

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

Case No. : KP(M).728/2019
Complainant/ appellant : Shri Shazzad Hussain
Respondent : SPIO of the office of the Superintendent of Police, Hojai
Date of hearing : 19.8.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
19.8.2019

The appellant Shri Shazzad Hussain is present. The public authority is represented by the Under Secretary and SPIO of Home Department and Smti. Dipti Mali, APS, Dy.S.P. (HQ) and SPIO of the office of the Superintendent of Police, Hojai . The second appeal petition dated 14.3.2019 read with the RTI petition dated 3.1.2019 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the appellant vide his RTI petition dated 3.1.2019 submitted before the Superintendent of Police, Hojai wanted a copy of form no. 54 u/s 150 (a) and (b) of the MV Act, 1988, i.e. accident information report in connection with Lanka PS case no. 364/2018 u/s 279/304 (A) of IPC. The RTI petition was followed by a first appeal petition dated 8.2.2019. However, the Under Secretary of Home Department and SPIO submitted that the first appeal petition was not received in the department.

The Superintendent of Police, Hojai district, Assam sent a written statement dated 9.8.2019 along with enclosures. It is seen from the enclosures that the SP, Hojai informed the RTI applicant Shri Shazzad Hussain vide letter dated 16.3.2019 that Lanka PS Case No. 364/2018 was registered u/s 304 IPC instead of 279/304 (A) IPC. The RTI applicant was informed that the case was charge sheeted vide Lanka PS CS No. 206/18 u/s 304 IPC. Copy of the FIR was also enclosed with the letter dated 16.3.2019.

The Dy. S.P. (HQ), Hojai, Smti. Dipti Mali, APS also submitted that the accident case No. 364/2018 was registered u/s 304 of the IPC, and not under . Section 279 and 304 (A) of the IPC. She further submitted that u/s 304 Form No. 54 is not generated. Therefore, the required information sought for by the RTI applicant was not generated and therefore, is not available for furnishing to the RTI applicant.

In view of the above, there seems to be no further cause of action so far as the instant second appeal petition dated 14.3.2019 read with the RTI petition dated 3.1.2019 is concerned. Therefore, the second appeal petition dated 14.3.2019 is disposed of.

Sd/-

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

Authenticated true copy.



Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M).728/2019/

Dated. 19.8.2019

Copy to: 1. The Dy Superintendent of Police (HQ) and SPIO of the office of the Superintendent of Police, Hojai district, Assam for information.
2. Shri Shazzad Hussain, Advocate, Gauhati High Court, R/O of Santipur Masjid Road, Near Masjsidd, House No. 114, PO- Bharalimukh, Guwahati-9 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book



Registrar i/c
Assam Information Commission