PIO. However, as regards the documents submitted to the Court of Judicial Magistrate along with the final report, the PIO submitted that she was not in a position to specify as to which documents were attached with the final report as the same have been submitted to the Court in original and no record is maintained by the P/S concerned about the same. The PIO also submitted that since the case was sub-judice, the same can be obtained by the appellant from the court.

The main issue about which the information was sought by the appellant related to the FSL report in case FIR-92/2006 and date on which the final report of FIR was submitted before the Judicial Magistrate. The same is available with the PIO and can be furnished to the appellant. As regards, the list of documents submitted to the court with the final report, the same is not material so far as disposal of this appeal is concerned. The case is

still sub-judice before the Court of Law and in case the appellant requires the list of documents accompanying the final report, he can also have it from the concerned court, with the permission of the court. The substantial part of the information is available with the PIO, which in the opinion of the SIC, would satisfies the RTI requests filed by the appellant. The appeal is accordingly, disposed of with the direction to the PIO to send the copy of FSL report pertaining to case FIR-92/2006 of Police Station Akhnoor and also the date on which the final report of the FIR was submitted before the Judicial Magistrate through registered post within a period of 10 days from today.

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(Mohammad Ashraf Mir),
State Information Commissioner,
J&K State Information Commission.
/imi/

No. SIC/J/A/237/2018

Dated: / /2018.

Copy to the:

- 1 First Appellate Authority (FAA) Superintendent of Police, Hqtrs. Jammu for information.
- 2 Public Information Officer (PIO), Dy. Superintendent of Police, Hqtrs, Jammu for information and compliance.
- 3 PS to SIC for information of HSIC.
- 4 Sh. Gharu Ram, S/o Sh. Tulsi Ram, R/o Bardal Kalan, Tehsil Akhnoor, District Jammu.
- 5 Guard file.

(Sheikh Fayaz Ahamd)
Registrar,
J&K State Information Commission.