



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

Case No. : KP(M).209/2018
Complainant/ Appellant : Smti. Dulu Rani Debnath
Respondent : APIO of the office of the Sub-Divisional Judicial
Magistrate-cum- Munsiff, Sankardev Nagar, Hojai
Date of hearing : 17.5.2018
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

17.5.18

1. The petitioner Smti. Dulu Rani Debnath is absent. However, by an email dated 16.5.18 she authorized her nephew Shri Biswajit Debnath to represent her case before this Commission. The public authority, i.e., (i) office of the Sub-Divisional Judicial Magistrate (Munsiff), Hojai. Sankardev Nagar, is represented by Sri JulKarnain Ahmed, L.D. Assistant on behalf of the APIO as authorized vide memo no. MH/90 dated 16.5.18, and (ii) office of the District and Sessions Judge-cum Appellate Authority, Nagaon, Assam is represented by Shri Madan Upadhaya, Sheristadar as authorized vide letter No. DNJ/79/3597 dated 16.5.18.
2. The District and Sessions Judge-cum- Appellate Authority, Nagaon, Assam has sent a written communication No. DJN/79/3596 dated 16.5.2018 stating that on 22.12.2017 his office received the memo of the first appeal of Smti. Dulu Rani Debnath, which, due to civil vacation was registered on 3.1.2018 as RTI appeal no.01/2018. The Hon'ble District and Sessions Judge-cum-Appellate Authority has also mentioned in his communication that thereafter he proceeded on commuted leave, and also due to other unavoidable circumstances, the appeal could not be disposed of within the stipulated time. However, 5.6.2018 has been fixed for record/document and that thereafter the appeal will be disposed of.

This Commission notes that meanwhile even the extended period of upto 45 days from the date of filing of the first appeal petition as stipulated under section 19 (6) of the RTI Act, 2005, has also expired. Therefore, there is now no scope for hearing of the first appeal petition dated 2.12.2017.

This Commission, therefore, takes up the second appeal petition dated 09.02.2018 for hearing in presence of both the parties.

3. From perusal of the case records it is seen that the petitioner filed an RTI petition dated 14.11.17 before the APIO of the office of the Sub-Divisional Judicial Magistrate (Munsiff), Hojai. Reply to the RTI petition was furnished by the APIO to the petitioner vide letter dated 28.11.17. From perusal of the RTI

application and reply thereto, it is seen that the RTI petition did not specify particulars of the sought for informations. Her request was for providing informations about the accumulated contents of the case records of G.R. Case No. 1264/2015 in a format prescribed by herself. Section 6(1) of the RTI Act clearly mentions that any request for information should specify the particulars of the informations sought for. The instant RTI application does not appear to be so, as mentioned by the APIO vide reply dated 28.11.17 to the petitioner.

4. The informations sought for relates to a judicial case, which is sub judge in the Sub-Divisional Judicial Magistrate (Munsiff)'s Court, Hojai. In such cases the petitioner, who is the complainant in the G.R, Case No. 1264/2015, has to follow the relevant RTI rules notified by the Hon'ble Gauhati High Court. The concerned APIO has already advised the petitioner about the correct procedure to be followed to obtain certified copies of relevant documents of the sub judge court case vide his reply dated 28.11.17.

5. In view of the above, the petitioner's second appeal petition dated 9.2.2018 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(M).209/2018/

Dated. 17.5.2018

Copy to:

1. The District & Sessions Judge-cum-Appellate Authority, Nagaon, Assam for information.
2. The APIO of the office of the Sub-Divisional Judicial Magistrate (Munsiff), Hojai, Sankardev Nagar, Assam, PIN- 782442 for information.
3. Smti. Dulu Rani Debnath, C/o- Sri Biswajit Debnath, IIT, Guwahati Campus, Qrt. No.B/133, Guwahati- 39
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar
Assam Information Commission