

**IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE PURUSHAINDRA KUMAR KAURAV**

**WRIT PETITION No.6311 of 2021**

**Between:-**

**STATE OF MADHYA PRADESH :  
THROUGH SUPERINTENDENT OF  
POLICE (SPECIAL POLICE  
ESTABLISHMENT) LOKAYUKTA, CIVIL  
CENTER, JABALPUR, M.P.**

**.....PETITIONER**

***(BY SHRI SATYAM AGRAWAL - ADVOCATE)***

**AND**

- 1. KAMTA PRASAD MISHRA S/O LATE SHRI  
J.P.MISHRA, AGED ABOUT 60 YEARS R/O  
GAYATRI NAGAR KATNI, PERMANENT  
R/O VILLAGE LOHSAV, P.S JANEH,  
DISTRICT REWA, CURRENTLY POSTED  
AT POLICE TRAINING SCHOOL  
UMARIYA DISRICT-UMARIYA, M.P.**
- 2. MADHYA PRADESH STATE  
INFORMATION COMMISSION, THROUGH  
ITS COMMISSIONER, SUCHNA BHAWAN,  
ARERA HILLS, BHOPAL (M.P.).**

**....RESPONDENTS**

***(BY SHRI AMIT SETH – ADVOCATE FOR RESPONDENT  
NO.1 AND SHRI VIJAYENDRA SINGH CHOUDHARY -  
ADVOCATE AND ANSHUMAN SWAMI – PANEL LAWYER  
FOR RESPONDENT NO.2)***

---

Reserved on : 17.02.2022

Delivered on : 26.02.2022

---

- 2 -  
**ORDER**

The petitioner, Special Police Establishment, Lokayukta has approached this court against the order dated 12.01.2021 (Annexure P-7), whereby, appeal preferred by respondent No.1 has been allowed by the State Information Commission directing the petitioner to furnish certain information to respondent No.1.

2. The case of the petitioner is that on account of an offence registered against respondent No.1, an investigation was conducted by the petitioner-Organization and a final report has been submitted before the Special Judge, Katni and the trial is still pending. The respondent No.1 filed an application under the provisions of Right to Information Act, 2005 (for short "Act of 2005), wherein, communications made by the Special Judge, Katni to the petitioner/ organization and some other correspondence in this regard were demanded. The application of respondent No.1 was rejected vide order dated 20.07.2020 by the Information Officer relying on circular dated 25.08.2011 (Annexure P/8), wherein, petitioner-Organization is exempted under section 24(4) of the Act of 2005. The respondent No.1 preferred First Appeal which was also rejected by the First Appellate Authority vide order dated 28.08.2020. Against the said order, he preferred Second Appeal before the State Information Commission. The State Information Commission allowed the appeal of respondent No.1 and has directed the petitioner to

furnish the desired information to the respondent No.1, hence this petition is filed by the petitioner.

3. Learned counsel for the petitioner submits that the impugned order is erroneous, inasmuch, as it does not consider the circular dated 25.08.2011. According to him, confidential documents cannot be provided under the Act of 2005 and respondent No.1 is always at liberty to exercise the power under Section 91 of the Cr.P.C for summoning all the documents at appropriate stage of the trial.

4. Learned counsel for respondent No.1 has opposed the petition. He submits that the petition is *per se* misconceived. There is no illegality or infirmity in passing the impugned order dated 12.01.2021 so as to warrant interference in exercise of extra ordinary jurisdiction of this Court. He submits that the final report has already been supplied on 11.06.2020, therefore, as on date there is no investigation pending against respondent No.1. According to him Section 24 of the Act of 2005 would only be applicable to the cases which are “Under Investigation” and that too for reasons of Section 8(1)(g) & (h) of the Act of 2005 which prevents disclosure of such information which would endanger the life or physical safety of the person or would impede the process of investigation. Since in the instant case, the investigation is already over, hence no interference is called for. He

placed reliance on the decision of Division Bench of this Court in the matter of *Kamta Prasad Mishra Vs. The Madhya Pradesh State Information Commission and others*<sup>1</sup> and submits that placing reliance on the said Division Bench decision, three writ petitions filed by respondent No.1 have been allowed by the learned Single Judge of this court viz; W.P.No.28299/2021 decided on 11.01.2022, W.P.No.923/2022 decided on 21.1.2022 and W.P.No.2183/2022 decided on 02.02.2022.

5. In response to the aforesaid submission learned counsel for the petitioner submits that they are taking appropriate steps to challenge the order dated 20.12.2021 passed in W.P.No.1575/2021 hence, no reliance should be placed on the said decision.

6. The Division Bench of this Court in W.P.No.1575/2021 has held that the information was relating to allegation of corruption against the petitioner, therefore, the proviso to Section 24(1) renders all information/ material related to the said allegation against the petitioner are liable to be supplied under the Act of 2005. Accordingly, the petition was allowed and directions were given to supply the relevant information to respondent No.1.

---

<sup>1</sup> W.P.No.1575/2021 dated 20.12.2021.

7. Taking into consideration the overall facts and circumstances of the case and in view of the decision of the Division Bench of this Court in *Kamta Prasad*<sup>1</sup>, the present petition does not have any substance. Hence, the same is dismissed.

**(PURUSHAINDRA KUMAR KAURAV)**  
**JUDGE**

MKL.

W.P. No.6311 of 2021

- 6 -