

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12999 OF 2017

Prakash Chimanlal Sheth

.. Petitioner

v/s.

The State Information Commissioner
& Ors.

..Respondents

Mr. Rahul Kadam for the Petitioner.

Mrs. R.M.Shinde, AGP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : JUNE 28, 2018.**

P.C. :

1. Heard Mr. Kadam, the learned Counsel for the petitioner and Mrs. Shinde, the learned AGP for the State. The petitioner is aggrieved by the orders dated 22nd May, 2017, 5th July, 2017 and 29th August, 2017 passed by the Information Officer, First Appellate Authority and the Information Commissioner respectively. By the impugned orders, the petitioner's application under Right to Information for providing copies of the Register showing brief details of the visitors who visited the Office of Commissioner of Police,

Mumbai, on 29th July, 2016 came to be rejected.

2. The petitioner's application was rejected relying upon the provisions of Section 8(1)(j) of the Right to Information Act, 2005. In the course of hearing, the learned AGP submitted that an FIR has been registered against the petitioner, and furnishing the information as asked by the petitioner would impede the investigation. She also submits that the information asked for by the petitioner cannot be given in view of the provisions of Section 8(1)(h) of the Right to Information Act, However, the said information is refused relying upon the provisions of Section 8(1)(j) of the Right to Information Act. She submits that the petition be remanded to the concerned Authority to take appropriate decision.

3. In the light of the concession given by the learned AGP, we dispose of the petition by passing following order:

i) The order dated 29th August, 2017 passed by the Information Commissioner in Appeal No. BM 3135 of 2017 is quashed and set aside and the matter is remanded to the State Information Commissioner to decide the petitioner's second appeal afresh, after hearing all concerned.

ii) The State Information Commissioner shall decide the appeal as expeditiously as possible and preferably within a period of four weeks from the date of receipt of this order.

. At this stage the learned Counsel for the petitioner expresses apprehension that the concerned Register would be destroyed by the Office of the Commissioner of Police. The learned AGP, upon instructions, makes a statement that until the decision on the appeal is taken, said Register will not be destroyed. Statement accepted.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)