

100582/(A)  
11/06/2024

[1]

SECOND (2<sup>ND</sup>) APPEAL BEFORE THE HONORABLE WEST BENGAL INFORMATION COMMISSION UNDER SECTION 19(3) OF THE RIGHT TO INFORMATION ACT, 2005

To  
The West Bengal Information Commission,  
11A, Mirza Ghalib Street, Khadya Bhawan,  
Kolkata - 700 087



My application for information under RTI Act, 2005 dated 14.03.2024 addressed to the SPIO (State Public Information Officer), Deputy Commissioner of Police, Bidhannagar Police Commissionerate, Stadium Complex, Gate No - 3, Sector - III, Salt Lake, Kolkata - 700 106 which was sent by speed post bearing postal receipt number EW482625443IN dated 14.03.2024 and it was delivered to his office on 15.03.2024. I have applied for obtaining information under RTI Act 2005 but I have received an unreasonable/incorrect/false/manipulated reply on 24.04.2024 vide memo No. 181/BDNPC/RTI dated 22.04.2024 from SPIO. Therefore I hereby submits a first appeal application on 24.04.2024 addressed to the First Appellate Authority, Commissioner of Police, Bidhannagar Police Commissionerate, Stadium Complex, Gate No - 3, Sector - III, Salt Lake, Kolkata - 700 106 which was sent by speed post bearing postal receipt number EW015682433IN dated 26.04.2024 and it was delivered to his office on 27.04.2024, thereafter I have received a reply letter on 18.05.2024 vide memo being No. 229/1(1)/(order)-BDNPC/RTI dated 16.05.2024 but I have not received any suitable information/reply from the first appellate authority. Therefore the undersigned hereby submits a 2<sup>nd</sup> appeal application with the following details:-

A  
22  
10/6/24

SL	Particulars	Particulars
1	Name of the Applicant	SARIKA AGARWAL
2	Address	K-27/1406 SP-SHUKHOBISHTI (SPRIHA), ACTION AREA - 3, NEW TOWN, P.S. - TECHNOCITY, P.O. - PATHARGHATA, KOLKATA - 700135, (M) 9477682700/ 9477682740, Email ID:- advocatesarikaagarwal@gmail.com
3	Date of filling of application for information	My application for information under RTI Act, 2005 dated 14.03.2024 addressed to the SPIO (State Public Information Officer), Deputy Commissioner of Police,

Agarwal  
00/06/2024

	under RTI Act	Bidhannagar Police Commissionerate, Stadium Complex, Gate No - 3, Sector - III, Salt Lake, Kolkata - 700 106 which was sent by speed post bearing postal receipt number EW482625443IN dated 14.03.2024 and it was delivered to his office on 15.03.2024 along with RTI fees paid Rs.10/- in the form of IPO vide IPO number 27F 348240.
4	Name of State Public Information Officer/State Assistant Public Information Officer to whom the application was made and address:	To, The SPIO, Deputy Commissioner of Police, Bidhannagar Police Commissionerate, Stadium Complex, Gate No - 3, Sector - III, Salt Lake, Kolkata - 700 106
5	Gist of the information sought for:	As per RTI application dated 14.03.2024.
6	Have you received any response/information?	I have received an unreasonable/ incorrect/ false/ manipulated reply on 24.04.2024 vide. Memo No. 181/BDNPC/RTI dated 22.04.2024 from SPIO.
7	Date of filing 1 <sup>st</sup> appeal:	1 <sup>st</sup> appeal under section 19(1) of the Right to information Act, 2005 dated 24.04.2024 was sent by speed post bearing postal receipt number EW015682433IN dated 26.04.2024 and it was delivered to his office on 27.04.2024.
8	Authority to whom the first appeal was made with address:	To, The First Appellate Authority, Commissioner of Police, Bidhannagar Police Commissionerate, Stadium Complex, Gate No - 3, Sector - III, Salt Lake, Kolkata - 700 106
9	Decision of the 1 <sup>st</sup> Appellate Authority, if any, including	I have received a reply letter on 18.05.2024 vide memo being No. 229/1(1)/(order)-BDNPC/RTI dated 16.05.2024 but I have not received any suitable information/reply from the first appellate authority.

*Agarwal*  
05/05/2024

	number and date of the order:	
10	Ground for 2 <sup>nd</sup> appeal and the relief sought (specify):	<p>In my requisition for information dated 14.03.2024, I had asked for the information under RTI Act 2005, and the copy of the RTI application is enclosed herewith. This has been received by the SPIO on 15.03.2024 through Speed Post, I have received an unreasonable/ incorrect/ false/ manipulated reply on 24.04.2024 vide. Memo No. 181/BDNPC/RTI dated 22.04.2024 from SPIO, which is violative of my fundamental right and contravenes the law. The total time available for SPIO to supply information is 30 days in terms of Section-7(1) read with Section 7(3)(a) of the RTI Act 2005. However, the SPIO sent his letter without any reply on 24.04.2024 vide. Memo No. 181/BDNPC/RTI dated 22.04.2024 from SPIO. His decision is that Information cannot be provided as Technocity P.S. case No. 248/2023 dated 17.12.2023 u/s 341/352/461/379/427/506/130B/34 of IPC and in relation to Police Report is exempted by Notification No. 541/PAR (AR)/O/3M-29/2005 Pt., VIIIA dated 29/08/2006 of Personnel &amp; Administrative Reforms Department, Govt. of West Bengal. 2<sup>nd</sup> reason is that it is exempted under section 8(h) of RTI Act, 2005, 3<sup>rd</sup> reason is that could not be provide vide u/s 8(J) of RTI Act 2005 and 4<sup>th</sup> reason is that no recorded information is available. I am aggrieved with the SPIO's reply for denying providing the information as per my RTI application. That means he failed/ neglected to supply information as per my RTI application. Avoiding to reply on the part of SPIO is a deemed denial of information in terms of Section 7(2) of RTI Act, 2005. I filed an 1<sup>st</sup> appeal application on 24.04.2024 and requested him to (i) Recommend to the State Public Information Officer that Information should be provided free of cost as per the provision of section 7(1), 7(3), 7(6) of the Right to Information Act 2005. (ii) Please instruct the SPIO to give the information forthwith. (iii) Recommend to the competent authority that a penalty should be levied on</p>

*Agarwal*  
05/06/2024

the SPIO under Section 20 (10) of Act 22 of 2005 and/or you deem fit and proper, for not providing the information as mandated in the law. No reasonable cause can be there for not replying at all. (iv) I appeal to your good self kindly take disciplinary action against the SPIO under the service rules that without any reasonable cause and persistently failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information. Thereafter I have received a reply letter 18.05.2024 vide memo being No. 229/1(1)/(order)-BDNPC/RTI dated 16.05.2024 but I have not received any satisfactory information/ reply from the first appellate authority as per my prayer. Proper maintenance of Police Station records is a pre-requisite for the smooth functioning of a Police Station. These records are of immense help in the prevention and detection of crime and in keeping track of the movements of criminals. Since these records are of paramount importance, it is the duty of an Officer-in-charge of a Police Station to ensure that these records are safely kept and do not deteriorate from damp, vermin or other causes. No page should be torn out of a register. All entries should be neatly and clearly written and all the corrections should be attested by the signature of the officer making them. The role of the police is pivotal while exercising the power of police should be in honest and genuine and not in arbitrary. If information of cognizable offence is received by the police officer immediately he should file an FIR without any delay because the state has a duty to take cognizance the commission of cognizable case. The police officer has to maintain law and order in society. The mere registration of FIR is not enough when the cognizable offence occurs the crime should be investigated in a proper manner. The basic object of

*Agarwal*  
08/06/2024  
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		<p>the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, reduce corruption, and make our democracy work for the people in real sense in a legal framework of citizens' democratic Right to access to information under the control of public authorities. It ensures the right of the citizens to acquire as much information they want regarding the governmental activities, rules and regulations, etc. This creates a room for better communication between the public authorities and the citizens.</p> <p><b><u>Relief sought for (specify)?</u></b></p> <p>(a) Please instruct the SPIO to supply information query specific, correct, complete, relevant, authenticated and legible copy of documents supported with Affidavit.</p> <p>(b) A maximum penalty should be levied on the SPIO under section 20, 20(1) and 20(2) of the RTI Act, 2005 for not providing the reasonable information as mandated in the law.</p> <p>(c) Please take necessary action under section 19(8)(b) of the RTI Act, 2005 to compensate the applicant for his un-reparable loss &amp; other detriment suffered.</p> <p>(d) Kindly recommend <b>disciplinary action</b> against the SPIO under the service rules applicable on him.</p>
11	2 <sup>nd</sup> appeal is filed within due date, if no then explain the reasons for the delay	Yes, 2 <sup>nd</sup> appeal is filed within due date.
12	Department at which the information related:	To The I/C, Technocity police station, (Under Bidhannagar Police Commissionerate), Akandakeshari, Kolkata - 700135, West Bengal, India.

*[Handwritten Signature]*  
08/06/2024

13	Prayers:	That the Appellant, therefore, prays: - (i) Imposition of costs on the respondents and award of costs as compensation for undue delays and mental harassment along with expenses incurred on pursuing RTI Application, First Appeal, and 2 <sup>nd</sup> Appeal.; (ii) Full, Complete and Correct information, duly certified/endorsed be supplied immediately without any further delay by registered/speed post at my address with an advance scanned copy over email, direct the SPIO to supply the Information within 7 days from the date of receipt of 2 <sup>nd</sup> appeal application; (iii) direct the SPIO to supply the Information free of cost, since SPIO failed to supply the Information as per my RTI application. The information is now supplied free of any cost(s), inclusive of annexure(s); (iv) direct SPIO to supply full and correct information; (v) direct SPIO to supply certified copies of the entire information; (vi) record and supply reasons for not providing information within due date. (vii) the present appeal is disposed of by this Ld. 2 <sup>nd</sup> Appellate Authority within 30 days of its receipt;
14	Information:	"information" is defined under Section 2(f) of RTI Act 2005 which provides: "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force." This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act, an applicant is entitled to get a copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed."
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*Agarwal*  
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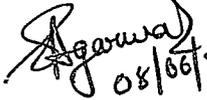
I Arun Agarwal son of Late Ram Nath Prasad Agarwal aged 47 years being an Indian citizen do hereby solemnly affirm that the statements made herein are true to my knowledge based on records and the rest are my submissions to the Hon'ble West Bengal Information Commission.

Thanking You

Place: Howrah

Date: 08.06.2024

Yours faithfully,

  
08/06/2024

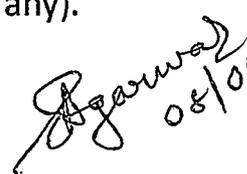
(Sarika Agarwal)

K-27/1406 SP-SHUKHOBRIHTI (SPRIHA),  
ACTION AREA – 3, NEW TOWN,  
P.S. - TECHNOCITY, P.O. - PATHARGHATA,  
KOLKATA - 700135, (M) 9477682700

Enclosed:

- (i) self-attested photocopy of RTI Application,
- (ii) Photocopy of proof of RTI fee payment,
- (iii) Photocopy of acknowledgement- Post Office acknowledgement of Speed Post of RTI application.
- (iv) SPIO reply vide memo No. 181/BDNPC/RTI dated 22.04.2024
- (v) Photocopy of 1<sup>st</sup> appeal
- (vi) Photocopy of acknowledgement- Post Office acknowledgement of Speed Post of 1<sup>st</sup> appeal.
- (vii) Photocopy of 1<sup>st</sup> appeal reply vide memo being No. 229/1(1)/(order) - BDNPC/ RTI dated 16.05.2024
- (viii) Original copy of 2<sup>nd</sup> appeal as above.
- (ix) Other documents in support of the 2<sup>nd</sup> appeal (if any).

Total pages :- 33 (Thirty three)

  
08/06/2024



**Government of West Bengal**  
**Office of the Commissioner of Police**  
**Bidhannagar Police Commissionerate**  
**Stadium Complex, Gate No-3.**  
**Sector-III, Salt Lake, Kolkata – 700106.**

Memo. No. 18 | /BDNPC/RTI

Date: 22 /04/2024

To  
Sarika Agarwal  
K-27/1406 SP- Shukhobrishti (Spruha)  
Action Area-3, New Town  
PS- Technocity, PO- Patharghata  
Kolkata- 700 135

**Sub: - Your application dated 14.03.2024 under RTI Act, 2005.**

As information received from Assistant Commissioner of Police, New Town, Bidhannagar Police Commissionerate in response to your RTI application is as follows :

01. No recorded information available.
02. On the basis of the complaint by complainant a specific Case (FIR) has been registered vide Technocity PS Case No. 247/23 dt. 17.12.2023.
03. Certified copy of complaint letter dt. 17.12.2023 along with extract copy of GDE is attached herewith.
04. Certified copy of FIR No. 247/23 dt. 17.12.2023 of Technocity PS is attached herewith.
05. It is exempted under Section 8 (h) of RTI Act,2005.
06. Police Report is exempted by Notification No. 541/PAR (AR)/O/3M-29/2005 Pt., VIII A dated 29/08/2006 of Personnel & Administrative Reforms Department, Govt. of West Bengal.
07. Same as reply to question No. 5
08. Same as reply to question No. 6
09. Same as reply to question No. 6
10. Same as reply to question No. 5
11. Same as reply to question No. 6
12. It is exempted under Section 8 (h) of RTI Act,2005.
13. It is exempted under Section 8 (h) of RTI Act,2005.
14. It is exempted under Section 8(h) of RTI Act,2005.
15. Not applicable.
16. 17.12.2023
17. Could not be provide vide u/s 8(J) of RTI Act-2005.
18. SI Sunil Baran Jana was on duty
19. Date of departure from Technocity PS is on 29.01.2024
20. Not applicable
21. Not applicable
22. Not applicable.

*Sarika Agarwal*  
05/06/2024

Contd....P/2

23. Not applicable
24. It is exempted under Section 8(h) of RTI Act,2005.
25. Please consult with the relevant section of Code of Criminal Procedure Law.
26. Investigation has been done in accordance to Law and it is still under process.  
Necessary initiative in accordance to Law will be taken as and when required.
27. Same as reply to question No.26
28. Not applicable.
29. SI- Abhijit Saha, phone number is hung inside the police station at a conspicuous place, for all to see and if the petitioner wants she can get it from PS.
30. Not applicable
31. Not applicable
32. Not applicable
33. Not applicable
34. Not applicable
35. Same as reply to question No. 5
36. The RTI Act provides recorded information only. However, the case is still under Investigation.
37. Please consult with the relevant section of Code of Criminal Procedure Law.
38. Not applicable.
39. Assistance was asked from ACP, New Town, BDNPC, Street Number 45, Action Area I, Newtown, Kol-700156 in this regards.

This disposes to your RTI application dated 14.03.2024.

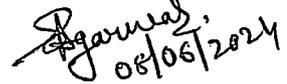
The particular of appellate authority is appended below:-

The Commissioner of Police, Bidhannagar,

Stadium Complex, Gate No.3,

Sector – III, Salt Lake, Kolkata – 700 106.

  
Jt. Commissioner of Police (HQ),  
&  
State Public Information Officer  
Bidhannagar Police Commissionerate

  
05/05/2024



(1)

The Officer-In-Charge/Inspector-In-Charge  
Technocity Police Station  
(Under Bidhannagar Police Commissionerate)  
Akandakeshari, Kolkata - 700135,

Sub: - Prayer for lodging an FIR

Respected Sir/Madam

I, Sarika Agarwal daughter of Rama Agarwal presently residing at Building No K-27, Flat No 1406 SP-Shukhobrishti Spriha, Action Area - 3, New Town, P.S. - Technocity, P.O. - Patharghata, Kolkata - 700135 and having the principal place of my office address is Srinivas House, Office No. - 9, Chhapna, J.L. Number - 35, Plot Number - 182, Action Area - 3, New Town, P.S. - Technocity, P.O. - Patharghata, North 24 Parganas, Kolkata - 700135 do hereby lodge this complaint before you which are as follows.

I have been doing my Office work in the above mentioned office address since long. As my son and daughter were admitted to the Bhagirathi Neotia Women & Child Care Centre - New Town, I could not do the office work properly by going to the office from 22.10.2023. On 15.12.2023 I got the bad news and went to my office around 17.00 hours. I went there and saw that my office had no smell. The accused persons stole everything and left. There is not a piece of furniture, paper or a nameplate. It doesn't look like I have an office there. Before this, the three accused persons have threatened me many times that if I do not move the office from there, they will file a false criminal case against me and my family members. The accused persons also stole everything from three offices.

They are very dangerous in nature and the accused person number 1 is threatening me with dire consequences that they will murder me and my family members or involve me in false criminal cases if I will take any criminal action against them. When I saw the accused persons and raised my voice against them then I had to hear thundering sounds of threatening of murder, kidnapping, and theft again in the same office. Under these

Received on 17.12.2023 at 21:25 hrs.  
and started Technocity P.S. Case  
no. 247/23 dt. 17.12.2023 U/S-  
341/352/461/379/427/506/1203/  
34 IPC.

Raza Ahmed Ali  
21 17/12/23.

Agarwal  
17/12/2023

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Certified to be True Copy

Inspector in Charge

Techno City Police Station  
Bidhannagar Police Commissionerate

Agarwal  
08/06/2024

circumstances I feel an exigency of security and protection of my life and property. I sense a premeditated conspiracy hatched by the accused persons. The irresponsible, arbitrary and heinous act of accused persons had not only disturbed the peace and tranquillity of mine but made me go through a phase of several humiliations in front of my family members, society and client and the accused persons heinous act disturbed me to such an extent that my life is reduced to a living hell. I informed you of the whole incident before your Police station on 15.12.2023. It is pertinent to mention here that our law Firm/Business name is "AGARWAL LAW ASSOCIATES".

1) Name of Accused persons:

- a) Sanat Kumar Mondal (Alias: Sanat Mondal) son of Late Tarapada Mondal.
- b) Bebi Mondal wife of Sanat Kumar Mondal (Alias: Sanat Mondal)
- c) Rakesh Mondal son of Sanat Kumar Mondal (Alias: Sanat Mondal)

2) Address of Accused Persons: -Akandakeshari, P.S. – Technocity, P.O. - Akandakeshari, District - North 24 Parganas, Kolkata – 700135.

3) Place of Occurrence: Srinivas House, Office No. - 9, Chhapna, J.L. Number - 35, Plot Number - 182, Action Area - 3, New Town, P.S. - Technocity, P.O. - Patharghata, North 24 Parganas, Kolkata – 700135

4) Date of Occurrence: From 22.10.2023 to 15.12.2023.

5) Approximately cost of stolen items: Rs.30,000/-

I pray to your good office to lodge an FIR against the entire culprits, so that they could not think to do any wrong with any innocent person. Now their main aim and ambition is to remove me permanently from that office by any means. So they are applying all short of illegal means. My earnest request to you to look into the matter, book the above mentioned persons according to law.

*Agarwal*  
17/12/2023

*Agarwal*  
06/06/2024

Certified to be True Copy

*[Signature]* 21.3.24  
Inspector in Charge

Techno City Police Station  
Bidhannagar Police Commissionerate

(a)

Thanking You

Place: New Town Action Area - 3

Dated: 17.12.2023

Yours Faithfully

*Sarika Agarwal*  
17/12/2023

(Sarika Agarwal)

Daughter of Rama Agarwal

Building No K-27, Flat No 1406

SP-Shukhobrishti Spruha, Action Area - 3,

P.S. - Technocity, P.O. - Patharghata,

New Town, Kolkata - 700135

(M) 9477682700, 9477682740

*Sarika Agarwal*  
08/05/2024

Certified to be True Copy

*[Signature]* 21.3.24  
Inspector in Charge

Techno City Police Station

Bidhannagar Police Commissionerate

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Extract Copy of Techno City PS GDE No. 858 (21.25 hrs.) Date- 17.12.2023

21.25 hrs.

Cog case

started, Case  
No. 247/23

By this time Sarika Agarwal d/o Rama Agarwal residing at K-27/1406 SP Sukhobristi (Spruha), AA-3, Newtown, PO- Patharghata, PS- Technocity, kol- 700135 came to PS and submitted a written complaint against (1) Sanat Kumar Mondal @ Sanat Mondal s/o Late Tarapada Mondal, (2) Bebi Mondal w/o Sanat Kumar Mondal, (3) Rakesh Mondal s/o Sanat Kumar Mondal all of Akandakeshari, PS - Technocity, PO - Akandakeshari, Dist. North 24 Parganas, Kolkata - 700135 to the effect that the complaint has a office at Srinivas House, Shop No. 9, Chhapna, JL No. 35, Plot No. 182, AA-3, Newtown, PS - Technocity, PO - Patharghata, Kolkata - 700135 and on 15.12.2023 at around 14.30hrs when she was going to Bhagirathi Neotia Hospital she found that all the above noted accused persons stolen all the articles of her office. When the complainant raised voice against the accused persons, they threatened her with dire consequences. Over this written complaint, Technocity PS Case No-247/23 Dt- 17.12.23 U/S- 341/352/461/379/427/506/120B/34 IPC.

Sd/-

Certified to be True Copy

*Balwari*  
Inspector in Charge  
Techno City Police Station  
Bidhanagar Police Commissionerate

SI Raza Ahmed Ali  
Techno City PS, BDN PC

*S. Agarwal*  
05/06/2024



FIRST INFORMATION REPORT

14247

1 Dist. North 24 Pgs. Sub-Divn Barrackpore District/Year 2023 FIR No. 247/23 Date 17-12-2023  
 2 (i) Act Section 302 (ii) Act 117 Sections 341/302/461/379/427/506/120B/34 IPC  
 (iii) Act Sections Other Acts & Sections 21:26 hours  
 3. (a) General Diary Reference: Entry No. 858 Date 17/12/2023 Time 17:05 hours  
 (b) Occurrence of Offence: Day 17/12/2023 Date 17/12/2023 Time 17:05 hours  
 (c) Information Received Date 17-12-2023 Time 21:26 hours  
 G.D. No. 858 at the Police Station:

4 Type of Information: Written / Oral  
 5. Place of Occurrence: (a) Direction and Distance from P.S. North-West, 03.50 km (Approx)  
 (a) Address Office No. 9, Chhapra, P.O. No. 35, P.O. No. 182, AA III, PS Technocity, Po- Pakharghata, North 24 Pgs., Kolkata - 700135  
 (b) In case outside limit of this Police Station, then the name of P.S. NA

District 27A  
 6. Complainant/Informant:  
 (a) Name Sarika Agarwal  
 (b) Father's/Husband's Name Rama Agarwal  
 (c) Date/Year of Birth NA  
 (d) Nationality Indian  
 (e) Address K-27, Flat No. 1405, SP Sukhobhaskari (Soniha), AA-III, PS-Technocity, Po- Pakharghata, North 24 Pgs., Kolkata - 700135  
 7. Details of Known/Suspected/Unknown/Accused with full particulars @ Sanat Kumar Mondal @ Sanat Kumar Mondal @ Bebi Mondal w/o Sanat Kumar Mondal @ Rakesh Mondal @0- Sanat Kumar Mondal all of Akondakethun, PS-Technocity, Po- Akondakethun, Dist. North 24 Parganas, Kolkata - 700135.  
 8. Reasons for delay in reporting by the Complainant/Informant month-24 pangawas, Kolkata - 700135.

9. Particulars of Properties stolen / involved ; (Attach separate sheet, if required) SI Abhijit Saha  
Pls. complete the investigation of this case  
 10. Total value of Properties stolen / involved : NA 30/1/24

11. Inquest report/U.D. : Case No., if any : NA  
 12. FIR Contents : (Attach separate sheet, if required) The original typed complaint of the complainant which is treated as FIR is attached herewith/reproduced below.  
Inspector in Charge  
Techno City Police Station  
Bidhannagar Police Commissionerate

13. Action taken : Since the above report reveals commission of offence (s) u/s 341/302/461/379/427/506/120B/34 IPC

**Certified to be True Copy** registered the case and took up the investigation / directed SI Sunil Baran Jana  
of Technocity PS to take up the investigation  
 transferred to P.S. Techno City PS on point of jurisdiction. FIR read over to the Complainant / Informant.  
 admitted to be correctly recorded and a copy given to the Complainant. Informant free of cost.

**Inspector in Charge**  
**Techno City Police Station**  
**Bidhannagar Police Commissionerate**  
 Signature/Thumb Impression of the Complainant/Informant Sarika Agarwal.  
 Recorded by me, Raza Ahmed Ali  
SI of Police  
Techno City PS.  
On 17/12/2023  
 Signature of the Office-in-Charge, Police Station with Inspector-in-Charge Name: ANINDYA DE  
 Rank: Inspector of Police  
 Number if any: Techno City PS. QDN PC  
Agarwal  
05/06/2024

FIRST APPEAL UNDER SECTION 19(1) OF THE RIGHT TO INFORMATION ACT, 2005 AGAINST UNREASONABLE/INCORRECT /FALSE REPLY TO MY RTI APPLICATION DATED 14.03.2024.

To  
The First Appellate Authority,  
Ld. Commissioner of Police,  
Bidhannagar Police Commissionerate,  
Stadium Complex, Gate No - 3,  
Sector - III, Salt Lake, Kolkata-700 106

Ref. My application for information under RTI Act, 2005 dated 14.03.2024 addressed to the State Public Information Officer (SPIO), Ld. Deputy Commissioner of Police, Bidhannagar Police Commissionerate, Stadium Complex, Gate No - 3, Sector - III, Salt Lake, Kolkata-700 106 which was sent by speed post bearing postal receipt number EW482625443IN dated 14.03.2024 and it was delivered to his office on 15.03.2024.

Sub: An appeal under Section 19(1) of RTI Act, 2005.

Sir/Madam,

I have applied for obtaining information under RTI Act 2005 but I have received an unreasonable/incorrect/false/manipulated reply on 24.04.2024 vide memo No. 181/BDNPC/RTI dated 22.04.2024 from SPIO. Therefore the undersigned hereby submits a first appeal application with the following details:-

Particulars of RTI Application for information –

- A) **Full name of the Appellant:** SARIKA AGARWAL
- B) **Full Address of Appellant:** K-27/1406 SP-SHUKHOBRIHTI (SPRIHA),  
NEW TOWN, ACTION AREA - 3, KOLKATA - 700135
- C) **Phone/Cell No. of Appellant:** 9477682700/ 9477682740
- D) **Email ID of Appellant:** advocatesarikaagarwal@gmail.com

- E) Nature and subject matter of the information required:** As per RTI application dated 14.03.2024.
- F) Particulars of the State Public information officer:** To, The State Public Information Officer (SPIO), Ld. Deputy Commissioner of Police, Bidhannagar Police Commissionerate, Stadium Complex, Gate No - 3, Sector - III, Salt Lake, Kolkata-700 106
- G) Name of the office or department to which the information relates:** To, The Officer-in-Charge, Technocity Police Station, (Under Bidhannagar Police Commissionerate), Akandakeshari, Kolkata - 700135, West Bengal, India
- H) Particulars of payment of RTI application filing fee:** RTI fees paid Rs.10/- in the form of IPO vide IPO number 27F 348240.
- I) RTI Application Submitted details:** RTI application sent from New Town Action Area I SO by Speed Post bearing postal receipt number EW482625443IN dated 14.03.2024 and it was delivered to his office on 15.03.2024.
- J) Date of receipt of the order appealed against:** Received on 24.04.2024 vide memo No. 182/BDNPC/RTI dated 22.04.2024.
- K) SPIO Reply Details:** Information cannot be provided as Technocity P.S. case No. 247/2023 dated 17.12.2023 u/s 341/352/461/379/427/506/130B/34 of IPC and in relation to Police Report is exempted by Notification No. 541/PAR (AR)/O/3M-29/2005 Pt., VIIIA dated 29/08/2006 of Personnel & Administrative Reforms Department, Govt. of West Bengal. 2<sup>nd</sup> reason is that it is exempted under section 8(h) of RTI Act, 2005, 3<sup>rd</sup> reason is that could not be provide vide u/s 8(J) of RTI Act 2005 and 4<sup>th</sup> reason is that no recorded information is available.
- L) Information:** "information" is defined under Section 2(f) of RTI Act 2005 which provides: "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts,

*Approved*  
06/06/2024

report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force." This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act, an applicant is entitled to get a copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed."

**M) Last date for filing the appeal: 24.05.2024.**

**N) Additional Free payment mode: SPIO failed to supply the information within 30 days and hence the applicant is entitled to receive the Information free of charge in terms of Section 7(6) of the RTI Act 2005.**

**O) The grounds for appeal: - In my requisition for information dated 14.03.2024, I had asked for the information under RTI Act 2005, and the copy of the RTI application is enclosed herewith. This has been received by the SPIO on 15.03.2024 through Speed Post, I have received an unreasonable/incorrect/false/manipulated reply vide memo No. 181/BDNPC/RTI dated 22.04.2024 from SPIO, which is violative of my fundamental right and contravenes the law. The total time available for SPIO to supply information is 30 days in terms of Section-7(1) read with Section 7(3)(a) of the RTI Act 2005. However, the SPIO sent his letter without any satisfactory reply vide memo No. 181/BDNPC/RTI dated 22.04.2024. His decision is that Information cannot be provided as Police Report is exempted by Notification No. 541/PAR (AR)/O/3M-29/2005 Pt., VIIIA dated 29/08/2006 of Personnel & Administrative Reforms Department, Govt. of West Bengal, 2<sup>nd</sup> reason is that it is exempted under section 8(h) of RTI Act, 2005, 3<sup>rd</sup> reason is that could not be provide vide u/s 8(J) of RTI Act 2005 and 4<sup>th</sup> reason is that no recorded**

*Agarwal*  
08/06/2024

information is available. I am aggrieved with the SPIO's reply as no exemption clause of the RTI Act has been claimed therein for denying the information as per my RTI application. That means he failed/neglected to supply information as per my RTI application. Avoiding to reply on the part of SPIO is a deemed denial of information in terms of Section 7(2) of RTI Act, 2005.

**P) Relief Sought:** (i) Recommend to the State Public Information Officer that Information should be provided free of cost as per the provision of section 7(1), 7(3), 7(6) of the Right to Information Act 2005. (ii) Please instruct the SPIO to give the information forthwith. (iii) Recommend to the competent authority that a penalty should be levied on the SPIO under Section 20 (10) of Act 22 of 2005 and/or you deem fit and proper, for not providing the information as mandated in the law. No reasonable cause can be there for not replying at all. (iv) I appeal to your good self kindly take disciplinary action against the SPIO under the service rules that without any reasonable cause and persistently failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information.

**Q) Prayers:** That the Appellant, therefore, prays: - (i) Imposition of costs on the respondents and award of costs as compensation for undue delays and mental harassment along with expenses incurred on pursuing First Appeal.; (ii) Full, Complete and Correct information, duly certified/endorsed be supplied immediately without any further delay by registered/speed post at my address with an advance scanned copy over email, direct the SPIO to supply the Information within 7 days from the date of receipt of First appeal application; (iii) direct the SPIO to supply the Information free of cost, since SPIO failed to supply the Information as per my RTI application. The information is now supplied free of any cost(s), inclusive of annexure(s); (iv) direct SPIO to supply full and correct

*Approved*  
08/06/2024

[5]

information; (v) direct SPIO to supply certified copies of the entire information; (vi) record and supply reasons for not providing information within due date. (vii) the present appeal is disposed of by this Ld. Appellate Authority within 30 days of its receipt as provided under Section-19(6) of the RTI Act 2005;

Thanking You

Place: Howrah

Date: 24.04.2024

Yours faithfully,

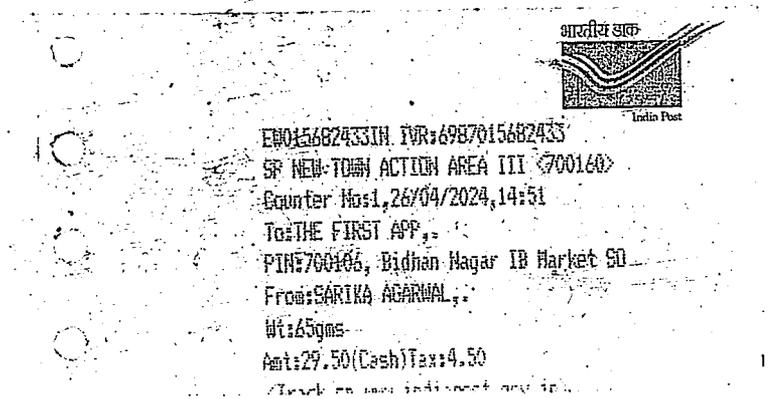
*S. Agarwal*, 24.04.2024

(SARIKA AGARWAL),

K-27/1406 SP-SHUKHOBRIHTI (SPRIHA),

NEW TOWN, ACTION AREA - 3,

KOLKATA - 700135, (M) 9477682700



Enclosed:

- (i) self-attested photocopy of RTI Application,
- (ii) Postal Acknowledgement and delivery receipt,
- (iii) Self attested photo copy of proof of RTI fee payment,
- (iv) SPIO reply vide memo No. 181/BDNPC/RTI dated 22.04.2024,
- (v) Postal delivery receipt for memo No. 181/BDNPC/RTI dated 22.04.2024.

*S. Agarwal*, 05/06/2024



Sign In

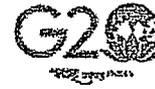
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## Track Consignment

[Quick help](#)

\* Indicates a required field.

\* Consignment Number

EW015682433IN

[Track More](#)

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
New Town Action Area III	26/04/2024 14:50:47	700106	29.50	Inland Speed Post	Bidhan Nagar IB Market SO	27/04/2024 14:32:56

### Event Details For : EW015682433IN

#### Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
27/04/2024	14:32:56	Bidhan Nagar IB Market SO	Item Delivered(Addressee)
27/04/2024	14:09:48	Bidhan Nagar IB Market SO (Beat Number:6)	Item Delivered [To: receiver (Addressee) ]
27/04/2024	09:49:25	Bidhan Nagar IB Market SO	Out for Delivery
27/04/2024	08:33:07	Bidhan Nagar IB Market SO	Item Received
26/04/2024	20:16:09	Kolkata NSH	Item Received
26/04/2024	16:03:31	New Town Action Area III	Item Dispatched
26/04/2024	15:54:37	New Town Action Area III	Item Bagged
26/04/2024	14:50:47	New Town Action Area III	Item Booked

*Signature*  
08/06/2024

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Government of West Bengal  
Office of the Commissioner of Police  
Bidhannagar Police Commissionerate  
Stadium Complex, Gate No-3.  
Sector-III, Salt Lake, Kolkata – 700106.

Appeal petition dated 24.04.2024 of Sarika Agarwal for incorrect information supplied to his RTI petition dated 14.03.2024 under RTI Act, 2005.

Facts on records

The appellant Sarika Agarwal submitted RTI application dated 14.03.2024 regarding some information under RTI Act 2005. Reply to the RTI application sent by S.P.I.O, Bidhannagar Police Commissionerate on 22.04.2024 Vide Memo No. 181/BDNPC/RTI via Registered Post. On 29.04.2024 received 1st appeal application.

Decision

Reply to your appeal petition dt. 24.04.2024 is given below.

Perused the RTI application dated 14.03.2024 and the information supplied to the RTI applicant by the S.P.I.O, Bidhannagar Police Commissionerate on the basis of information collected from the Asstt. Commissioner of Police, New Town, Bidhannagar Police Commissionerate. It seems that available information was supplied to the applicant.

- \* In the above referred matter this is to inform you that his Highness, the Governor of West Bengal was pleased to recommend the decision of a committee constituted vide Notification No. III-PAR(AR)/O/3M-29/2005PL VIIIA dated 20.02.2006 for not providing all police reports except under order of Court of law under the provisions of RTI Act,2005. This refers to No. 541-PAR (AR)/O/3M-29/2005 Pt. VIIIA dt. Kolkata – the 29th August 2006. A copy of Notification is hereby attached for your information.
- \* In this context this is to inform you that the case is under investigation. The information cannot be provided under section 8(h) of RTI Act, 2005.
- \* Section-8 Exemption from disclosure of information. Section 8(j) information which relates to personal information.
- \* No recorded information was available relating to the certified copy of complaint letter dt. 15.12.2023 going through available Technocity PS records and the applicant was informed accordingly by the SPIO.

Thereafter the appeal petition is dismissed.

This disposes the appeal petition dated 24.04.2024.

The details of Second Appellate Authority are appended below:

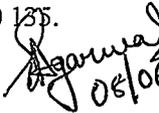
The Secretary,  
West Bengal Information Commission,  
Khadya Bhaban, 11/A, Mirza Galib Street,  
Kolkata – 700 087.

No. 229/1(i) (Order)-BDNPC/RTI

  
Commissioner of Police,  
Bidhannagar

Date: 16/05/2024

Copy forwarded to Sarika Agarwal, K-27/1406 SP- Shukhobrishti (Spriha), Action Area-3, New Town, PS- Technocity, PO- Patharghata, Kolkata- 700 135.

  
05/06/2024

  
Commissioner of Police,  
Bidhannagar

The  
  
**Kolkata Gazette**  
 Extraordinary  
 Published by Authority

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FRIDAY, NOVEMBER 10, 2006

SATA 1928

PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

**GOVERNMENT OF WEST BENGAL**  
 Department of Personnel & Administrative Reforms  
 Administrative Reforms Cell  
 Writers' Buildings, Kolkata-700 001

No. 341-PAR (AR)/OAM-29/2005 Pt. VHA,

Dated, Kolkata- the 29th August, 2005

NOTIFICATION

The Governor is pleased, on the recommendation of the Committee constituted vide Notification No. III - PAR/AR/OAM-29/ 2005 Pt. VHA dated 20.02.2005, to identify the following organizations, Branches and Sections of Government of West Bengal to which the provisions of "The Right to Information Act, 2005" shall not apply under section 24 J. of the said Act.

Home DepartmentA. Political Branch

1. Security arrangements and related matters of VIPs and VVIPs.
2. Interceptions of mails and other personal communications including phones/mobiles under Indian Post Office Act, 1898 and Indian Telegraph Act, 1885
3. Sanction of prosecution.
4. CBI investigation - handing over of cases
5. Verification of antecedents.
6. Preparation of bills and rules.

B. Police Branch

1. Information relating to mobilization and deployment of police force.
2. All police reports (except under orders of the Courts of Law).

C. Special Branch

1. Proceedings under the special preventive Acts of the State Govt/Govt. of India.

II. Police Directorate

1. Intelligence Branch including District IAs.
2. Eastern Frontier Rifles.
3. State Armed Police.
4. Indian Reserve Battalion.
5. Enforcement Branch.
6. Secret Source Fund.
7. Reserve Force.
8. Secret Section including Secret Source Fund.

III. Kolkata Police

1. Special Branch
2. Detective Department.

*Agarwal*  
 08/06/2024

To  
The State Public Information Officer,  
Ld. Deputy Commissioner of Police  
Bidhannagar Police Commissionerate,  
Stadium Complex, Gate No - 3,  
Sector - III, Salt Lake, Kolkata - 700 106

By SPEED POST

Ref. i) My complaint letter dated 15.12.2023, (ii) Technocity Police Station case (FIR) being No. 247 of 2023 dated 17.12.2023.

**Sub:** Request for information under Section - 6(1) of RTI Act, 2005. The information may be furnished to me within 30 days.

Respected Sir/Madam,

Please supply me the following information with documentary evidence in respect of complaint dated 15.12.2023 as well as Technocity Police Station case (FIR) being number 247 of 2023 dated 17.12.2023.

**Details of Complaint Letter: -**

(i) My complaint letter dated 15.12.2023,

**Details of FIR:**

**FIR Number and year:** 247 of 2023

**Name of Complainant:** Sarika Agarwal

**Name(s) of Accused:** i) Sanat kumar Mondal, (ii) Bebi Mondal, (iii) Rakesh Mondal,

**Date of Complaint:** 17.12.2023

**Date of FIR:** 17.12.2023

**Police station:** Technocity Police Station

Particulars of Information sought

*Sarika Agarwal*  
05/06/2024

- (1) Please supply me a certified copy of the complaint letter dated 15.12.2023 along with a copy of GDE as detailed mentioned above.
- (2) Please supply me a certified copy of the investigation report which was conducted by S.I. Sunil Baran Jana on 16.12.2023 to 17.12.2023 before lodging the case (FIR) being number 247 of 2023 dated 17.12.2023.
- (3) Please supply me a certified copy of the complaint letter dated 17.12.2023 along with a copy of GDE as detailed mentioned above.
- (4) Please supply me a certified copy of the FIR being number 247 of 2023 dated 17.12.2023 as detailed mentioned above along with a copy of the complaint letter.
- (5) Please supply me a certified copy of the notice which was served to the accused persons by I/O (S.I. Sunil Baran Jana) till date. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy. If the accused person is not found then give me the details of those who are not found.
- (6) Please supply me a certified copy of the periodical progress report on investigation in respect of the above mentioned case (FIR) being number 247 of 2023 dated 17.12.2023.
- (7) Please supply me a certified copy of the entire Seizure list which was prepared by the investigating officer, S.I. Sunil Baran Jana for FIR being number 247 of 2023 dated 17.12.2023.

*S. Baran Jana*  
08/06/2024

- (8) Please supply me a certified copy of the case diary indicating the name of persons arrested in connection with above mentioned case (FIR) being number 247 of 2023 dated 17.12.2023 and in case no such action is taken, then kindly inform me the procedure to recover the theft items as per Police Act, Circular, Rules and Regulations.
- (9) Please supply me a certified copy of the Action Taken Report for FIR being number 247 of 2023 dated 17.12.2023.
- (10) Please inform me of the list of items recovered from accused persons and provide me with the procedure as well as the system to recover it.
- (11) Please supply me a certified copy of the investigation report as prepared by the Investigating officer in respect of above mentioned FIR being number 247 of 2023 dated 17.12.2023 till date.
- (12) Please supply me with a copy of the record and/or statements of accused persons.
- (13) Please supply me the copy of record and/or statements of witnesses [Subhra Ghosh Mazumdar, Dilip Kumar Agarwalla, Narayani Devi Agarwala, Subrata Kar, & Arun Agarwal] recorded during the course of investigation, based on which the report and findings were drawn by the investigating officer.
- (14) I/O (S.I. Sunil Baran Jana) recorded the statement of 5 (five) witnesses during the course of investigation of case (FIR) being number 247 of 2023 dated 17.12.2023. Please supply me a certified copy of the statement of 5 (five)

*Agarwalla*  
08/06/2024

witnesses recorded u/s 161 Cr.P.C. during the course of investigation.

- (15) I/O (S.I. Sunil Baran Jana) destroyed the statement of 5 (five) witnesses recorded u/s 161 Cr.P.C. during the course of investigation before the transfer to the Airport Police Station. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (16) Until what date I/O (S.I. Sunil Baran Jana) investigated and prepared the investigation report for Technocity Police Station case (FIR) being number 247 of 2023 dated 17.12.2023.
- (17) Kindly provide me with the entire phone number used by I/O (S.I. Sunil Baran Jana) during the course of investigation of case (FIR) being number 247 of 2023 dated 17.12.2023.
- (18) Has I/O (S.I. Sunil Baran Jana) even took leave from 15.12.2023 till the time he was at Technocity Police Station? If he has taken any leave then let me know those dates?
- (19) S.I. (Sunil Baran Jana) was transferred from Technocity Police Station to Airport Police Station on which date.
- (20) I/O (S.I. Sunil Baran Jana) built up relationships with accused persons from the beginning date to the date of transfer to Airport Police Station. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (21) In order to save the accused persons, I/O (S.I. Sunil Baran Jana) recorded the false statement of the accused person as witnesses. If there is any document related to this in

*[Handwritten signature]*  
08/06/2024

your Technocity Police Station, please provide me with its certified copy.

- (22) In order to save the accused persons, I/O (S.I. Sunil Baran Jana) recorded the false statement of their relatives as witnesses. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (23) I/O (S.I. Sunil Baran Jana) assured the accused persons, no need to take bail from the Ld. Court, it will be expensive, and Rakesh Mondal will have to face very difficulty in getting a job, so I/O will manage everything. I/O (S.I. Sunil Baran Jana) also assured the accused persons, before transfer to the Airport Police Station that the new I/O has nothing else to do but he has to submit a F.R. (False Report) then all the accused persons automatically released from the case. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (24) I/O (S.I. Sunil Baran Jana) went to my office in my absence without my permission and put Centering there (into my office) with the help of accused persons and took multiple pictures. What is I/O (S.I. Sunil Baran Jana) trying to prove by taking these pictures? Kindly inform me whether these pictures are in your Technocity Police Station. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (25) The place where I am doing my work is my place. I/O (S.I. Sunil Baran Jana) seized the documents related to this place. Despite this, I/O (S.I. Sunil Baran Jana) did not treat me well. I/O cannot decide how I will run my office. The

*S. Baran Jana*  
08/06/2024

accused person has destroyed my office completely and I/O has not investigated that thing properly and tried to manipulate everything. I/O is not doing real investigation. Kindly provide me the certified copy of the rules, regulations and circulars for the investigation of the particular case.

- (26) Did the I/O (S.I. Sunil Baran Jana) try to do any type of scientific investigation in that place? If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (27) How many fingerprints were collected from this place? If any fingerprint of this place has been collected, then it has been matched with a fingerprint of accused persons. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (28) I am highlighting you some points of the Possession letter cum declaration to understand this matter clearly (i) as per page number 4 of 1<sup>st</sup> Para: - "Arun Agarwal has become the absolute owner of the said property and now he is free to use the said property in any manner whatsoever he likes". (ii) as per page number 7, end portion of point number 6: -"Until I can raise money for construction, neither I nor any member of my family can come to this place under any condition". How are you giving entry to the accused persons in that place even after clear paper like this? Can everything be changed with false witness? Have you asked this little thing while interrogating the accused persons? If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.

*Agarwal,*  
05/05/2024

- (29) Kindly provide me the Name and phone number of the newly appointed I/O for case (FIR) being number 247 of 2023 dated 17.12.2023.
- (30) Investigating officer, S.I. (Sunil Baran Jana) has supplied the photocopy of the documents to the accused person, Sanat Kumar Mondal which was seized by Seizure list in respect of Technocity Police case (FIR) being number 247 of 2023 dated 17.12.2023. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (31) Can I/O (S.I. Sunil Baran Jana) recorded the false/manipulated statement of accused person u/s 161 of Cr.P.C. and technically released him from the case. Again I/O (S.I. Sunil Baran Jana) recorded the false/manipulated statement of the relatives of accused person u/s 161 of Cr.P.C. to save the accused persons. In order to save the accused person, the amount of manipulated statements that I/O (S.I. Sunil Baran Jana) tried to write so large that it looked awful, so I/O was forced to type that statement on the computer in Bengali Language. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (32) I/O S.I. Sunil Baran Jana took ₹4,50,000/- from the accused person, Sanat Kumar Mondal to prepare the false report and released the accused person from the entire case (three Cases) from his side. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (33) The relation between the Advocate and Police can never be good so can the I/O (S.I. Sunil Baran Jana) manipulated

*S. Baran Jana*  
08/16/2024

the investigation report and tried to release the accused persons. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.

- (34) If the accused were not interrogated or their statements not recorded, please supply me a certified copy of documents based on which the findings of investigation were drawn by the Investigating Officer till date.
- (35) Kindly supply me with all the material facts collected by the I.O. (S.I. Sunil Baran Jana) for this offence/crime.
- (36) It's been more than two and half months today since the theft occurred in my office/shop and I still haven't got my stolen item back. I want to know from you how soon I will get my stolen item back. Please supply me a certified copy of the reason under section 4(1)(d) of the RTI Act, 2005, since I am an affected person for not getting my theft item back till date. Whether the decision of the competent authority that I still haven't got my theft item back and denying statutory interest thereon to the appellant was in compliance with my constitutional right under Article 300-A of the Constitution of India.
- (37) Please supply me a certified copy of instructions and guidelines indicating the normal period within which your department is required to take suitable action in this matter.
- (38) Please inform me the date by which my legal right was required to be settled in accordance with the instructions and guidelines in vogue.

*Agarwal*  
06/06/2024

- (39) Entire list of officer(s) and staff, with designation and office address, whose assistance sought by SPIO in terms of Sec-5(4) of RTI Act, in supplying information with respect to this RTI Application.

I state that the information sought does not fall within the restrictions contained in section 8 and 9 of the Act. I also state that I am a citizen of India and I am eligible to seek information under the Right to Information Act 2005.

I am attaching an IPO for Rs.10/- payable towards RTI Application Fee to the Accounts Officer bearing IPO number 27F 348240 and payable at Kolkata.

Please send the information to my below address by Registered post/Speed Post.

If the information is not available in your office, kindly forward it to the concerned public authority as per section 6(3) of the RTI Act, 2005

I humbly provide you with the following rules that ought to have been followed:-

- i) Inappropriate information sought can be rejected [Sec.4(1)(d)]
- ii) PIO can take all help to provide information to an applicant [Secs.5(4) and 5(5)]
- iii) PIOs to provide all reasonable assistance to the RTI applicants [Sec.5(3)]
- iv) Penalty should be levied under section 20(10) of the RTI Act, 2005, for not providing the information as per provisions of the law.

*Agarwal*  
08/6/2024

It is necessary to get the following documents and information as per Right to Information Act 2005, from your kind honour.

Thanking You

Place: Kolkata

Dated: 14/03/2024

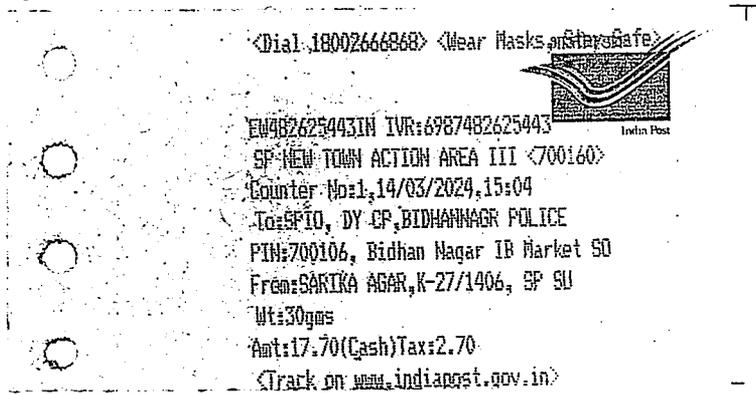
Yours Faithfully

*Sarika Agarwal*  
14/03/2024

(Sarika Agarwal)

K-27/1406 SP-SHUKHOBRIHTI (SPRIHA),  
ACTION AREA - 3, NEW TOWN,  
P.S. - TECHNOCITY, P.O. - PATHARGHATA,  
KOLKATA - 700135, (M) 9477682700

*Sarika Agarwal*  
08/06/2024



अध्यक्ष COUNTERFOIL

इसे फाड़कर ब्रेषक अपने पास रख ले।  
To be detached and kept  
by the Sender.

पोस्टल आर्डर  
रुपए 10.00 Rs.  
POSTAL ORDER

किसे अदा करना  
To whom payable Account

Department

किस डाकघर में  
At what Office 1/2 Deputy

किसी भी प्रकार का क्रॉस किया है  
Whether crossed Yes

बेकने की तारीख  
Date sent 14/03/2024

27F 348240



Sign In

Register



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भारतीय डाक



India Post



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Quick help

\* Indicates a required field.

\* Consignment Number

EW482625443IN

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
New Town Action Area III	14/03/2024 15:04:37	700106	17.70	Inland Speed Post	Bidhan Nagar IB Market SO	15/03/2024 16:00:01

## Event Details For : EW482625443IN

## Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
15/03/2024	16:00:01	Bidhan Nagar IB Market SO	Item Delivered(Addressee)
15/03/2024	09:47:51	Bidhan Nagar IB Market SO	Out for Delivery
15/03/2024	08:39:34	Bidhan Nagar IB Market SO	Item Received
15/03/2024	05:57:14	KOL AP TMO	Item Dispatched
15/03/2024	05:03:21	KOL AP TMO	Item Received
15/03/2024	04:15:37	Kolkata NSH	Item Dispatched
14/03/2024	20:08:56	Kolkata NSH	Item Received
14/03/2024	18:45:13	KOL AP TMO	Item Dispatched
14/03/2024	18:39:03	KOL AP TMO	Item Received
14/03/2024	16:15:34	New Town Action Area III	Item Dispatched
14/03/2024	16:03:49	New Town Action Area III	Item Bagged
14/03/2024	15:04:37	New Town Action Area III	Item Booked

*Pranjal*  
08/06/2024

Home  
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**Hearing on 23-02-2026**

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**State Chief Information Commissioner West Bengal** < scic-wb@nic.in >

Fri, 30 Jan 2026 11:05:02 AM +0530

To "bidhannagarpolice"<bidhannagarpolice@gmail.com>

Cc "advocatesarikaagarwal"<advocatesarikaagarwal@gmail.com>

---

Please find the attachment, for further details visit our website

West Bengal Information Commission

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**1 Attachment(s)**

WBIC-RTI-A-100582-1601-202...  
16.5 KB

2nd Appeal of Sarika Agarwal, appeal no. 100582 of 2024.

<https://mail.mgovcloud.in/zm/?fromService=wp&wpVersion=90f...>

Lim. D. NO -

D. NO - 638 (ATR)  
20/02/26

2nd Appeal of Sarika Agarwal, appeal no. 100582 of 2024.

DCP HQ BDN < dcpqbnd@gmail.com >

Thu, 19 Feb 2026 6:07:29 PM +0530

To "scic-wb"<scic-wb@nic.in>

Please see the attachment

1 Attachment(s)

2nd Appel RTI 23.02.26.pdf  
9.6 MB

H. Date - 19/03/26

H. Setic

100582/1601/2024

5/21



Government of West Bengal  
Office of the Commissioner of Police  
Bidhannagar Police Commissionerate  
Stadium Complex, Gate No-3, Sector-III, Salt Lake, Kolkata – 700106.

Memo. No. 131 /BDNPC/RTI

Dated: 19/02/2026

To  
The Section Officer,  
West Bengal Information Commission,  
Khadya Bhawan, 11A, Mirza Galib Street,  
Kolkata-700087.  
Email: [scic-wb@nic.in](mailto:scic-wb@nic.in).

Ref. Your good Office Memo. No. 444-WBIC/RTI/A/100582/1601/2024 dt. 29.01.2026 and Appeal No. 100582 of 2024 arising out of Appeal of Sarika Agarwal for hearing before Hon'ble State Information Commissioner Mr. Virendra at Venue Venue Address on 23.02.2026 at 11.30 am.

Please refer to the above. This is to inform you that a statement on the second appeal is furnished for your perusal and the undersigned will attend in virtual mode on 23.02.2026 at 11.30 am.

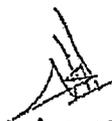
01. Sarika Agarwal filed an RTI application on 14.03.2024 (copy enclosed as Annexure-I) which was received in this office on 15.03.2024 seeking information under RTI Act-2005.
02. The Jt. Commissioner of Police (HQ) & SPIO, BDNPC had sent a further message to the Applicant vide Memo No.155/BDNPC/RTI dt. 03.04.2024 regarding further fees representing the cost of providing the information as determined by him as per provision of RTI Act, 2005. (Copy of enclosed as Annexure-II).
03. After receiving the further fees, the Jt. Commissioner of Police (HQ) & SPIO, BDNPC had sent a reply to the Applicant vide Memo No.181/BDNPC/RTI dt. 22.04.2024 (Copy of enclosed as Annexure-III).
04. This office received First Appeal petition dated 24.04.2024 which was received in this office on 29.04.2024. (A copy of the said letter is enclosed as Annexure-IV).
06. The Appellate authority, the then Ld. Commissioner of Police, sent the final information on 16.05.2024 Vide this office No. 229/1(1)/(Order)-BDNPC/RTI by post. (A copy of said the letter is enclosed as Annexure-V).

Contd..p/2

07. It is to be mentioned here that, Information received from ACP, New Town, Bidhannagar Police Commissionerate, that as per available records, Techno City PS Case No. 247/23 dtd. 17.12.2023 has been quashed by an order passed by the Hon'ble High Court, Calcutta on 15.05.2024. The case docket along with copy of the said order of the Hon'ble High Court, Calcutta, was kept before the Ld. CJM, Barasat on 22.05.2024.

Further it is also to be mentioned here that, as per order of Hon' ble West Bengal Information Commission vide Memo. No. 353-WBIC/RTI/A/100577/1591/2024 dt. 20.01.2026 and Appeal No. 100577 (A) of 2024 arising out of Appeal of Mr. Arun Agarwal of WBIC, Khadya Bhawan under Right to Information Act, 2005, certified copy of seizure list has been sent to Mr. Arun Agarwal of K-27/1406 SP- Shukhobrishti (Spriha), Action Area-3, New Town, PS- Technocity, PO- Patharghata, Kolkata- 700 135 in c/w Technocity PS Case No. 248/23 dt. 17.12.2023 vide this office Memo. No. 97/BDNPC/RTI dtd. 02.02.2026.

This is for your information please.  
For future Correspondence:-  
Email ID :-jtepbdn @policewb.gov.in  
Contact No. (033) 2335-2011.

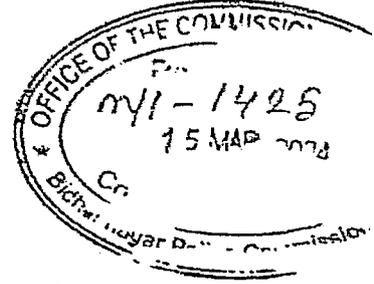
  
19/2/26.  
Jt. Commissioner of Police (HQ)  
&  
State Public Information Officer  
Bidhannagar Police Commissionerate

ANNEXURE - L

[1]

By SPEED POST

To  
The State Public Information Officer,  
Ld. Deputy Commissioner of Police  
Bidhannagar Police Commissionerate,  
Stadium Complex, Gate No - 3,  
Sector - III, Salt Lake, Kolkata - 700 106



Ref. i) My complaint letter dated 15.12.2023, (ii) Technocity Police Station case (FIR) being No. 247 of 2023 dated 17.12.2023.

Sub: Request for information under Section - 6(1) of RTI Act, 2005. The information may be furnished to me within 30 days.

Respected Sir/Madam,

Please supply me the following information with documentary evidence in respect of complaint dated 15.12.2023 as well as Technocity Police Station case (FIR) being number 247 of 2023 dated 17.12.2023.

Details of Complaint Letter: -

(i) My complaint letter dated 15.12.2023,

Details of FIR:

FIR Number and year: 247 of 2023

Name of Complainant: Sarika Agarwal

Name(s) of Accused: i) Sanat kumar Mondal, (ii) Bebi Mondal, (iii) Rakesh Mondal,

Date of Complaint: 17.12.2023

Date of FIR: 17.12.2023

Police station: Technocity Police Station

Particulars of Information sought

RTI

*(Signature)* 15/3/24

Asstt. Commissioner of Police (HQ)  
Bidhannagar Police  
Commissionerate

- (1) Please supply me a certified copy of the complaint dated 15.12.2023 along with a copy of GDE as detailed mentioned above.
- (2) Please supply me a certified copy of the investigation report which was conducted by S.I. Sunil Baran Jana on 16.12.2023 to 17.12.2023 before lodging the case (FIR) being number 247 of 2023 dated 17.12.2023.
- (3) Please supply me a certified copy of the complaint letter dated 17.12.2023 along with a copy of GDE as detailed mentioned above.
- (4) Please supply me a certified copy of the FIR being number 247 of 2023 dated 17.12.2023 as detailed mentioned above along with a copy of the complaint letter.
- (5) Please supply me a certified copy of the notice which was served to the accused persons by I/O (S.I. Sunil Baran Jana) till date. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy. If the accused person is not found then give me the details of those who are not found.
- (6) Please supply me a certified copy of the periodical progress report on investigation in respect of the above mentioned case (FIR) being number 247 of 2023 dated 17.12.2023.
- (7) Please supply me a certified copy of the entire Seizure list which was prepared by the investigating officer, S.I. Sunil Baran Jana for FIR being number 247 of 2023 dated 17.12.2023.

- (8) Please supply me a certified copy of the case diary indicating the name of persons arrested in connection with above mentioned case (FIR) being number 247 of 2023 dated 17.12.2023 and in case no such action is taken, then kindly inform me the procedure to recover the theft items as per Police Act, Circular, Rules and Regulations.
- (9) Please supply me a certified copy of the Action Taken Report for FIR being number 247 of 2023 dated 17.12.2023.
- (10) Please inform me of the list of items recovered from accused persons and provide me with the procedure as well as the system to recover it.
- (11) Please supply me a certified copy of the investigation report as prepared by the Investigating officer in respect of above mentioned FIR being number 247 of 2023 dated 17.12.2023 till date.
- (12) Please supply me with a copy of the record and/or statements of accused persons.
- (13) Please supply me the copy of record and/or statements of witnesses [Subhra Ghosh Mazumdar, Dilip Kumar Agarwalla, Narayani Devi Agarwala, Subrata Kar, & Arun Agarwal] recorded during the course of investigation, based on which the report and findings were drawn by the investigating officer.
- (14) I/O (S.I. Sunil Baran Jana) recorded the statement of 5 (five) witnesses during the course of investigation of case (FIR) being number 247 of 2023 dated 17.12.2023. Please supply me a certified copy of the statement of 5 (five)

witnesses recorded u/s 161 Cr.P.C. during the course of investigation.

- (15) I/O (S.I. Sunil Baran Jana) destroyed the statement of 5 (five) witnesses recorded u/s 161 Cr.P.C. during the course of investigation before the transfer to the Airport Police Station. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (16) Until what date I/O (S.I. Sunil Baran Jana) investigated and prepared the investigation report for Technocity Police Station case (FIR) being number 247 of 2023 dated 17.12.2023.
- (17) Kindly provide me with the entire phone number used by I/O (S.I. Sunil Baran Jana) during the course of investigation of case (FIR) being number 247 of 2023 dated 17.12.2023.
- (18) Has I/O (S.I. Sunil Baran Jana) even took leave from 15.12.2023 till the time he was at Technocity Police Station? If he has taken any leave then let me know those dates?
- (19) S.I. (Sunil Baran Jana) was transferred from Technocity Police Station to Airport Police Station on which date.
- (20) I/O (S.I. Sunil Baran Jana) built up relationships with accused persons from the beginning date to the date of transfer to Airport Police Station. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (21) In order to save the accused persons, I/O (S.I. Sunil Baran Jana) recorded the false statement of the accused person as witnesses. If there is any document related to this in

your Technocity Police Station, please provide me with its certified copy.

- (22) In order to save the accused persons, I/O (S.I. Sunil Baran Jana) recorded the false statement of their relatives as witnesses. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (23) I/O (S.I. Sunil Baran Jana) assured the accused persons, no need to take bail from the Ld. Court, it will be expensive, and Rakesh Mondal will have to face very difficulty in getting a job, so I/O will manage everything. I/O (S.I. Sunil Baran Jana) also assured the accused persons, before transfer to the Airport Police Station that the new I/O has nothing else to do but he has to submit a F.R. (False Report) then all the accused persons automatically released from the case. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (24) I/O (S.I. Sunil Baran Jana) went to my office in my absence without my permission and put Centering there (into my office) with the help of accused persons and took multiple pictures. What is I/O (S.I. Sunil Baran Jana) trying to prove by taking these pictures? Kindly inform me whether these pictures are in your Technocity Police Station. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (25) The place where I am doing my work is my place. I/O (S.I. Sunil Baran Jana) seized the documents related to this place. Despite this, I/O (S.I. Sunil Baran Jana) did not treat me well. I/O cannot decide how I will run my office. The

accused person has destroyed my office completely and I/O has not investigated that thing properly and tried to manipulate everything. I/O is not doing real investigation. Kindly provide me the certified copy of the rules, regulations and circulars for the investigation of the particular case.

- (26) Did the I/O (S.I. Sunil Baran Jana) try to do any type of scientific investigation in that place? If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (27) How many fingerprints were collected from this place? If any fingerprint of this place has been collected, then it has been matched with a fingerprint of accused persons. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (28) I am highlighting you some points of the Possession letter cum declaration to understand this matter clearly (i) as per page number 4 of 1<sup>st</sup> Para: - "Arun Agarwal has become the absolute owner of the said property and now he is free to use the said property in any manner whatsoever he likes". (ii) as per page number 7, end portion of point number 6: - "Until I can raise money for construction, neither I nor any member of my family can come to this place under any condition". How are you giving entry to the accused persons in that place even after clear paper like this? Can everything be changed with false witness? Have you asked this little thing while interrogating the accused persons? If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.

- (29) Kindly provide me the Name and phone number of the newly appointed I/O for case (FIR) being number 247 of 2023 dated 17.12.2023.
- (30) Investigating officer, S.I. (Sunil Baran Jana) has supplied the photocopy of the documents to the accused person, Sanat Kumar Mondal which was seized by Seizure list in respect of Technocity Police case (FIR) being number 247 of 2023 dated 17.12.2023. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (31) Can I/O (S.I. Sunil Baran Jana) recorded the false/manipulated statement of accused person u/s 161 of Cr.P.C. and technically released him from the case. Again I/O (S.I. Sunil Baran Jana) recorded the false/manipulated statement of the relatives of accused person u/s 161 of Cr.P.C. to save the accused persons. In order to save the accused person, the amount of manipulated statements that I/O (S.I. Sunil Baran Jana) tried to write so large that it looked awful, so I/O was forced to type that statement on the computer in Bengali Language. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (32) I/O S.I. Sunil Baran Jana took ₹4,50,000/- from the accused person, Sanat Kumar Mondal to prepare the false report and released the accused person from the entire case (three Cases) from his side. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.
- (33) The relation between the Advocate and Police can never be good so can the I/O (S.I. Sunil Baran Jana) manipulated

the investigation report and tried to release the accused persons. If there is any document related to this in your Technocity Police Station, please provide me with its certified copy.

(34) If the accused were not interrogated or their statements not recorded, please supply me a certified copy of documents based on which the findings of investigation were drawn by the Investigating Officer till date.

(35) Kindly supply me with all the material facts collected by the I.O. (S.I. Sunil Baran Jana) for this offence/crime.

(36) It's been more than two and half months today since the theft occurred in my office/shop and I still haven't got my stolen item back. I want to know from you how soon I will get my stolen item back. Please supply me a certified copy of the reason under section 4(1)(d) of the RTI Act, 2005, since I am an affected person for not getting my theft item back till date. Whether the decision of the competent authority that I still haven't got my theft item back and denying statutory interest thereon to the appellant was in compliance with my constitutional right under Article 300-A of the Constitution of India.

(37) Please supply me a certified copy of instructions and guidelines indicating the normal period within which your department is required to take suitable action in this matter.

(38) Please inform me the date by which my legal right was required to be settled in accordance with the instructions and guidelines in vogue.

- (39) Entire list of officer(s) and staff, with designation and office address, whose assistance sought by SPIO in terms of Sec-5(4) of RTI Act, in supplying information with respect to this RTI Application.

I state that the information sought does not fall within the restrictions contained in section 8 and 9 of the Act. I also state that I am a citizen of India and I am eligible to seek information under the Right to Information Act 2005.

I am attaching an IPO for Rs.10/- payable towards RTI Application Fee to the Accounts Officer bearing IPO number 27F 348240 and payable at Kolkata.

Please send the information to my below address by Registered post/Speed Post.

If the information is not available in your office, kindly forward it to the concerned public authority as per section 6(3) of the RTI Act, 2005

I humbly provide you with the following rules that ought to have been followed:-

- i) Inappropriate information sought can be rejected [Sec.4(1)(d)]
- ii) PIO can take all help to provide information to an applicant [Secs.5(4) and 5(5)]
- iii) PIOs to provide all reasonable assistance to the RTI applicants [Sec.5(3)]
- iv) Penalty should be levied under section 20(10) of the RTI Act, 2005, for not providing the information as per provisions of the law.

It is necessary to get the following documents and information per Right to Information Act 2005, from your kind honour.

Thanking You

Place: Kolkata

Dated: 14/03/2024

Yours Faithfully

*Sarika Agarwal*  
14/03/2024

(Sarika Agarwal)

K-27/1406 SP-SHUKHOBRIHTI (SPRIHA),  
ACTION AREA - 3, NEW TOWN,  
P.S. - TECHNOCITY, P.O. - PATHARGHATA,  
KOLKATA - 700135, (M) 9477682700



Government of West Bengal  
Office of the Commissioner of Police  
Bidhannagar Police Commissionerate  
Stadium Complex, Gate No-3.  
Sector-III, Salt Lake, Kolkata - 700106

Memo. No. 155 /BDNPC/RTI

Dated. 03 /04/2024

To  
Mr. Sarika Agarwal's  
K-27:1406 SP-Sukhobrishti (Spriha)  
AA-3, Newtown  
P.S- Technocity,  
P.O- Patharghata  
Kolkata-700135.

Sub: Your application dated 14.03.2024 under RTI Act, 2005.

Please refer to your RTI petition. The requisite information to be supplied to you contains 04(four) pages annexure which costs Rs.08/- (Rs.2/- for each page) as per provision of Sec 7(3) of RTI Act, 2005.

Hence you are requested to deposit the aforesaid calculated amount of Rs.08/- (Rupees eight) only under head of A/C code "0070-60-800-021-27" in favour of Dy. Commissioner of Police (HQ), Bidhannagar Police Commissionerate directly through the concerned bank linked with the Treasury and produce the original receipted challan to the Dy. Commissioner of Police (HQ) & SPIO, Bidhannagar Police Commissionerate.

As soon as you produce the receipted challan, the requisite information will be supplied to you.

Jt. Commissioner of Police (HQ)  
&  
State Public Information Officer  
Bidhannagar Police Commissionerate

OK



Government of West Bengal  
Office of the Commissioner of Police  
Bidhannagar Police Commissionerate  
Stadium Complex, Gate No-3.  
Sector-III, Salt Lake, Kolkata - 700106.

Memo. No. 18 | /BDNPC/RTI

Date: 22/04/2024

To  
Sarika Agarwal  
K-27/1406 SP- Shukhobrishti (Spruha)  
Action Area-3, New Town  
PS- Technocity, PO- Patharghata  
Kolkata- 700 135

Sub: - Your application dated 14.03.2024 under RTI Act, 2005.

As information received from Assistant Commissioner of Police, New Town, Bidhannagar Police Commissionerate in response to your RTI application is as follows :

01. No recorded information available.
02. On the basis of the complaint by complainant a specific Case (FIR) has been registered vide Technocity PS Case No. 247/23 dt. 17.12.2023.
03. Certified copy of complaint letter dt. 17.12.2023 along with extract copy of GDE is attached herewith.
04. Certified copy of FIR No. 247/23 dt. 17.12.2023 of Technocity PS is attached herewith.
05. It is exempted under Section 8 (h) of RTI Act, 2005.
06. Police Report is exempted by Notification No. 541/PAR (AR)/O/3M-29/2005 Pt., VIIIA dated 29/08/2006 of Personnel & Administrative Reforms Department, Govt. of West Bengal.
07. Same as reply to question No. 5
08. Same as reply to question No. 6
09. Same as reply to question No. 6
10. Same as reply to question No. 5
11. Same as reply to question No. 6
12. It is exempted under Section 8 (h) of RTI Act, 2005.
13. It is exempted under Section 8 (h) of RTI Act, 2005.
14. It is exempted under Section 8(h) of RTI Act, 2005.
15. Not applicable.
16. 17.12.2023
17. Could not be provide vide u/s 8(J) of RTI Act-2005.
18. SI Sunil Baran Jana was on duty
19. Date of departure from Technocity PS is on 29.01.2024
20. Not applicable
21. Not applicable
22. Not applicable.

Contd....P/2



23. Not applicable
24. It is exempted under Section 8(h) of RTI Act,2005.
25. Please consult with the relevant section of Code of Criminal Procedure Law.
26. Investigation has been done in accordance to Law and it is still under process.  
Necessary initiative in accordance to Law will be taken as and when required.
27. Same as reply to question No.26
28. Not applicable.
29. SI- Abhijit Saha, phone number is hung inside the police station at a conspicuous place, for all to see and if the petitioner wants she can get it from PS.
30. Not applicable
31. Not applicable
32. Not applicable
33. Not applicable
34. Not applicable
35. Same as reply to question No. 5
36. The RTI Act provides recorded information only. However, the case is still under investigation.
37. Please consult with the relevant section of Code of Criminal Procedure Law.
38. Not applicable.
39. Assistance was asked from ACP, New Town, BDNPC, Street Number 45, Action Area I, Newtown. Kol-700156 in this regards.

This disposes to your RTI application dated 14.03.2024.  
The particular of appellate authority is appended below:-  
The Commissioner of Police, Bidhannagar,  
Stadium Complex, Gate No.3.  
Sector - III, Salt Lake, Kolkata - 700 106.

  
22/4/24  
Jt. Commissioner of Police (HQ).  
&  
State Public Information Officer  
Bidhannagar Police Commissionerate

FIRST APPEAL UNDER SECTION 19(1) OF THE RIGHT TO INFORMATION ACT, 2005 AGAINST UNREASONABLE/INCORRECT /FALSE REPLY TO MY RTI APPLICATION DATED 14.03.2024.

To  
The First Appellate Authority,  
Ld. Commissioner of Police,  
Bidhannagar Police Commissionerate,  
Stadium Complex, Gate No - 3,  
Sector - III, Salt Lake, Kolkata-700 106



Ref. My application for information under RTI Act, 2005 dated 14.03.2024 addressed to the State Public Information Officer (SPIO), Ld. Deputy Commissioner of Police, Bidhannagar Police Commissionerate, Stadium Complex, Gate No - 3, Sector - III, Salt Lake, Kolkata-700 106 which was sent by speed post bearing postal receipt number EW482625443IN dated 14.03.2024 and it was delivered to his office on 15.03.2024.

Sub: An appeal under Section 19(1) of RTI Act, 2005.

Sir/Madam,  
I have applied for obtaining information under RTI Act 2005 but I have received an unreasonable/incorrect/false/manipulated reply on 24.04.2024 vide memo No. 181/BDNPC/RTI dated 22.04.2024 from SPIO. Therefore the undersigned hereby submits a first appeal application with the following details:-

Particulars of RTI Application for information -

- A) Full name of the Appellant: SARIKA AGARWAL
- B) Full Address of Appellant: K-27/1406 SP-SHUKHOBRIHTI (SPRIHA), NEW TOWN, ACTION AREA - 3, KOLKATA - 700135
- C) Phone/Cell No. of Appellant: 9477682700/ 9477682740
- D) Email ID of Appellant: advocatesarikaagarwal@gmail.com

- E) Nature and subject matter of the information required: As per RTI application dated 14.03.2024.
- F) Particulars of the State Public information officer: To, The State Public Information Officer (SPIO), Ld. Deputy Commissioner of Police, Bidhannagar Police Commissionerate, Stadium Complex, Gate No - 3, Sector - III, Salt Lake, Kolkata-700 106
- G) Name of the office or department to which the information relates: To, The Officer-in-Charge, Technocity Police Station, (Under Bidhannagar Police Commissionerate), Akandakeshari, Kolkata - 700135, West Bengal, India
- H) Particulars of payment of RTI application filing fee: RTI fees paid Rs.10/- in the form of IPO vide IPO number 27F 348240.
- I) RTI Application Submitted details: RTI application sent from New Town Action Area I SO by Speed Post bearing postal receipt number EW482625443IN dated 14.03.2024 and it was delivered to his office on 15.03.2024.
- J) Date of receipt of the order appealed against: Received on 24.04.2024 vide memo No. 182/BDNPC/RTI dated 22.04.2024.
- K) SPIO Reply Details: Information cannot be provided as Technocity P.S. case No. 247/2023 dated 17.12.2023 u/s 341/352/461/379/427/506/130B/34 of IPC and in relation to Police Report is exempted by Notification No. 541/PAR (AR)/O/3M-29/2005 Pt., VIIIA dated 29/08/2006 of Personnel & Administrative Reforms Department, Govt. of West Bengal. 2<sup>nd</sup> reason is that it is exempted under section 8(h) of RTI Act, 2005, 3<sup>rd</sup> reason is that could not be provide vide u/s 8(J) of RTI Act 2005 and 4<sup>th</sup> reason is that no recorded information is available.
- L) Information: "information" is defined under Section 2(f) of RTI Act 2005 which provides: "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts,

report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force." This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act, an applicant is entitled to get a copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed."

M) Last date for filing the appeal: 24.05.2024.

N) Additional Free payment mode: SPIO failed to supply the information within 30 days and hence the applicant is entitled to receive the information free of charge in terms of Section 7(6) of the RTI Act 2005.

O) The grounds for appeal: - In my requisition for information dated 14.03.2024, I had asked for the information under RTI Act 2005, and the copy of the RTI application is enclosed herewith. This has been received by the SPIO on 15.03.2024 through Speed Post. I have received an unreasonable/incorrect/false/manipulated reply vide memo No. 181/BDNPC/RTI dated 22.04.2024 from SPIO, which is violative of my fundamental right and contravenes the law. The total time available for SPIO to supply information is 30 days in terms of Section-7(1) read with Section 7(3)(a) of the RTI Act 2005. However, the SPIO sent his letter without any satisfactory reply vide memo No. 181/BDNPC/RTI dated 22.04.2024. His decision is that information cannot be provided as Police Report is exempted by Notification No. 541/PAR (AR)/O/3M-29/2005 Pt. VIII A dated 29/08/2006 of Personnel & Administrative Reforms Department, Govt. of West Bengal, 2<sup>nd</sup> reason is that it is exempted under section 8(h) of RTI Act, 2005, 3<sup>rd</sup> reason is that it could not be provided vide u/s 8(j) of RTI Act 2005 and 4<sup>th</sup> reason is that no recorded

information is available. I am aggrieved with the SPIO's reply as no exemption clause of the RTI Act has been claimed therein for denying the information as per my RTI application. That means he failed/neglected to supply information as per my RTI application. Avoiding to reply on the part of SPIO is a deemed denial of information in terms of Section 7(2) of RTI Act, 2005.

**P) Relief Sought:** (i) Recommend to the State Public Information Officer that Information should be provided free of cost as per the provision of section 7(1), 7(3), 7(6) of the Right to Information Act 2005. (ii) Please instruct the SPIO to give the information forthwith. (iii) Recommend to the competent authority that a penalty should be levied on the SPIO under Section 20 (10) of Act 22 of 2005 and/or you deem fit and proper, for not providing the information as mandated in the law. No reasonable cause can be there for not replying at all. (iv) I appeal to your good self kindly take disciplinary action against the SPIO under the service rules that without any reasonable cause and persistently failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information.

**Q) Prayers:** That the Appellant, therefore, prays: - (i) Imposition of costs on the respondents and award of costs as compensation for undue delays and mental harassment along with expenses incurred on pursuing First Appeal.; (ii) Full, Complete and Correct information, duly certified/endorsed be supplied immediately without any further delay by registered/speed post at my address with an advance scanned copy over email, direct the SPIO to supply the Information within 7 days from the date of receipt of First appeal application; (iii) direct the SPIO to supply the Information free of cost, since SPIO failed to supply the Information as per my RTI application. The information is now supplied free of any cost(s), inclusive of annexure(s); (iv) direct SPIO to supply full and correct

information; (v) direct SPIO to supply certified copies of the entire information; (vi) record and supply reasons for not providing information within due date. (vii) the present appeal is disposed of by this Ld. Appellate Authority within 30 days of its receipt as provided under Section-19(6) of the RTI Act 2005;

Thanking You

Place: Howrah

Date: 24.04.2024

Yours faithfully,

*S. Agarwal*  
24.04.2024

(SARIKA AGARWAL),  
K-27/1406 SP-SHUKHOBRIHTI (SPRIHA),  
NEW TOWN, ACTION AREA - 3,  
KOLKATA - 700135, (M) 9477682700

Enclosed:

- (i) self-attested photocopy of RTI Application,
- (ii) Postal Acknowledgement and delivery receipt,
- (iii) Self attested photo copy of proof of RTI fee payment,
- (iv) SPIO reply vide memo No. 181/BDNPC/RTI dated 22.04.2024,
- (v) Postal delivery receipt for memo No. 181/BDNPC/RTI dated 22.04.2024.



ANNEXURE - V

Government of West Bengal  
Office of the Commissioner of Police  
Bidhannagar Police Commissionerate  
Stadium Complex, Gate No-3.  
Sector-III, Salt Lake, Kolkata - 700106.

Appeal petition dated 24.04.2024 of Sarika Agarwal for incorrect information supplied to his RTI petition dated 14.03.2024 under RTI Act, 2005.

Facts on records

The appellant Sarika Agarwal submitted RTI application dated 14.03.2024 regarding some information under RTI Act 2005. Reply to the RTI application sent by S.P.I.O, Bidhannagar Police Commissionerate on 22.04.2024 Vide Memo No. 181/BDNPC/RTI via Registered Post. On 29.04.2024 received 1st appeal application.

Decision

Reply to your appeal petition dt. 24.04.2024 is given below.

Perused the RTI application dated 14.03.2024 and the information supplied to the RTI applicant by the S.P.I.O, Bidhannagar Police Commissionerate on the basis of information collected from the Asstt. Commissioner of Police, New Town, Bidhannagar Police Commissionerate. It seems that available information was supplied to the applicant.

- \* In the above referred matter this is to inform you that his Highness, the Governor of West Bengal was pleased to recommend the decision of a committee constituted vide Notification No. III-PAR(AR)/O/3M-29/2005PL VIII A dated 20.02.2006 for not providing all police reports except under order of Court of law under the provisions of RTI Act, 2005. This refers to No. 541-PAR (AR)/O/3M-29/2005 Pt. VIII A dt. Kolkata - the 29th August 2006. A copy of Notification is hereby attached for your information.
- \* In this context this is to inform you that the case is under investigation. The information cannot be provided under section 8(h) of RTI Act, 2005.
- \* Section-8 Exemption from disclosure of information. Section 8(j) information which relates to personal information.
- \* No recorded information was available relating to the certified copy of complaint letter dt. 15.12.2023 going through available Technocity PS records and the applicant was informed accordingly by the SPIO.

Thereafter the appeal petition is dismissed.

This disposes the appeal petition dated 24.04.2024.

The details of Second Appellate Authority are appended below:

The Secretary,  
West Bengal Information Commission,  
Khadya Bhaban, 11/A, Mirza Galib Street,  
Kolkata - 700 087.

No. 229/i(1) (Order)-BDNPC/RTI

Copy forwarded to Sarika Agarwal, K-27/1406 SP- Shukhobrishti (Spruha), Action Area-3, New Town.  
PS- Technocity, PO- Patharghata, Kolkata- 700 135.

Commissioner of Police,  
Bidhannagar

Date: 16/05/2024

Commissioner of Police,  
Bidhannagar

61C

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**Hearing postponed to 19-03-2026**

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< State Chief Information Commissioner West Bengal <scic-wb@nic.in> >

Tue, 17 Feb 2026 3:48:08 PM +0530

To "bidhannagarpolice"<bidhannagarpolice@gmail.com>

Cc "advocatesarikaagarwal"<advocatesarikaagarwal@gmail.com>

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Please find the attachment, for further details visit our website

West Bengal Information Commission

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**1 Attachment(s)**

POSTPONED TO 19-03-2026....

552.4 KB