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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1244 OF 2015

Moin Abdul Latif Deshmukh.

..Petitioner

-Versus-

The State of Maharashtra and others.

..Respondents

.....

Mr.Moin Abdul Latif Deshmukh, Petitioner in person.

Mr.K.M.Suryawanshi, AGP, for the Respondent Nos.1 to 3.

.....

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 16th February, 2015

Per Court:

1 The Petitioner has appeared in person. His grievance is as under:-

- (a) An application dated 24.05.2013 was filed under the Right to Information Act, 2005 before the Information Officer, Office of the Sub-Divisional Officer, Shevgaon, Taluka Shevgaon, District Ahmednagar seeking four documents as set out in paragraph 5(1) to 5(4) of the said application.
- (b) By order dated 12.06.2013 the concerned Authority invoked Section 8(1)(j) of the Right to Information Act, 2005 and concluded that the documents as regard paragraph 5(1) to

5(3) cannot be granted. However, the information as regards paragraph 5(4) was granted to the Petitioner.

- (c) Being aggrieved, the Petitioner filed an Appeal dated 14.06.2013.
- (d) By order dated 28.06.2013, the said Appeal was rejected by the Appellate Authority.
- (e) The Petitioner moved an Appeal before the State Information Commission dated 05.07.2013.
- (f) By the impugned order dated 29.09.2014, the said Appeal was rejected.

2 The grievance of the Petitioner is that the documents at paragraph 5(1) to 5(3) of his application dated 24.05.2013 ought to have been granted to him. Section 8(1)(j) of the Right to Information Act, 2005 cannot be said to be applicable to the Petitioner. The Petitioner has, therefore, prayed in paragraph 10(A) of this petition that the impugned order dated 29.09.2014 be quashed and set aside. In the second prayer clause, the Petitioner has prayed for compensation of Rs.20 lacs.

3 I have heard the Petitioner in person for quite sometime. The document at paragraph 5(3) of the application is as regards the provisions of Government Resolution under which the offence against the Petitioner

was registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Petitioner desired the information about a particular provision under which the offence is registered after seven months after lodging of the complaint. In paragraphs 5(1) and 5(2), the Petitioner has sought the spot inspection Panchanama and the report submitted by the Investigating Officer.

4 In the first order dated 12.06.2013 passed by the Sub Divisional Police Officer and Information Officer, Shevgaon, it is stated that since the matter was under investigation, the documents sought by the Petitioner would not be granted. The Petitioner was given the liberty to collect the said documents from the Court after the charge sheet is filed.

5 Before the State Information Commission, the Petitioner was absent though he has submitted his written notes. The State Information Commission has recorded the contention of the Assistant Police Inspector Mr.Vinay Sarvade, who represented the first Authority at Shevgaon and the Appellate Authority, that the charge sheet has been submitted in the Court and Case No.4/2014 has been registered on 01.01.2014. Thereafter, the documents desired by the Petitioner have been supplied to him.

6 Mr.Suryawanshi, learned AGP, has relied upon Section 208 of the Code of Criminal Procedure to contend that unless entire investigation is over, no person against whom the First Information Report is registered and investigations are on going, can be supplied with the documents which are part of the investigation process. He submits that the law enables the Petitioner to collect copies of the said documents from the concerned Magistrate. He, therefore, submits that Section 208 is self explanatory and the Magistrate can supply the Accused all the copies of documents mentioned in sub-sections (1) to (3) of Section 208, free of costs.

7 In the light of the above, the Petitioner states that such documents are not given to him. He, however, states that he is willing to collect the copies from the concerned Magistrate under Section 208 of the Code of Criminal Procedure as is permissible in law.

8 In such circumstances, this Writ Petition need not be kept pending and same can be disposed of with liberty to the Petitioner to collect the required documents from the concerned Magistrate. In the event, the Petitioner makes such an application under Section 208 of the Code of Criminal Procedure, the concerned Magistrate shall follow the provisions of law and supply such copies to the Petitioner, free of costs as

is permissible in law.

9 The Writ Petition is disposed of in the above terms. No order
as to costs.

(RAVINDRA V. GHUGE, J.)