

**Vikram Simon Vs. State Information Commissioner, U.P. State Information Commission,**

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**Court :** Allahabad

**Decided On :** Sep-23-2008

**Reported in :** AIR2009All51; 2009(1)AWC70

**Judge :** Ashok Bhushan and ;Arun Tandon, JJ.

**Appellant :** Vikram Simon

**Respondent :** State Information Commissioner, U.P. State Information Commission, ;s.S.P., ;deputy S.P. and ;statio

**Disposition :** Petition dismissed

**Judgement :**

**Ashok Bhushan and Arun Tandon, JJ.**

1. Petitioner before this Court has been arrested in reference to the First Information Report in the case being Case Crime No. 457 of 2007 under Section 452/506 IPC and has been confined to prison.

2. The petitioner made an application under the Right to Information Act, 2005 seeking information in respect of the following two questions:

a. Whether Dr. R.S. Upadhyaya has lodged an F.I.R. with the Station House Officer, Highway, Mathura against the petitioner who is a resident of 883-A, Masihaganj, Sipri Bazar, Jhansi, on 15.07.2007 or not.

b. Whether the petitioner was arrested outside the house of R.S. Upadhyaya and was sent to jail as was reported in the daily newspaper Amar Ujala dated 17.07.2007.

3. The application so made by the petitioner was not replied in time and therefore, he filed an Appeal before the State Information Commissioner, U.P. The Appeal was numbered as Complaint No. S-4/95/(C)/08. The Commissioner under the impugned order dated 11.06.2008 has recorded that the information asked for by the petitioner has been supplied to him as has been admitted by the applicant before the Appellate Authority.

4. However the applicant has further insisted that there was delay in supply of the information and therefore, cost should be imposed. On the aforesaid second prayer the Appellate Authority has recorded that the records shall be examined and the order shall be communicated to the petitioner within twenty days. The appeal was accordingly disposed of.

5. The order dated 11.06.2008 is being questioned before us on two grounds:

(i.) The complete information specifically with reference to question No. 2 i.e. the place where the petitioner was arrested) has not been supplied.

(ii.) The information which was stated to be passed within 20 days has not reached the petitioner till date.

6. So far as the first contention raised on behalf of the petitioner is concerned, we may only record that under Section 8(h) of the Right to Information Act, 2005 such information need not be disclosed as may impede the process initiated as an F.I.R. For ready reference Section 8(h) is quoted below:

8. Exemption from disclosure of information.- (1)

Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

(h) information which would impede the process of investigation or apprehension or prosecution of offenders.

7. From the aforesaid Section it is clear that that there is any information which may impede the process of investigation or apprehension or prosecution of offenders need not be supplied.

8. From the facts on record it is clear that the petitioner is facing prosecution with reference to the First Information Report, referred to above, the information asked for by the petitioner qua the place of his arrest in the facts of the case is squarely covered by Section 8(h) and, therefore, we are satisfied that there is no right of the petitioner to ask for such information under the Right to Information Act, 2005. The contention raised in that regard by the petitioner is rejected.

9. So far as the payment of penalty for delayed information is concerned, we only provide that the petitioner may make an application before the Appellate Authority along with a certified copy of this order and we request the Appellate Authority to take a decision and communicate the same to the petitioner within two weeks, if not already communicated.

10. Writ petition is disposed of.

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