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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5837/2023**

EHTESHAM QUTUBUDDIN SIDDIQUI

..... Petitioner

Through: Mr. Vinay Rathi and Mr. Vikrant
Dhama, Advocates.

versus

CPIO ASSISTANT DIRECTOR

..... Respondent

Through: Mr. Rahul Sharma, SPC with Mr.
Rahul Kumar Sharma, GP and Mr.
Angad Gautam, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

08.04.2024

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1. The Petitioner approached this Court challenging an Order dated 21.01.2022 passed by the Central Information Commission pertaining to two RTI applications bearing No. CIC/MHOME/A/2020/107155 and CIC/MHOME/A/2020/107160.
2. Learned Counsel for the Petitioner states that the Petitioner is challenging the decision of the Central Information Commission regarding the first application bearing No. CIC/MHOME/A/2020/107155 and the Petitioner is not challenging the decision regarding the application bearing No. CIC/ CIC/MHOME/A/2020/107160.
3. The facts of the case reveal that the Petitioner was arrested in the Mumbai train blast case by the Anti-Terror Squad, Mumbai on 27.04.2006



and has been sentenced to death by Order dated 30.09.2015. The appeal against the said order is pending before the High Court of Bombay.

4. The Petitioner has moved the instant RTI application seeking information regarding the entries of travel (departure/arrival) of person, namely, Mohammad Alam Gulam Sabir Quraishi from Mumbai International Airport to Hong Kong/China between 01.01.2006 to 30.06.2006 made in FRRO/Immigration Office.

5. The said application has been rejected by the CPIO of Bureau of Immigration on the ground that the Bureau of Immigration is exempted from provided any information under Section 24 (1) and Second Schedule of the Right to Information Act.

6. The case was taken up in appeal which was rejected on the very same ground. The Petitioner thereafter filed a second appeal before the Central Information Commission. The Central Information Commission has rejected the appeal on the ground that the applicant is seeking a third party information which is exempted under Section 8(1)(j) of the Right to Information Act as it belongs to information pertaining to a third party. The said order is under challenge in the present petition.

7. Learned Counsel for the Petitioner states that information which is being sought for is relevant for the Petitioner in pursuing his appeal which is pending before the High Court of Bombay. He states that the persons whose travel details are being sought, is a witness. It is further stated that the Petitioner has been arrested by falsely implicating him in the said case and the denial of the said information is violation of human rights.

8. Learned Counsel for the Petitioner places reliance on proviso to Section 24 of the RTI Act to contend that in case of information sought in



respect of allegations of violations of human rights, the said information can be provided after approval of the Central Information Commission.

9. Heard learned Counsel for the parties and perused the material on record.

10. The Petitioner has been convicted *vide* Order dated 30.09.2015 passed by the Sessions Court of Special Judge under the Maharashtra Control of Organised Crime Act, 199 and National Investigation Agency Act, 2008 at Mumbai for offences punishable under Section 302, 307, 324, 325, 326 IPC read with Section 120B, 121A, 122, 123 IPC; Section 3(b) of the Explosive Substances Act, 1908 and Section 10(a)(i), 13(1), 16 and 20 of the Unlawful Activities (Prevention) Act, 1967; Section 3(1)(i), 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999; Section 151(1), 152 and 153 of the Railway Act, 1989; Section 3(2)(e) of the Prevention of Damage to Public Property Act, 1984; Section 9B(2) of the Explosives Act, 1884 and has been sentenced to death.

11. The Petitioner by the said RTI application seeks for entries regarding the travel details of a witness in the case, i.e., Mohammad Alam Gulam Sabir Quraishi between 01.01.2006 to 30.06.2006.

12. Section 8(1)(j) of the RTI Act provides that information which relates to personal information, disclose of which has no relation with any public interest or which would cause unwarranted invasion of privacy of an individual is exempted. The CIC has rejected the case of the Petitioner on the ground that the information that is being sought is personal information of Mohammad Alam Gulam Sabir Quraishi which is exempted under Section 8(1)(j) of the RTI Act.

13. Travel information of any person is personal information and such



details cannot be divulged to a third party unless the same is in larger public interest which justifies the disclosure of the said information. This Court is of the opinion that the view taken by the CIC is not so perverse which warrants interference under Article 227 of the Constitution of India.

14. It is always open for the Petitioner to approach the concerned Court under Section 391 CrPC seeking for this information if it does not form part of the record of the criminal court even though it is not a part of the chargesheet.

15. In view of the above, this Court does not find any reason to interfere with the view taken by the Central Information Commission. The writ petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

APRIL 8, 2024

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