



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 26288 of 2022 and 9654 of 2023

and

WMP Nos.25359, 25360 of 2022 & 9706 of 2023

1. Central Public Information Officer & AGM
Indian Overseas Bank, Central Office,
762, Anna Salai, Chennai-600 002.
2. The First Appellate Authority,
under RTI and General Manager,
Indian Overseas Bank, Central Office,
762, Anna Salai, Chennai-02.

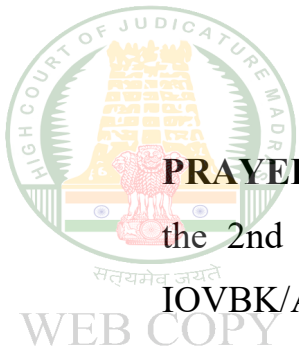
..Petitioners
in both petitions

Vs

1. Ajay J.Merchant
No.8/24, Sugampark Society I,
near Airport, Harni Road
Vadodara-390 022.
2. Central Information Commissioner
Baba Gangnath Marg,
Munirka, New Delhi-110 067

..Respondents
in both petitions

PRAYER in W.P No.26288 of 2022:Writ of Certiorari to call for the records of the 2nd respondent's impugned order in Second Appeal No.CIC/ IOVBK/A/ 2020/ 115422 dated 25.07.2022 and to quash the same.



PRAYER in W.P No.9654 of 2023: Writ of Certiorari to call for the records of the 2nd respondent's impugned common order in Second Appeal No.CIC/IOVBK/A/ 2020/ 107083 & 107081 dated 28.12.2022 and to quash the same.

For Petitioners: Mr.R.Manimuthu
in both petitions

For Respondents: Mr.S.Girissh for R1
in both petitions

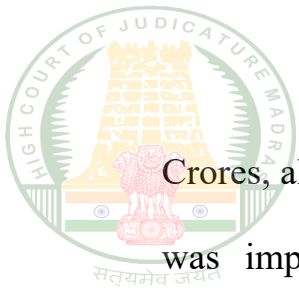
Mr.M.Karthikeyan for R2
in W.P No.26288 of 2022

Mr.C.Samivel for R2 in
W.P No.9654 of 2023

COMMON ORDER

These two writ petitions have been filed challenging the impugned orders dated 25.07.2022 and 28.12.2022 passed by the 2nd respondent and seeking to quash the same.

2.The case of the petitioners is that the first respondent, while working as the Chief Manager of Indian Overseas Bank, Defence Colony Branch along with the Directors of M/s.Pearl Vision Private Limited, New Delhi, was found involved in the alleged offences of cheating, criminal breach of trust, forgery, fraud, misappropriation and other related offences involving a sum of Rs.76.91



Crores, along with other officials of the bank. Consequently, the first respondent was implicated in a criminal case registered by the Central Bureau of Investigation. Immediately upon registration of the criminal case, disciplinary proceedings were initiated against the first respondent by the competent authority, through the issuance of a charge memorandum dated 09.01.2015. Thereafter, a departmental enquiry was conducted against the first respondent . The Enquiry Officer submitted his findings holding the charges proved, based on which the disciplinary authority imposed the penalty of reduction in basic pay by one stage in the time scale of pay as on the date of his retirement, with cumulative effect. Simultaneously, the Central Bureau of Investigation concluded the investigation and filed a charge sheet in C.C No.8 of 2016 on the file of CBI Court, Saket Courts, New Delhi. Subsequently, the first respondent was discharged on the ground that there was non-application of mind by the sanctioning authority while granting sanction to the CBI to prosecute him. Aggrieved by the said order, the CBI preferred Criminal Revision Petitions in CrI.Rev.P.No.377 & 378 of 2018 on the file of the Hon'ble High Court, New Delhi and the same are still pending. While so, the 1st respondent submitted an application under Section 6(1) of Right to Information Act, 2005 on 20.10.2019 seeking certain information and documents from the petitioner Bank. The Public Information Officer rejected the request on the ground that the information sought was exempt from disclosure under Section 8(1)(d) and 8(1)(h) of the Right to Information Act, 2005. Challenging the said decision, the



first respondent preferred a first appeal . However, the same was also rejected, and the first Appellate Authority confirmed the orders of the petitioner Bank.

Aggrieved by the said orders, the first respondent preferred a Second Appeal before the second respondent, namely, the Central Information Commissioner, New Delhi. The second respondent, by the impugned orders dated 25.07.2022 and 28.12.2022 allowed the appeals and directed the Central Public Information Officer to provide the first respondent/appellant opportunity to inspect the files and records relating to e papers, report and office notes on the basis of which he had been named as an accused. The second respondent further directed that, upon such inspection, copies of the documents selected by the first respondent/appellant shall be furnished to him free of cost. Challenging the impugned orders of the second respondent, the present writ petitions have been filed.

3.The learned counsel appearing for the petitioners would submit that the issue involved in the present writ petitions is no longer *res integra*, as it has already been decided by the Hon'ble Supreme Court of India in Civil Appeal No.1632/2019. The Apex Court, in paragraph 5 of its judgment, clearly held that if the accused seeks any information, he may file an application before the trial Court where the criminal case is pending, and the trial Court may call for the relevant documents for the purpose of adjudicating the case. Though



investigation has been concluded and the first respondent has been discharged from the criminal case, proceedings initiated by the Central Bureau of Investigation are still pending. Therefore, the first respondent can very well approach the Delhi High Court and the CBI Court and seek appropriate directions for production of the records during the trial. Consequently, the petitioner Bank cannot disclose information which forms part of the subject matter of the criminal proceedings pending before the Delhi High Court and the CBI Court. Accordingly, the learned counsel prayed for appropriate orders.

4. Per contra, the learned counsel appearing for the first respondent would submit that the decision rendered by the Apex Court is not applicable to the facts of the present case. Admittedly, the first respondent had challenged the punishment imposed by the disciplinary authority of the petitioner Bank by initiating separate proceedings before the competent Court. Apart from that, the first respondent has been discharged by the CBI Court. Mere pendency of the criminal proceedings cannot be a ground for the Central Public Information Officer to refuse or withhold information sought by the first respondent under the provisions of the Right to Information Act. Therefore, the direction issued to the Bank to furnish the information cannot be faulted. Accordingly, he prayed for dismissal of the writ petitions.



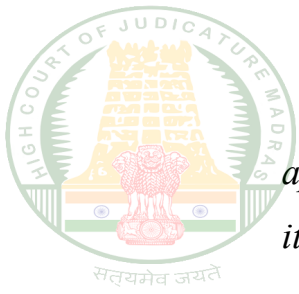
5. Heard the learned counsel appearing on either side and perused the materials available on record.

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6. It is not in dispute that the information sought by the first respondent pertains to records connected with the criminal proceedings initiated by the Central Bureau of Investigation. Though the first respondent has been discharged by the CBI Court, it is brought to the notice of this Court that further proceedings arising out of the said criminal case are still pending before the competent forum. However, the very same issue was considered by the Apex Court in the case of ***Union of India & Others v. Ashok Kumar Sharma, Civil Appeal No.1632 of 2019***, wherein it was held as follows:

4. The disputes remains about document Nos.1, 3 and 4 as they were not supplied considering the provisions of Section 8(i)(h) of the Right to Information Act which prohibits disclosure of information connected with ongoing investigations and prosecutions and it was opined that it was source information that has triggered the anti-corruption proceedings and nothing should be done which affects the proceedings or which compromises the position of the sources of information.

5. In view of the aforesaid reasons employed by the Information Commissioner, we are of the opinion that there was justification in refusing to supply the aforesaid documents, However, as rightly pointed out by learned counsel for the

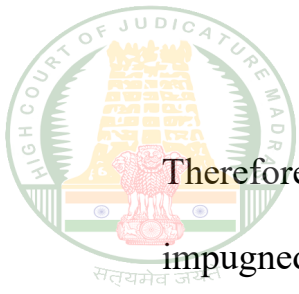


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appellant that during the course of trial, if the trial Court feels it appropriate and if a prayer is made, the documents may be called by Court in accordance with law.

A perusal of the aforesaid judgment makes it clear that where the information sought forms part of the records relating to a pending criminal proceedings, the accused or the concerned party may approach the competent trial Court and seek appropriate directions for production of such records, The trial Court, upon being satisfied as to the relevance and necessity of the documents, may call for the same for the purpose of adjudication of the case.

7. In the case on hand, it is not in dispute that the records sought by the first respondent are connected with the criminal proceedings initiated by the Central Bureau of Investigation. Merely because the first respondent has been discharged by the trial Court would not entitle him to seek disclosure of such records through proceedings under the Right to Information Act, especially when the matter is still the subject of further judicial proceedings. If the first respondent requires any document for effectively prosecuting or defending his case, it is always open to him to approach the competent Court and seek appropriate orders.



Therefore, in view of the law laid down by the Hon'ble Supreme Court, the impugned orders passed by the second respondent cannot be sustained and are liable to be set aside.

8. Accordingly, these writ petitions are allowed, and the impugned orders dated 25.07.2022 and 28.12.2022 passed by the second respondent are hereby set aside. However, liberty is granted to the first respondent to work out his remedy in the manner known to law before the competent forum. No costs. Consequently, WMP No.25359 of 2022 is ordered and WMP Nos.25360 of 2022 and 9706 of 2023 are closed.

18-06-2026

Index: Yes/No

(1/2)

Speaking/Non-speaking order

Neutral Citation: Yes/No

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WP No. 26288 of 2022 & 9654 of 2



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To
The Central Information Commissioner
Baba Gangnath Marg, Munirka, New Delhi-110 067



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WP No. 26288 of 2022 & 9654 of 2



M.DHANDAPANI, J.

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**& WMP Nos.25359, 25360 of
2022 & 9706 of 2023**

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