

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: 6th July , 2010

Crl. M.C. No. 2127/2010

%

YOGENDER KUMAR

Through: Dr. Sunil Kumar Gupta, Advocate

06.07.2010

... Petitioner

Versus

CENTRAL BUREAU OF INVESTIGATION

...Respondents

Through: Mr. Harish Gulati & Mr. Anindya Malhotra, Advs. for CBI

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORAL

1. By this petition the petitioner has assailed an order dated 19th March, 2010 passed by learned Special Judge (CBI) whereby an application of the petitioner seeking exclusion of a piece of evidence was dismissed. The evidence which the petitioner wanted to be excluded was a tape recorded conversation and its transcription proved on record by CBI. This conversation was recorded by the complainant at its own end by putting a recording device in the telephone. The plea taken by the petitioner before the court was that the recording of conversation was in violation of Indian Telegraph Act.

2. If the conversation is going on between two persons and one person tape records conversation of the other person, no permission under Indian Telegraph Act is required for such recording. Permission under Telegraphs Act is required only by investigating agency where the conversation is recorded by intercepting the telephone line without the knowledge of the conversing parties. The learned Special Judge, therefore, rightly dismissed the application.
3. I find no force in this petition. The petition is dismissed.

July 06, 2010
acm

SHIV NARAYAN DHINGRA J.