



WEB COPY



W.P.No.31798 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31798 of 2018

And

W.M.P.No.37029 of 2018

The Public Information Officer – cum –
Under Secretary to Government of Puducherry,
Confidential and Cabinet Department
Chief Vigilance Office,
Chief Secretariat,
Puducherry. ... Petitioner

Vs.

1.The Central Information Commission
represented by its Registrar,
CIC Bhawan,
Baba Gangnath Marg,
Munirka,
New Delhi – 110 067.

2.P.Shanmuga Sundaram ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the order in File No.CIC/UTPON/A/2017/174172/SD dated 03.10.2018 passed by the Central Information Commission, New Delhi and quash the same.



W.P.No.31798 of 2018

WEB COPY

For Petitioner : Mr.B.Ramasamy
Special Government Pleader (Puducherry)
For Respondents : Dr.G.Babu for R1

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records pertaining to the order in File No.CIC/UTPON/A/2017/174172/SD dated 03.10.2018 passed by the Central Information Commission, New Delhi and to quash the same.

2.The case of the petitioner is that the second respondent filed application under the Right to Information Act, 2005 dated 01.08.2017 before the petitioner seeking photocopies of the original case in respect of Crime No.116 of 2005 of Vigilance and Anti – Corruption Police Unit. Since furnishing the information would impede the prosecution in the trial, the petitioner denied the information sought for by the second respondent, aggrieved by which, the second respondent preferred appeal dated 07.09.2017 before the First Appellate Authority and the said appeal was dismissed by the First Appellate Authority. Challenging the same, the second respondent preferred second appeal dated 23.10.2017 before the first respondent,



W.P.No.31798 of 2018

WEB COPY

pursuant to which the impugned order was passed. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that though the second respondent is entitled for information under Section 8 (1) (h) of the Right to Information Act, 2005, the second respondent is seeking information including the case diaries recorded by the Investigating Officer during the course of investigation, which cannot be furnished and hence, the same was denied.

4.The learned counsel appearing for the first respondent submitted that investigation in the case has been completed and charge sheet has been laid and hence there is no bar for the petitioner to furnish the information sought for by the second respondent under the Right to Information Act, 2005.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The facts in the present case is not in dispute. Admittedly, the



W.P.No.31798 of 2018

the second respondent filed application under the Right to Information Act, 2005 dated 01.08.2017 before the petitioner seeking photocopies of the original case in respect of Crime No.116 of 2005 of Vigilance and Anti – Corruption Police Unit and the same was denied, aggrieved by which, the second respondent preferred appeal before the First Appellate Authority and the said appeal was dismissed by the First Appellate Authority. Challenging the same, the second respondent preferred second appeal dated 23.10.2017 before the first respondent and the first respondent passed the impugned order.

7.The moot question that arises for consideration is, 'whether the second respondent is entitled for the information sought for by him under Section 8 (1) (h) of the Right to Information Act, 2005?'.

8.Perusal of the above provision makes it clear that information which would impede the process of investigation or apprehension or prosecution of offenders should not be furnished by the petitioner. However, in the present case, investigation has been completed and charge sheet has been filed. Hence, the impugned order directing the petitioner to furnish the complete copy of the case file sought for by



W.P.No.31798 of 2018

WEB COPY

the second respondent in the application under the Right to Information Act, 2005, warrants no interference.

9.The writ petition is dismissed. The petitioner is directed to implement the order in File No.CIC/UTPON/A/2017/174172/SD dated 03.10.2018 passed by the Central Information Commission, New Delhi, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

17.03.2023

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Central Information Commission
represented by its Registrar,
CIC Bhawan,
Baba Gangnath Marg,
Munirka,
New Delhi – 110 067.



WEB COPY



W.P.No.31798 of 2018

M.DHANDAPANI,J.
pri

W.P.No.31798 of 2018
And
W.M.P.No.37029 of 2018

17.03.2023