केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग,मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/DIRFS/A/2025/108900

Omprakash Puri … अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO
CFSL, Directorate of
Forensic Science Services,
UT of Chandigarh …प्रतिवादीगण/Respondent

Relevant dates emerging from the appeal:

RTI : 03.10.2024	FA : 18.11.2024	SA : 12.03.2025
CPIO : 05.11.2024	FAO : 16.12.2024	Hearing : 10.11.2026

Date of Decision: 12.11.2026

CORAM
Chief Information Commissioner: RAJ KUMAR GOYAL
O R D E R

1. The Appellant filed an RTI application dated 03.10.2024, before the CPIO, CFSL, Directorate of Forensic Science Services, UT of Chandigarh, seeking information as under:

"All information related to F.I.R. 4/2019 dt:18/03/2019 registered at Police station State vigilance and Anti-Corruption bureau UNA (H.P.)

1. Copies of all correspondence made by SV&ACB UNA and SV&ACB(SIU) Shimla with CFSL Chandigarh and vice versa along with R.C. No. and docket no. and name of carrier.

2. Copies of details of Parcels received by CFSL Chandigarh sent by SV&ACB UNA and SV&ACB(SIU) Shimla. along with details of seals.

3. Copies of details of Parcels dispatched by CFSL Chandigarh to SV&ACB UNA and SV&ACB(SIU) Shimla. along with details of seals.

4.No. of memory cards received by CFSL Chandigarh from SV&ACB UNA and SV&ACB(SIU) Shimla along with details of make, sr.no., year of make, capacity.

5. No. of memory cards dispatched by CFSL Chandigarh to SV&ACB UNA and SV&ACB(SIU) Shimla along with details of make, sr.no., year of make, capacity,

6. copy of letter no. CFSL(C)/2644/22/FC/246/22/2800 dt:01/11/2022

7.copy of examination report No. CFSL(C)/2644/FC/246/22/2624 dt: 21/10/22.

8. Annual administration report of CFSL Chandigarh for the year 2022-2023."

2. The CPIO, CFSL, Chandigarh, replied vide letter dated 05.11.2024, as under:

"wrt. Query 1 to 7

As per information received on 24.10.2024 from Forensic Electronic & Computer Forensic division of CFSL, Chandigarh, the case pertaining to FIR No. 04 dated 18.03.2019, U/S-8 & 12 PC Act, PS-SV&ACB, Una, was received on 22.09.2022 in Forensic Electronic & Computer Forensic division of CFSL, Chandigarh and the case was examined & reported on 21.10.2022. The examination report of the aforementioned case was also collected on 01.11.2022 through the messenger sent by the concerned forwarding authority.

As the original custodian of the case is "Superintendent of Police, SV&ACB, Special Investigation Unit, Shimla-2, HP", the copy of the examination report & case related documents sought by you cannot be supplied without the notice/approval of the third party i.e. forwarding authority. You may take such document directly from the forwarding authority.

Further, the case is sub judice and disclosure of the information as sought may act as a measure impediment in the process of investigation of the case and hence the request

of the applicant cannot be acceded on the ground that the information is exempted u/s 8(1)(h) of RTI Act, 2005.

w.r.t query 8: The annual report w.r.t case data is available in CFSL website."

3. Subsequently, the Appellant filed a First Appeal dated 18.11.2024, stating as under:

"1. Since challan is already filed in the court of Distt. & Session Judge Una Case No. Corruption Case/6/2023 hence section 8(1)(h) not apply.

2. The information sought is not covered U/s 11 of RTI Act 2005."

4. The FAA & Director, vide order dated 16.12.2024 upheld the CPIO's reply.

5. Subsequently, the Appellant approached the Commission with the instant Second Appeal on 12.03.2025, reiterating the grounds for First Appeal.

Hearing Proceedings & Decision

6. The Appellant was present during the hearing through video conference. On behalf of the Respondent, Archana Negi, Scientist-'B' & CPIO attended the hearing through video conference.

7. The Appellant stated since the *Challan/*Chargesheet has been already submitted in the Court, the information sought in the RTI Application cannot be denied citing Section 8(1)(h) of the RTI Act. He further questioned as to why Section 11(2) of the RTI Act was not processed if the information pertained to third party.

8. The Respondent reiterated the reply provided to the Appellant. It was further submitted that the matter is sub judice before the Court, and submission of the Challan does not prove that the process of trial is over in the matter. The CPIO also informed the Bench that the Appellant can access the case records from the Court in ordinary course, however, under RTI Act, the said information could not have been disclosed. The Commission also took on record the written submissions dated 03.11.2026 filed by the CPIO reiterating the material facts available on record.

9. The Appellant interjected to allege that since the complete record related to the investigation has not been placed before the Court under the referred Challan, the averred information was sought through the channel of RTI Act.

10. The Commission after adverting to the facts and circumstances of the case, observes that the CPIO's reply in respect of points 1-7 of the RTI Application seeks to deny the information in terms of Section 8(1)(h) of the RTI Act, and in conjunction, the Appellant was advised to approach the *"original custodian"* of records. However, the material on record does not suggest that the CPIO *'intended'* to disclose the information, and thereby issued any notice seeking third party consent in terms of Section 11 of the RTI Act. Similarly, the records also fail to suggest that points 1-7 of the RTI Application were transferred under Section 6(3) of the RTI Act to the *concerned* public authority, if the CPIO was aware that the original custodian of information was another public authority. Therefore, advising the Appellant that the *information cannot be disclosed without notice/approval of the third-party*, without invoking the provisions of Section 11 or advising the Appellant to approach another public authority without invoking Section 6(3) of the RTI Act, would appear to be an unwarranted advice and avoidable in the backdrop of the denial of information sought to be eventually conveyed in terms of Section 8(1)(h) of the RTI Act. Further, the invocation of Section 8(1)(h) of the RTI Act would infer that once the investigation or apprehension or prosecution is complete/concluded, the Respondent would be in a position to part with the information, which otherwise is said to be under the control of/held by another public authority. To this extent, the CPIO's reply would appear to be misleading and inconclusive, and thus, failing to be in alignment with Section 7(1) of the RTI Act.

11. Furthermore, a bare perusal of the said reply would indicate that the queries raised in the RTI Application were interpreted from the standpoint of only point no.7, wherein copy of the examination report was sought, and denial of records related thereto was conveyed to the Appellant. While the CPIO may have conveyed the intent of denying any information relating to the case records of the averred FIR matter that was pending before the Court, the reply to points 1-7 of the RTI Application warranted a cogent and more

specific response. Similarly, *sub judice* stated as a reason for invoking Section 8(1)(h) was not appropriate as the said exemption does not exempt sub judice matters per se. The exemption allows non-disclosure of such information which may impede the process of investigation or apprehension or prosecution of offenders. Therefore, the CPIO's reply ought to have specified the aspect of Section 8(1)(h), which was considered to be impeded by the disclosure of the information specifically sought in the RTI Application, instead of conveying a generic statement that would further lead to the inference that the CPIO was preempting any other request for records in respect of the averred FIR matter. This is particularly important in view of the fact that a close scrutiny of the RTI queries would reveal that the first part of point no.1 sought copies of *"all"* correspondence made **by** SV & ACB and SV & ACB (SIU) Shimla with CFSL, Chandigarh and therefore, the *"concerned"* public authority in terms of Section 6(1)(a) of the RTI Act for this query was not the Respondent office. Further, asking for *"all"* correspondences of CFSL Chandigarh with the SV & ACB and SV & ACB (SIU) Shimla; *"details"* of parcels and seals without specifying what kind of details were being requested render points 1, 2 & 3 as unspecific and non-conforming to Section 2(f) of the RTI Act.

12. In view of the foregoing, the unspecified nature of correspondences or unspecified details about the parcels requested in points 1, 2 and 3 of the RTI Application, when viewed in the backdrop of the subject FIR and pending status of the case, would appear to be entailing all pervasive records related to the investigation, disclosure of which may also require assessment in respect of the other exemptions in terms of the RTI Act. Further, the sensitivity attributed to the details of the memory cards; the examination report and related documents as requested in points 4-7 of the RTI Application cannot be ignored during the pendency of the averred case. Therefore, at this stage, the Commission does not find the scope of ordering any action for facilitating relief in the matter. The CPIO's reply is thus sparingly upheld to the extent of the invocation of Section 8(1)(h) of the RTI Act, applicable as on the date of such reply i.e 05.11.2024, in respect of the records related to the averred pending case that were available with the Respondent office at the relevant time. However, the **CPIO is cautioned to take note of the deficiencies and anomaly in**

the reply dated 05.11.2024, as observed in paras 10 & 11 above. The CPIO shall keep in view these observations while replying to RTI Application(s) in the future.

13. The Appeal is disposed of accordingly.

A copy of the decision be provided free of cost to the parties.

Sd/-
(Raj Kumar Goyal) (राज कुमार गोयल)
Chief Information Commissioner (मुख्य सूचना आयुक्त)
दिनांक/Date: 12.11.2026

Authenticated true copy

Digitally signed by
BIJENDRA KUMAR
Reason: Approve
Location: New Delhi,India
13-11-2026 16:12:42 IST

Bijendra Kumar (बिजेंद्र कुमार)
Dy. Registrar (उप पंजीयक)
011-26186535