

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.5955 OF 2021

Shri. Mangat Rai Shori S/o. Late Amar Nath & Anr. ...Petitioners
V/s.
Central Bureau of Investigation ACU-VIII & Anr. ...Respondents

Dr. Abhinav Chandrachud a/w Mr. Pratik Karande, Mr. Aditya Talpade and Mr. Shubhakar Ahwad for Petitioners.

Mr. Kamar Ali Shaikh i/by Mr. H. S. Venegaonkar for Respondent No.1 (CBI).

Mr. A. D. Kamkhedkar, APP for Respondent No.2 (State).

CORAM : AMIT BORKAR, J.

DATE : DECEMBER 01, 2022

PC.:

1. The order impugned in the Petition rejects the Application of petitioners to disregard evidence of alleged telephone tapping adduced by the applicant. Learned Special Judge after considering a merits of the matter in paragraph nos.17 and 18, has observed in paragraph no.24 which reads as under:-

“24. The prayer of the defence to disregard/discard the prosecution evidence in the mid way, when the trial is on the verge of conclusion, cannot be accepted. Appropriate orders will be passed to that effect under Section 452 of Cr.P.C. The appreciation regarding the validity of impugned order and the articles produced therewith, is the subject matter of scrutiny at the end of trial. Nevertheless, it appears even at this stage that the interception was

done by following due procedure established by law.”

2. But the learned Special Judge thereafter observed that the intersection was done following due procedure established by law. Considering the issue involved and the observations made in paragraph no.24, it is clarified that the admissibility and probative value of the evidence which was subject matter of Application below Exhibit-154 shall be decided by the learned Special Judge at the time of final hearing of the trial.
3. In that view of the matter, nothing remains to be adjudicated.
4. Petition is therefore disposed of. No cost.

(AMIT BORKAR, J.)