



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : DHR.125/2012
Appellant : Sri Abdul Kuddus.
Respondent : The SPIO, O/o the Superintendant of Police,
Dhubri, Assam
Date of hearing : 08.01.2016
Second Appeal heard by : Shri Pinuel Basumatary
State Information Commissioner, Assam

O R D E R
08.01.2016

The Appellant absent without any information.

The Public Authority is represented by Sri Prasanta Dutta, APS, Additional S.P., D.G. Control, Guwahati, the then SPIO and Addl. Superintendant of Police Headquarters, Dhubri.

Perused the Written Statement dated 7/1/2016 submitted by the Sri Prasanta Dutta wherein the sequence of the steps taken by him to deal with provisions of the information sought for by the Applicant/Appellant have been detailed. It has been submitted that the information could not be furnished to the Appellant on account of the same having been submitted before the Court in the form of charge sheet in one case and the other case being under investigation. In other words the information has been treated as exempted information.

Perused the W/S dated 8/1/2016 submitted by the then First Appellate Authority (FAA)/ S.P., Dhubri currently DIGP (Admin), Assam Police H.Q. The Submission by the FAA is on the same line as that of the aforementioned submission of Sri Dutta.

From the case records, it is seen that the information sought for pertains to M.V. Act cases coming under the jurisdiction of S.P., Dhubri. The notice for today's hearing was issued by the Commission dated 18/12/2015 to the SPIO, Office of the S.P., Dhubri with a copy to the FAA/S.P., Dhubri. However, the SPIO is neither present in today's hearing nor has he made any W/S as asked for through the Commission's hearing notice dated 18/12/2015. Further, the FAA has not apprised the Commission as asked for through the aforementioned hearing notice about the steps taken to dispose of the First Appeal in time either by a Written Submission/ or by deputing his authorized representative today. The Commission notes that Sri Dutta, Addl. S.P. has made a Written Submission and is present in the hearing today on the advice of the incumbent S.P., Dhubri for the reason that he was the concerned SPIO at the time of receiving the RTI Application. Likewise Sri P.C. Saloi, IPS now the DIGP (Admin), Assam Police HQ has made his Written Submission as he was the S.P., Dhubri of the time.

The Commission is of the view that it would not be proper for it to pass an order without receiving submission either written or oral from the current SPIO and FAA.

Fix another date of hearing and serve appropriately worded notice to the current SPIO, Office of the S.P., Dhubri and FAA/S.P., Dhubri as also to the previous incumbents who have made Written Submissions.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Copy to:

1. The SPIO, Office of the Superintendent of Police, Dhubri, Dist- Dhubri, Assam for information and necessary action.
2. The First Appellate Authority/ Superintendent of Police, Dhubri, Dist- Dhubri for information and necessary action.
3. Md. Abdul Kuddus (Advocate), S/o Md. Rozab Ali, C/o Dhubri Bar Association, Dhubri, PO/PS/ Dist- Dhubri, Assam for information.
4. Sri Pransanta Dutta, APS, Additional Superintendant of Police, D.G. control, O/o the D.G.P., Guwahati, Assam for information.
5. Sri P.C. Saloi, IPS, Deputy Inspector General of Police, (Admin), Assam Police Headquarter, Assam, Ulubari, Guwahati, Assam for information.
6. Computer Section for uploading in the Website.
7. Office File.

Secretary & Registrar
Assam State Information Commission