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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 2038/2017 & CrI.M.A.11405/2017 (Stay) &
CrI.M.A.11406/2017 (Stay)

INTERNATIONAL CENTRE FOR AUTOMOTIVE
TECHNOLOGY Petitioner
Through: Mr.Vikramjit Singh, Adv.

versus

THE STATE NCT OF DELHI & ORS Respondents
Through: Mr.Sanjay Lao, ASC.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **20.07.2017**

The petitioner, which is an organisation under National Automotive Testing and R&D Infrastructure Project run under the Department of Heavy Industries, Government of India, has challenged the notice sent to it under Section 91 of the Cr.P.C under the signature of respondent No.2 asking for certain information, answers to which may be read against respondent Nos.3, 4, 5 & 6 who are said to be its customers.

FIR No.87/2011 was lodged at the instance of Sandeep Malik, Director of M/s.Rosmerta Auto Tech Pvt Ltd, during investigation of which case, respondent No.2 desired certain information for proper investigation. The information sought from the petitioner are as hereunder:-

1. Documents pertaining to certification of speed limiting devices, furnished by the above named companies showing their eligibilities for such approvals, commencing from the period they have applied to obtain such certifications.
2. Approvals granted by your good agency along with rejections of TAC, Base Model & Variant approval and COP, if any.
3. Certified copies of documents pertaining to the test inspection reports, conducted at your end along with list of persons representing these companies.
4. Certified copies of documents form submitted by the above named companies to obtain the Certificate of Production (COP).
5. A copy of all the COPs granted by your good agency to such companies.
6. Certified copy of documents pertaining to the preparation of compliance report.
7. Certified copies of compliance reports of COPs conducted along with a list of persons representing such companies.
8. Complete details of such site addresses where these COPs were conducted by your good agency.
9. Configuration of the samples of the product submitted and obtained by the above named companies and the same being obtained by your agency.
10. Certified copies of documents prepared and relied on by your agency to grant them such TAC, Base Model & Variant approval and COP.
11. Any other information which you may deem fit to provide in order to assist the course of investigation.”

Learned counsel for the petitioner submits that respondent Nos.3 to 6 have filed a civil suit in which one of the prayers is for restraining the petitioner from divulging any information qua the respondent Nos.3 to 6. The nature of the questionnaire in the notice does not indicate that any of such information could be withheld. No order has been passed in the civil suit, restraining the petitioner from providing such information to the police.

The petitioner being a statutory body is required to lend all assistance in the investigation of any case.

However, the respondent No.2 cannot ask for any information from the petitioner which he is not duty bound to disclose and over which he can exercise his right to silence.

The petitioner shall furnish all information which is demanded of it under the notice issued under Section 91 of the Cr.P.C and which is known to it, preferably within a period of a month from the date of passing of this order.

With these observations, the writ petition is disposed of.

ASHUTOSH KUMAR, J

JULY 20, 2017

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