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

+ W.P.(C) 7306/2018
PRAKASH PATEL

.....Petitioner

Through: Mr. Khagesh B. Jha and Ms. Shikha
Sharma Bagga, Advocates.

versus

NATIONAL CRIME RECORDS BUREAU AND ORS.

.....Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.10.2024

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1. Through the instant writ petition the Petitioner assails the order dated 2nd April, 2018¹ passed by the Central Information Commission upholding the denial of information to the Petitioner on the ground of the information being not available with Respondent No. 1 - National Crime Records Bureau².

2. The brief facts of the case are as follows:

2.1. The Petitioner filed an application dated 23rd August, 2016 under the Right to Information Act³ with the PIO, Director General of Police, Gandhinagar, Gujarat for information on the various offences registered against four accused persons, including the FIR numbers and dates as well as the name and addresses of the Police Stations where the FIRs were registered. The Petitioner contends that these four persons, whose

¹ "Impugned order"

² "NCRB"

³ "RTI Act"



information is sought, are habitual offenders and land grabbers who have been running a racket to trap poor people and grab their land. As such, it is urged that the information sought is crucial for the sake of public interest.

2.2. The said RTI application of the Petitioner was transferred to various Police Commissioners, District Superintendent of Police for the State of Gujarat and other police stations in the state, however, no information was forthcoming. Thereafter, on 23rd August, 2016, the PIO, Dy. Superintendent of Police, Gandhinagar transferred the Petitioner's RTI application to the CPIO, NCRB, Ministry of Home Affairs, New Delhi.

2.3. In response to the said query, NCRB through communication dated 24th August, 2026 provided the information pertaining to one of the four accused persons - Mr. Gopal Kharva along with a covering letter to the following effect:

*“CRB(109)/CCIS/RTI/2015/NCRB
Ministry of Home Affairs
National Crime Records Bureau*

*East Block-7, R.K.Puram
New Delhi-110066
Dated 24/08/16*

*Shri: Prakash I. Patel
Gokul Building Basement
Opp: Zaveri Complex Jambubet
Dandiyabazar,
Vadodara-390001
Gujarat*

Sub: Information under RTI Act, 2005

Sir,

Please refer to your letter dated 18/08/16 seeking information under RTI Act 2005 addressed to the Public Information Officer of the DGP Gandhinagar. The application has been forwarded by Computer Cum State Crime Records Bureau Gandhinagar, Gujarat Bureau to this Office for necessary action, Bureau has processed the query and results are attached as per available database in NCRB, However, this is to inform you that the database of Crime Criminal Information System is not getting updated due



to non-receipt of information from State/UTs. It is advised that you may contact local Police Station if they have any relevant information in their record.

The Appellate Authority in this regard is Shri. I.D.Shukla, Deputy Director(Admin), NCRB, East Block 7, R.K.Puram, New Delhi.

*Yours sincerely.
(Anita Vinayak)
Assistant Director (Record)*

2.4. Dissatisfied with the response, the Petitioner preferred a first appeal which was decided by the Appellate Authority vide order dated 28th October, 2016 holding that the NCRB functions by collecting crime and criminal information from State Crime Records Bureau in numerical data format and the individual information/police data is not obtained. Therefore, it was held that the relevant copies of the FIRs and their disposal could not be provided to the Petitioner by NCRB. The said order of the First Appellate Authority is as follows:

*“CRB(109)/CCIS/RTI/2015/NCRB
Ministry of Home Affairs
National Crime Records Bureau*

*East Block-7, R.K.Puram
New Delhi-110066
Dated 28/10/16*

To,

*Shri. Prakash Ishwarbhai Patel
A-55, Akshardham Society,
Opp. T.P. Udhayan- 7
Harni-Warasiya Ring Road,
Vadodara 390 022*

Sub: First Appeal u/s 19(1) of the RTI Act 2005

Sir,

Reference the above appeal received by the Bureau on the 21.10.16. Undersigned has gone through your original RTI application dated 18/8/14 wherein certain records in respect of para no. 3 has been asked, in this regard CPIO has already sent available information to you based on which



you have preferred an appeal to the undersigned.

The undersigned has also gone through the appeal submitted by applicant Shri, Prakash Ishwarbhai Patel dated 17/10/16. The subject matter in question whether CPIO has held the information in spite of having the information under her control or transfer the RTI application to the third party to provide the information placed on.

In this regard, it is brought to your notice that NCRB is collecting crime and criminal information from State Crime Records Bureaus (SCRBx) in numerical data format. Individual information/police data are not obtained. The crime and criminal data which is received from SCRBx (not District/Police Station) are being compiled and published in Crime in India which is also available in NCRB portal and can be viewed by any person.

Therefore, till now NCRB is functioning on numerical/statistical data, hence the relevant copies of the FIRs and their disposal could not be provided to you. NCRB is in the process of completing its project Crime Criminal Tracking Network System (CCTNS) wherein FIR along with the disposal will be collected. So far system is not operational. As long as information mentioned in Para no. 3 of your application CPIO, (NCRB) is advised to forward your original application to ail the Director General of Police of all State/UTs to furnish information directly to you. As far as this matter is concerned, the appeal is disposed.

Yours sincerely,

(I.D. Shukla)

*Deputy Director(Admn)
First Appellate Authority”*

2.5. Dissatisfied with the aforementioned order passed by the First Appellate Authority, the Petitioner preferred a second appeal before CIC which was decided by way of the impugned order dated 2nd April, 2018, rejecting the second appeal of the Petitioner and upholding the stand of NCRB.

3. Mr. Khagesh B. Jha, counsel for the Petitioner states that irrespective of the functioning of NCRB, since the communication dated 24th August, 2016 already provided the relevant data which was sought by him in terms of one accused person – i.e., Mr. Gopal Kharva. Mr. Khagesh further urges



that the NCRB records have been updated and therefore, he would be satisfied if the Respondents were to carry out another similar search of their records for the updated information on Mr. Gopal Kharva as well as information on the other three accused persons and accordingly, give the particular to the Petitioner to that effect. He states that in case the search result does not fructify in any results, then the same should also be intimated to the Petitioner.

4. Having regard to the foregoing submissions and having perused the communication dated 24th August, 2016 and annexure therewith, in the opinion of the Court, the present writ petition can be disposed with a direction that Respondents shall process the query of the Petitioner and generate search results in a similar manner as has depicted in the annexure to the communication dated 24th August, 2016, which is also extracted as Annexure P-6 of the present writ petition. This search of the records of NCRB shall be carried out for the updated information on all four accused persons whose information was sought by the Petitioner – i.e., Mr. Gopal Kharva, Mr. Viral Ajmera, Mr. R. C. Thakkar and Ms. Samiksha Chauhan; and the results of the search, irrespective of whether the same fructifies in any result or not, shall be communicated to the Petitioner within a period of four weeks from today.

5. Accordingly, the writ petition is disposed of with the above directions.

SANJEEV NARULA, J

OCTOBER 18, 2024

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