

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

Case No. : KP(R).6/2017  
Complainant/ Appellant : Smti Dulu Debnath  
Respondent : Deputy Commissioner, Hojai District  
Date of hearing : 27.02.2017  
Complaint/ Second : Shri H. S. Das, IAS (Rtd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

27.02.17

The petitioner Smti. Dulu Debnath is present accompanied by her husband Shri Prafulla Debnath and nephew Shri Biswajit Debnath. The public authority is represented by:- (1) Shri Aroop Pathak, ACS, Addl. Deputy Commissioner & SPIO of the office of the Deputy Commissioner, Hojai, (2) Shri Mantosh Roy, ASPIO, Office of the Deputy Commissioner, Hojai, (3) Shri Ashutosh Roy, Sr. Assistant, and (3) Shri Dilip Kr. Biswas, Jr. Assistant of DC's office, Hojai. The second appeal petition dated 25.1.17 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the petitioner Smti. Dulu Debnath filed an RTI petition dated 31.10.16 before the SPIO of the office of the Deputy Commissioner, Hojai seeking informations relating to a police report dated 12.8.2015 sent by Lanka Police Station on a complaint dated 1.8.2015 lodged by her husband Shri Prafull Debnath. It is also seen from the case records that the Deputy Commissioner in his capacity as first appellate authority heard the first appeal petition dated 27.12.16 and passed an order. The petitioner admitted that she has received a copy of the police report of Lanka Police Station in connection with non-FIR case No.70/15 u/s 107/144 Cr.PC. The petitioner also admitted that the content of the police report relates to the complaint filed by her at Lanka Police station on 1.8.15. Therefore, so far as point No. 2 of her RTI petition is concerned, the petitioner is satisfied.

The petitioner's ground for second appeal is that her husband filed the complaint to Lanka Police Station on 1.8.15 and that according to her, Lanka Police Station forwarded the police report to the Executive Magistrate of Hojai, which was received on 12.8.15. In support of her contention she placed before this Commission a copy of letter dated 17.9.16 addressed to her by the Superintendent of Police, Hojai stating clearly that the police report was submitted to the Executive Magistrate, Hojai on 12.8.15. A copy of the SP's letter dated 17.9.16 is entered in the case records. The petitioner now wants to know who received the police report in the Magistracy Branch in DC, Hojai's office on 12.8.15 and why the case was pending for more than one year.

This Commission, however, observed that the date mentioned on the police report while forwarding it to the Sub-Divisional Magistrate, Sankardev Nagar, Hojai is 12.8.16. So it appears that the only issue to be resolved now is the correct date on

which the police report was sent by the Lanka Police Station, whether it is 12.8.15 or 12.8.16, and also the date on which it was received in the Magistracy Branch of the office of the Deputy Commissioner, Hojai. If it is found that the report was actually received on 12.8.15, then what were the actions taken on it and by whom from 12.8.15 till 16.9.16.

In view of apparent discrepancies in the dates mentioned in the police report and in the letter dated 17.9.16 of SP, Hojai, as also in the case record of DC's office MR Case No. 154/2016 u/s 107/144 Cr.PC, this Commission directs the SPIO and Addl. Deputy Commissioner, Hojai to verify all the relevant records of his office including the central receipt register and records kept in the Magistracy Branch, with the report of Lanka Police Station including the dak book by which the report was sent and ascertain the correct date of receipt of the Lanka Police Station's report in the office of the Deputy Commissioner, Hojai. He will also verify the actions taken on the police report by different functionaries of the DC, Hojai's office from the date of receipt till 16.9.16. The Addl. Deputy Commissioner & SPIO of the office of the Deputy Commissioner, Hojai is directed to complete the exercise within 15 days from the date of this order, which was pronounced in presence of both the parties and inform the findings to the petitioner within next 7 days thereafter.

With the above order, the second appeal petition dated 25.1.17 is disposed of.

Sd/-  
(H. S. Das)  
Chief Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-  
Registrar  
Assam Information Commission

Memo No. SIC/KP(R).6/2017/26-A

Dtd. 27.02.2017

Copy to:

1. The Addl. Deputy Commissioner & SPIO of the office of the Deputy Commissioner, Sankardev Nagar, Hojai, Assam, PIN- 782442 for information and necessary action.
2. Smti.Dulu Debnath, C/o\_ Biswajit Debnath. IIT Guwahati Campus, A&B Type Residence, Qrt No. B-133, Amingaon, North Guwahati- 39 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar  
Assam Information Commission

