



CRL RC No. 562 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL RC No. 562 of 2025

AND

CRL MP NOS. 8445 and 8446 OF 2025

1. Shri Padmanabhan Kishore
Door No.4, Shalom Apartments, 1,
Josier Street, Nungambakkam, Chennai
- 600 034.

Petitioner(s)/A2

Vs

1. CBI Rep.by, The Additional
Superintendent of Police,
SPE, CBI, ACB, Chennai.

Respondent(s)

CRL MP No. 8445 of 2025

1. Shri Padmanabhan Kishore
Door No.4, Shalom Apartments, 1,
Josier Street, Nungambakkam, Chennai
- 600 034.

Petitioner(s)

Vs

1. CBI Rep.by, The Additional
Superintendent of Police,
SPE, CBI, ACB, Chennai.

Respondent(s)



CRL RC No. 562 of 2025

CRL MP No. 8446 of 2025

1. Shri Padmanabhan Kishore
Door No.4, Shalom Apartments, 1,
Josier Street, Nungambakkam, Chennai
- 600 034.

Petitioner(s)

Vs

1. CBI Rep.by, The Additional
Superintendent of Police,
SPE, CBI, ACB, Chennai.

Respondent(s)

For Petitioner : Mr.Ramachandran
for Mr.S.Ashok Kumar

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases)

ORDER

This revision is filed against the dismissal of the discharge petition filed by the petitioner/A2. According to the learned counsel for petitioner, the entire case is hinges on the intercepted telephonic conversation recorded by the respondent and this Court in W.P.No.143 of 2018, held that intercepted telephonic conversation by the investigating agency is not proper, valid and cannot be considered as evidence, against which, now a Writ Appeal has been filed by the CBI in W.A.No.2721 of 2025 and the Division Bench of this Court



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by the order dated 08.09.2025, had passed the following order:

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“Heard Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing for the appellants, Mr.S.Sharath Chandran, learned counsel appearing for the first respondent and Mr.Ashok Kumar, learned Senior Panel Counsel appearing for the second respondent.

2. Having heard the learned counsel appearing for both sides, we are inclined to pass the following interim order:

(i) Let the trial pending before the concerned criminal Court go on, where examination of witnesses can also be taken up. However, the evidence part which has been collected by the prosecution pursuant to the interception permission secured from the authorities concerned under Section 5(2) of the Indian Telegraph Act, 1885 shall not be marked or shall not be recorded until further orders.

(ii) It is made clear that, any other proceedings including the one for discharge filed by the first respondent can be persuaded in the manner known to law.

3. Post the matter after four weeks.”

2.The above direction of the Division Bench of this Court that any interception of the telephonic conversation invoking Section 5(2) of the Indian Telegraph Act, 1885 not to be taken on record in evidence but the trial can proceed, will only hamper the petitioner's contention, since according to the petitioner the entire case against him hinges on the interception of telephonic



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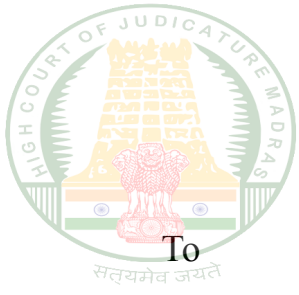
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3.The learned Special Public Prosecutor submitted that already Delhi High Court held otherwise and authorised intercepted telephonic conversation. He further submitted that *de-horse* the interception, there are other attended materials against the petitioner. In this case, there are totally three accused. The discharge petition as against A1 is pending before the trial Court and citing this petitioner's case, not allowing the case to proceed.

4.In view of the above, this Court finds that the outcome of the Writ Appeal would have a bearing on the petitioner's contention. Hence, this Court adjourns the case to 24.10.2025.

23.09.2025

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To

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1.The Additional Superintendent of Police,
SPE, CBI, ACB, Chennai.

2.The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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