

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present: Hon'ble Shri D.N.Padhi, SCIC

Date: 14th November, 2008

Complaint Case No. 440(B) /2007

Surendranath Dash,
At-Kanjia,
PO-Sakhigopal,
PS-Satyabadi,
Puri district.....Complainant

-Vrs-

Public Information Officer,
Office of the Sub-Divisional Police Officer,
Khurda,
Khurda district.....Opposite Parties



Decision

1. Complainant Surendranath Dash is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Durlabh Charan Singh, PIO-cum-SDPO, Nimapara, Puri district is present. Heard. Perused the case record. This case has arisen out of complaint petition dated 31/03/07.
2. Complainant in form A application dated 05/12/06 had sought for a copy of the investigation report in Nimapara P.S. case no.105 of 1989. Disclosure of investigation related information which would impede the process of investigation or apprehension or prosecution of offenders have been exempted under Section 8 (1) 9h) of the RTI Act, 2005 (Act for short). But if the investigation in the above P.S. case is over and police report has been forwarded to the relevant Court

empowered to take cognizance, the exemption supra loses its validity and there is no legal impediment to share the information with the Complainant.

3. It reveals from the record that this case was last heard by the State Commission on 04/03/08 in presence of the above named SDPO Nimapara. As he had submitted that RTI application dated 05/12/06 of the Complainant had not been received by them, a copy of the same was handed over to him during the course of hearing. In order dated 04/03/08, the PIO was directed to provide the information to the Complainant in accordance with the provisions of the Act, free of cost, by 12/03/08 and report compliance to the State Commission.
4. The PIO stated today that he provided the information to the Complainant vide letter no.552 dated 07/03/08 through registered post under intimation to the Registrar, Orissa Information Commission. The same is available on record. In view of the above, the case is disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 14th day of November, 2008.


SCIC
14.11.08

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