

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3070 OF 2018

Prakash Chimanlal ShethPetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Rahul Shivaji Kadam, advocate for the petitioner.
Mrs. M. P. Thakur, AGP for the State.

CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.
DATE : 10th APRIL, 2018.

P. C. :

The petitioner is challenging the orders passed by the Information Officers-1st Appellate Authority and 2nd Appellate Authority.

2. The petitioner sought following information from the Information Officer :

1. Certified copies of the statements of the complainant recorded on or after 3.6.2017.
2. Certified copies of statement of Anil Tirlotkar, Prakash Sheth, Shantilal Sheth and Arti Chavan recorded on or after 6.6.2017.
3. Certified copies of reports filed by police in the session court on 12.6.17 and on 19.6.17 in matter of application filed by police for cancellation of bail.

The petitioner is also an accused in CR No.119 of 2016 and, therefore, the information regarding query No.1 was not given to him because the said CR is under investigation. The lower authorities were

justified in refusing to give information in the light of the provisions of Section 8(1)(h) of the Right to Information Act, 2005. So far as query No.2 is concerned, the petitioner has been given the statement of Prakash Sheth. So far as rest of persons referred in the said query are concerned, the petitioner is informed that they are third parties and, therefore, their statements cannot be given to the petitioner under Section 11 of the Right to Information Act. So far as query No.3 is concerned, since the reports referred therein are filed in Sessions Court, the petitioner is at liberty to get the same from the Sessions Court. The impugned orders are passed in consonance with the provisions of the Right to Information Act, 2005. We do not find any error in the same.

3. Mr. Kadam, learned counsel for the petitioner, relied upon the decision of a learned Single Judge of the Delhi High Court in **Writ Petition (C) 3543/2014 (Adesh Kumar versus Union of India and ors.)**. However, in the facts of the present case, the said decision has no application.

4. The petition is devoid of any merit and the same is, accordingly, dismissed.

(SMT. SADHANA JADHAV, J.)

[RANJIT MORE, J.]