IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE P.SAM KOSHY

WRIT APPEAL NO: 808 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 09/04/2025 in W.P.No.35331 of 2024 and pass on the file of the High Court.

Between:

Gatram Venkateshwara Rao, S/o Shri Gopal Krishna Murthy aged 53 years, Occ Government servant, R/o. Flat No. 211, Permsarovar Apartment, Alwyn Colony, Kukatpally, Hyderabad-72

...APPELLANT

AND

The State Public Information Officer, O/o the Dy Supt., of Police, ACB, ACB, Rangareddy Range, 3rd floor, Exhibition Grounds, Nampally, Hyderabad 500 001

...RESPONDENT

Counsel for the Appellant: SRI BASANT KUMAR SONI FOR SRI AADESH VARMA
Counsel for the Respondent: SRI S.PRADEEP KUMAR, GP FOR INFORMATION TECHNOLOGY

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE P.SAM KOSHY

WRIT APPEAL NO.808 OF 2025

JUDGMENT:

Heard Mr. Basant Kumar Soni, learned counsel representing Mr. Aadesh Varma, learned counsel for appellant on record and Mr. S.Pradeep Kumar, learned Government Pleader for Information Technology appearing for respondent.

2. The application filed under Section 3 of the Right to Information Act, 2005, (for short, 'RTI Act, 2005') for furnishing copies of CDRs of Mobile No.9246522324 in connection with Crime No.02/RCT/2019 and the copies of entries from the General Diary of the Office of Deputy Superintendent of Police, Ranga Reddy Range, dated 18.01.2019, 19.01.2019 and 22.01.2019 concerning the prosecution of the appellant/accused, has been denied by the Public Information Officer on the following grounds at the second appellate stage.

"Appellant seeking information pertaining to the CDRs pertains to the mobile number 9246522324 (21 pages) for the period from 05.01.2019 in Cr.No.02/RCT/2019. In this regard it is submit that, in the case Cr.No.02/RCT-HRG/2019 the appellant was himself an accused officer and he seeking information pertains to CDRs of the complainant. In this case charge sheet already filed and at present the case is under pending trial. The contents of the CDRs details of the complainant cannot be given to the accused officer at this stage, as the case mentioned in Cr.No.02/RCT-HRG/2019 is pending trial in the Court. Any furnishing of information at this stage may vitiate the prosecution, likely to threaten the witnesses and impede the trial process in Court. Section 8(1)(h) of the RTI Act, 2005 reads 'information which would impede the process of investigation or apprehension or prosecution of offenders'. Hence, the details are exempted
U/s 8(1)(h) of RTI Act, 2005.

The details of the General Diary particulars O/o the Dy. Superintendent of Police, ACB, Ranga Reddy Range on 18.01.2019, 19.01.2019 and 22.01.2019 cannot be furnished as the Dy. Superintendent of Police, ACB, Ranga Reddy Range, Anti-Corruption Bureau has not maintained any General Diary.

Therefore, in the circumstances I agree with the stand taken by the PIO, ACB, TS, Hyderabad. Accordingly, the Appeal is disposed."

3. *Vide* order dated 09.04.2025, learned writ Court refused to interfere in the matter as the said information is exempted under Section 8(1)(h) of the RTI Act, 2005.

4. Learned counsel for appellant submits that the said information is being sought to defend the appellant/ accused at the stage of discharge. There exists a duty to disclose such information, which may implicate the appellant or provide his defence.

5. Upon hearing the learned counsel for appellant and the learned Government Pleader, we are unable to accept the contention of the appellant that information, such as this, can be provided under the Act, 2005 in view of the exemption granted under Section 8(1)(h) of the RTI Act, 2005. Even otherwise, material collected during the investigation to be used against the accused/appellant form part of the police papers, is to be furnished to the appellant under Section 207 of Cr.P.C. Information, such

as this, however, cannot be claimed under the RTI Act, 2005 in view of the exemption clause. Petitioner may make such an application at the appropriate stage before the learned trial Court. In those circumstances, we are not inclined to grant any relief in the matter.

6. The Writ Appeal is accordingly dismissed. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-MOHD.ISMAIL
DEPUTY REGISTRAR

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SECTION OFFICER

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1. One CC to SRI AADESH VARMA, Advocate [OPUC]
2. Two CCs to GP FOR INFORMATION TECHNOLOGY, High Court for the State of Telangana, at Hyderabad. [OUT]
3. Two CD Copies

PSK.
LS

HIGH COURT

DATED:29/07/2025

JUDGMENT

WA.No.808 of 2025



DISMISSING THE WRIT APPEAL WITHOUT COSTS

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