

HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE

FORM - 'D'
REJECTION ORDER
[See Rule 4(2)]

No. RTIA/DR-HCIND/ 6076

Indore, Dated 28th November, 2013

From:

The Additional Registrar,
State Public Information Officer,
High Court of M.P., Bench at Indore.

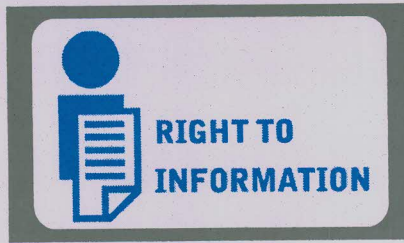
To,

Mr. Jitendra Bohre, Advocate
Address- 201-A, Mayur Nagar,
Gali No.03, Musakhedi,
INDORE (M.H.).

Please refer to your application dated 20/11/2013 (Inwarded on 21/11/2013) registered at our I.D. No.21/2013-14 addressed to the undersigned regarding inspection of the case record of M.Cr.C. No.6736/2009. As per the application and as desired by you, the inspection of the record of M.Cr.C. No.6736/2009 (*Salim S/o Mohd. Hussain V/s Aziz Khan S/o Amir Khan*) cannot be allowed due to the following reasons:-

- (1) Perusal of the case record of M.Cr.C. No.6736/2009 shows that:-
 - a) It was filed under Section 378(4) of the Cr.P.C. i.e. Leave to Appeal.
 - b) The said case was filed by Appellant/Complainant Salim S/o Mohd. Hussain, R/o Chingipura, Ratlam against accused Respondent Aziz Khan S/o Amir Khan, R/o Onkala Road, Ratlam.
 - c) The case was disposed-of vide order dated 24/04/2013 passed by Hon'ble Shri Justice N.K. Mody thereby dismissing the Petition.
 - d) The said M.Cr.C. was presented by Shri K.C. Raikwar, Adv. Ratlam besides Shri K.P. Pandey (Indore), Shri Faiyaz Ali (Ratlam) & Shri S.D. Lalwani (Ratlam), advocates on behalf of the Appellant/Complainant Salim S/o Mohd. Hussain, R/o Chingipura, Ratlam.
- (2) That, you have sought inspection of the said record of M.Cr.C. No.6736/2009 stating that Shri Salim S/o Mohd. Hussain, R/o 28, Chingipura, Ratlam has authorized you for the inspection of the case record and has also submitted that after inspection, copies of the documents would be applied for as per requirement. It is not revealed from your application that Shri Salim S/o Mohd. Hussain has authorized you to inspect the record.
- (3) That, scrutiny of the matter prima-facie makes it a third party matter which appears to be governed by Section 8(j) & 11 of the Right to Information Act, 2005. Section 8(j) lays down certain exemptions from disclosure of information, whereas, Section 11 makes provisions as to dispensing third party information.
- (4) It may be worthy to record observation here that right of inspection is a prelude to delivery of copies of the documents under this Act and if the application for inspection of record is allowed, it suo-motu confers right upon the applicant to demand copies of the documents which have been allowed to be inspected.

11/28/13
(SPIO)

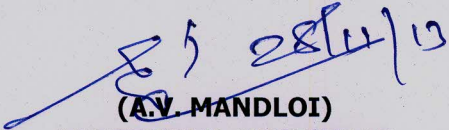


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(5) Moreover, as per the Rule 8(1) of High Court of M. P. (Right to Information) Rules 2006' as amended, State Public Information Officer shall not be liable to provide any information which can be obtained under the Provisions of Chapter XVIII of the High Court of M. P. Rules, 2008. You are accordingly requested to contact Copying Section of this Bench Registry and apply for certified copies of the documents required by you after paying the proper copying fee.

Therefore, your application made for inspecting the original case record of M.Cr.C. No.6736/2009 is rejected under Section 8(j) of the Right to Information Act, 2005 as the disclosure of the desired information has no relationship to any public activity or interest and moreover, no larger public interest justifies its disclosure.

As per Section 19 of the Right to Information Act 2005, you may file an Appeal to the Appellate Authority (Principal Registrar, High Court of M.P., Bench at Indore) within 30 days of the issue of this order.


(A.V. MANDLOI)
ADDITIONAL REGISTRAR
STATE PUBLIC INFORMATION OFFICER
HIGH COURT OF M.P.,
BENCH AT INDORE