

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.12404 of 2014
and M.P.Nos.1 and 2 of 2014

Shri Padmanaban Kishore

..Petitioner

vs.

1.State Rep by,
Addl. Supdt. of Police,
SPE:CBI:ACB: Chennai.

2.The Secretary to Govt of India,
Ministry of Home Affairs,
New Delhi.

..Respondent

Prayer:- Criminal Original Petition is filed under Section 482 Cr.P.C., to set aside the order dated 12.08.2011 passed by the 2nd respondent for intercepting telephonic message to and from 98410-77377 as illegal and void and direct the trial Court to destroy the intercepted messages/conversations now produced and pending in C.C.No.3 of 2013, as material documents/object on the file of IX Additional District Judge Cum Special Judge for CBI Cases, Chennai.

For Petitioner : Mr.V.T.Gopalan for
M/s.S.Sathiaseelan

For Respondents: Mr.K.Srinivasan,
Special Public Prosecutor for CBI

ORDER

This Criminal Original Petition is filed challenging the validity of the order passed by the second respondent dated 12.08.2011 regarding intercepting telephonic conversation.

2. The second respondent has taken exception to the maintainability of this petition under Section 482 Cr.P.C, since it questions the validity of the statute namely Indian Telegraphi Act, which is not at all within the purview of Section 482 Cr.P.C.

3. The first respondent has taken a similar plea regarding maintainability of the petition.

4. The learned counsel for the petitioner submits that liberty may be given to the petitioner to approach appropriate jurisdictional forum to challenge the provisions of the said Act as well as the conduct of the **second*** respondent pursuant to the said impugned provision.

5. In view of the above, this petition is dismissed with liberty to the petitioner to question the validity of the provisions of the said Act as well as the subsequent conduct of the **second** respondent before the appropriate forum, if he is so advised. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

dt. 28/11/17

Corrected as per the order
dt.09.11.2017 made in
CrI.O.P.No.12404/14

//True Copy//

Sub Assistant Registrar

stm/ari

To

- 1.The Secretary to Government of India,
Ministry of Home Affairs, New Delhi.
2. The Additional Superintendent of Police,
SPE-CBI: ACB: Chennai.
3. The IX Additional District Judge,
Cum Special Judge, for CBI Cases, Chennai.

- + 1 cc to Mr. S. Sathiaselvan, Advocate Sr.76905
+ 1 cc to Mr. B. Rabu Manohar, Advocate SR.76169

CrI.O.P.No.12404 of 2014

SVI (CO)

EU (07/12/2017)