



CGHC010218102026

2026:CGHC:33468-DB

AFR

ROHIT
KUMAR
CHANDRA
Digitally signed
by ROHIT
KUMAR
CHANDRA

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1504 of 2026

Shri Ravi Shankar Ji Maharaj S/o Shri Kriparam Sharma Aged About 58 Years R/o Shri Rawatpura Sarkar Devasthanam, Tehsil Lahar, District Bhind, Madhya Pradesh - 4774446, Also At - Shri Rawatpura Sarkar Aashram, Dhaneli, Mana, District - Raipur, Chhattisgarh.

... **Petitioner**

versus

1 - Central Bureau of Investigation CBI/AC-III, New Delhi, Through the Superintendent of Police/Deputy Superintendent of Police.

2 - Ministry of Home Affairs Government of India New Delhi (As Per Hon'ble Court Order Dtd. 14-07-2026)

3 - Secretary, Department of Telecommunications Ministry of Communications

... **Respondents**

For Petitioner : Mr. Manu Sharma, Senior Advocate
assisted by Mr. Pankaj Pandey,
Mr. Girish Tripathi, Mr. Abhuday Sharma
and Mr. Rahul Ambast, Advocates

For CBI/Respondent No.1 : Mr.Vaibhav A.Goverdhan, Standing Counsel

For UOI/ Respondent : Mr. Ramakant Mishra, Deputy Solicitor
Nos. 2 & 3 General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

03.08.2026

1. Heard Mr. Manu Sharma, learned Senior Advocate assisted by Mr.Pankaj Pandey, Mr. Girish Tripathi, Mr. Abhuday Sharma and

Mr. Rahul Ambast, learned counsel for the petitioner. Also heard Mr. Vaibhav A. Goverdhan, learned Standing Counsel, appearing for CBI/respondent No.1 and Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for respondent Nos. 2 & 3 / UOI and perused the materials placed on record.

2. Earlier the present petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') has been filed by the petitioner, by only making the respondent No.1 as party, with the following prayers :-

"It is, therefore, prayed that this Hon'ble Court may kindly be pleased to quash and set-aside the impugned FIR No. RC 2182025A0014 dated 30.06.2025 Registered at CBI/AC-III, New Delhi (Annexure P/1), Chargesheet No. 18/2025 dated 28.08.2025 (Annexure P/2) along-with order of summons in order-sheet dated 25.02.2026 [Annexure P/3] and the entire Criminal Case No. CBI/11/2025 for offence under Section 61(2) BNS, 2023 r/w Sections 7, 7A, 8, 9, 10 & 12 of Prevention of Corruption Act, 1988 (as amended in 2018) and Sections 66 & 72-A of IT Act, 2000 in Crime No. 27/2025 pending before the Court of Learned Special Judge (Prevention of Corruption Act), Raipur, Chhattisgarh against the present petitioner, in the interest of justice."

3. Brief facts of the case are that on 30.06.2025, the respondent /CBI has registered the FIR bearing No. RC 2182025A0014 based on the source information, alleging a large-scale conspiracy involving Ministry of Health & Family Welfare officials,

NMC members, intermediaries and private medical colleges for leaking inspection details and securing favourable reports through bribes, ghost faculty, fake patients, and AEBAS tampering against 35 Institutions throughout the country including the petitioner, whose name figures as A-04, Chairman of Shri Rawatpura Sarkar Institute of Medical Sciences and Research (SRISMR), Raipur, Chhattisgarh.

4. The prosecution's case against the petitioner is substantially founded upon intercepted telephonic conversations allegedly obtained pursuant to Order No. SU/DLI/TS(84)2023-1 dated 28.06.2025 and the subsequent approval allegedly granted by the Ministry of Home Affairs, no copy of whereof has been supplied to the petitioner or forms part of the relied-upon documents as the petitioner has not challenged the interception authorization order dated 28.06.2025 passed by the Competent Authority in the principal petition, he has filed an I.A. No. 07/2026 on 12.06.2026, seeking permission to raise additional grounds and challenging the interception order dated 28.06.2025 passed by the Competent Authority, whereby he had made following prayers :-

"It is therefore, prayed that in view of the facts and circumstances stated hereinabove, this Hon'ble Court may graciously be pleased to:

a) Allow the present application and permit the Petitioner to urge and incorporate the additional grounds contained herein while adjudicating the accompanying petition under Section 528 of the

Bharatiya Nagarik Suraksha Sanhita, 2023;

b) Take on record the challenge to the interception authorisation bearing No. SU/DLI/TS(84)/2023-1 dated 28.06.2025 and the consequential approval/confirmation allegedly issued by the Ministry of Home Affairs, as constituting additional grounds in support of the quashing petition;

*c) Hold and declare that the interception authorisation bearing No. SU/DLI/TS(84)/2023-1 dated 28.06.2025, having been issued in the absence of jurisdictional facts contemplated under Section 20(2) of the Telecommunications Act, 2023 and in violation of the constitutional safeguards recognised by the Hon'ble Supreme Court in *Hukam Chand Shyam Lal v. Union of India*, (1976) 2 SCC 128; *PUCL v. Union of India*, (1997) 1 SCC 301 and *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1, is liable to be declared illegal, unconstitutional and without jurisdiction;*

d) Pass such further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”

5. On 15.06.2026, when the case was called out for hearing, the petitioner relied upon the averment made in para B of the additional grounds and has also relied upon the judgment passed by the High Court of Judicature at Madras dated 08.09.2025 in WA No. 2271 of 2025 and CRMP No. 21882 of 2025 (*The Director, Central Bureau of Investigation & Anr. Vs. P. Kishore & Anr.*), but since the argument which was raised as per sub-Rule (3) of the Telecommunications (Procedure and Safeguards for Lawful Interception of Messages) Rules, 2024 (for short, the

Rules of 2024') has not been specifically pleaded in the I.A. No.07 of 2026, the petitioner was directed to file fresh affidavit, categorically stating the argument, which has been raised before the Court and serve a copy of the same to learned counsel for the respondent/CBI within 24 hours and learned counsel for the respondent/CBI was also directed to take specific instructions on the said issue and file reply of the same by means of an affidavit of the Competent Authority by 24.06.2026.

6. On 14.07.2026, during course of the argument, learned counsel for the respondent/CBI submitted that he has filed return in compliance of the Court's order dated 15.06.2026, whereby it has been informed that in view of the provisions contained in sub-Rule (3)(b) of Rule 3 of the Rules of 2024, the interception order was passed on 28.06.2025 by the Competent Authority, which was placed before the Ministry of Home Affairs, Government of India within 07 working days for its confirmation and subsequently, it has been ordered by the Ministry of Home Affairs, Government of India vide order dated 04.07.2025 that the order shall remain in force for a period of not exceeding 60 days from the date of commencement of interception i.e. 28.06.2025 and it was pointed out that whether the said order has been further approved or not by the Review Committee as per Rule 5 of the Rules of 2024, he was not aware of the same as the matter pertains to Ministry of Home Affairs, Government of India, hence, he submitted that Ministry of Home Affairs, Government of India may be made as a

necessary party.

7. Mr. Ramakant Mishra, learned Deputy Solicitor General, who appears for the Union of India was present in the Court and he sought time in order to inform this Court whether the same has been approved or not by the Review Committee.
8. In view of the same, learned counsel for the petitioner was directed to implead "Ministry of Home Affairs, Government of India, New Delhi" as party respondent during course of the day and matter was directed to be listed on 22.07.2026 and accordingly, Ministry of Home Affairs, Government of India, New Delhi was impleaded as respondent No.2.
9. On 22.07.2026, Mr. Ramakant Mishra, learned Deputy Solicitor General, submitted that the query raised by this Court vide order dated 14.07.2026 can be effectively answered by the Department of Telecommunications, therefore, the same be impleaded as one of the respondent in the petition.
10. In view of the same, learned counsel for the petitioner was directed to implead the Secretary, Department of Telecommunications, Ministry of Communications as party-respondent No.3 in the petition during course of the day and further, the Secretary, Department of Telecommunications, Ministry of Communications was directed to file a personal affidavit specifically responding to the query raised by this Court in its order dated 14.07.2026 and the matter was directed to be

listed on 03.08.2026.

11. Today, when the matter is called out for hearing, Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for the respondent Nos. 2 & 3 submitted that in compliance of the Court's order dated 22.07.2026, an affidavit has been filed by the Secretary, Department of Telecommunications. The operative portion of the said affidavit reads as under :-

"3. That it is respectfully submitted that the specific interception order dated 4.7.2025 issued by the Ministry of Home Affairs (MHA) to the Central Bureau of Investigation (CBI), pertains to the duration from 1.6.2025 to 31.7.2025.

4. That further, the Review Committee in its meeting dated 15.9.2025 reviewed the interception orders issued by the MHA for the period from 1.6.2025 to 31.7.2025 under Section 20(2)(a) of the Telecommunications Act, 2023 read with the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024 (as amended from time to time) to various authorised agencies, including that of the CBI, which were duly forwarded by MHA to the Review Committee.

5. That as per the minutes of the said meeting, the Review Committee concluded that the specific interception order issued by the MHA in respect of the CBI during the above-mentioned period and forwarded to the Review Committee was in accordance with the provisions of Section 20(2)(a) of the Telecommunications Act, 2023 and did not

merit any intervention of the Committee.”

12. Mr. Manu Sharma, learned Senior Advocate for the petitioner very fairly submits that the petitioner is not pressing, at this stage, for quashing of the criminal proceedings in their entirety and is willing to face the trial on the basis of the other material collected during investigation and confine his argument to the relief insofar as the interception authorisation dated 28.06.2025, the consequential confirmation/interception order dated 04.07.2025 and the proceedings of the Review Committee dated 15.09.2025 are concerned.

13. Learned Senior Advocate vehemently argued that the affidavit filed by the Secretary, Department of Telecommunications, pursuant to the directions of this Hon'ble Court, demolishes the very foundation of the respondents' case and exposes a glaring illegality in the interception process. It is submitted that while the respondents have consistently maintained that the initial interception authorisation was issued by the Competent Authority only on **28.06.2025**, paragraph 3 of the affidavit categorically states that the **specific interception order dated 04.07.2025 issued by the Ministry of Home Affairs (MHA) to the Central Bureau of Investigation (CBI) pertains to the duration from 01.06.2025 to 31.07.2025**. Learned Senior Advocate would emphatically contend that this statement is ex facie irreconcilable with the respondents' own stand. If the interception was authorised for the first time only on **28.06.2025**, there could be no

occasion, either in law or on facts, for the Ministry of Home Affairs to confirm or approve an interception for a period commencing from **01.06.2025**, i.e., **twenty-seven days prior to the existence of the original authorisation itself**. Such an approval travels beyond the scope of the initial authorisation and purports to validate an interception for a period during which admittedly no authorisation existed. He further contend that the confirmation order under Rule 3(3)(b) of the Rules of 2024 is merely confirmatory in nature and cannot create, enlarge or retrospectively confer authority to intercept communications for a period anterior to the order of the Competent Authority. The respondents have thus disclosed, through their own affidavit, an incurable jurisdictional defect which strikes at the root of the interception proceedings.

14. Learned Senior Advocate for the petitioner would further submit that although the interception in the present case purports to have been authorised under Section 20(2) of the Telecommunications Act, 2023, the statutory safeguards embodied therein are substantially pari materia with those contained in Section 5(2) of the Indian Telegraph Act, 1885, which has consistently received strict constitutional interpretation by the Hon'ble Supreme Court and various High Courts. It is submitted that the settled principles governing interception under Section 5(2) of the Telegraph Act continue to guide the interpretation of the corresponding provisions contained in the Telecommunications Act, 2023,

particularly because both enactments regulate the exercise of an extraordinary executive power which directly infringes the fundamental right to privacy guaranteed under Article 21 of the Constitution. Learned Senior Counsel would submit that Section 5(2) of the Telegraph Act authorised interception of communications only upon the existence of jurisdictional facts, namely, **the occurrence of a public emergency or the interest of public safety**, and even thereafter only upon the satisfaction of one or more of the specified grounds such as the sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order or for preventing incitement to the commission of an offence. It is contended that these jurisdictional facts constituted mandatory preconditions for assumption of power and not mere procedural formalities. Unless these foundational conditions existed and were demonstrably recorded, the power of interception could not validly be exercised.

15. Learned Senior Advocate would submit that in **Hukam Chand Shyam Lal v. Union of India**, (1976) 2 SCC 128, the Hon'ble Supreme Court categorically held that interception being a statutory invasion upon private communications must strictly conform to the conditions prescribed by the statute and that the existence of jurisdictional facts is a condition precedent for exercise of such power. The authority exercising the power cannot travel beyond the limits prescribed by the statute, nor can executive convenience substitute statutory compliance.

16. Learned Senior Advocate would further place reliance upon **People's Union for Civil Liberties (PUCL) v. Union of India**, (1997) 1 SCC 301, wherein the Hon'ble Supreme Court, while considering Section 5(2) of the Telegraph Act, recognised telephone conversations as an integral facet of the right to privacy under Article 21 and held that interception can be justified only upon strict observance of the statutory safeguards. The Supreme Court further issued elaborate procedural safeguards governing authorisation, duration, review, preservation and destruction of intercepted material to ensure that executive discretion does not degenerate into arbitrary surveillance. It is submitted that the constitutional principles laid down in *PUCL* have now attained even greater significance after the judgment of the Constitution Bench in **K.S. Puttaswamy v. Union of India**, (2017) 10 SCC 1, wherein informational privacy has been recognised as an inseparable component of the right to life and personal liberty. Consequently, every statutory provision authorising interception must receive a strict construction, and every procedural safeguard enacted by Parliament must be treated as mandatory rather than directory.
17. Learned Senior Advocate would further submit that various High Courts, while interpreting Section 5(2) of the Telegraph Act and Rule 419-A of the Telegraph Rules, have consistently held that failure to comply with the statutory safeguards renders the interception itself illegal and the intercepted material liable to be

excluded from consideration. Learned Senior Advocate would contend that the petitioner's case is squarely covered within the pronouncement of various other Hon'ble High Courts, wherein considering similar circumstances have quashed and destroyed the intercept on grounds of either non-compliance of Section 5 of the Telegraph Act, 1885 [pari-materia with Section 20(2) of the Telegraph Rule, 1951]. Reliance is placed upon **K.L.D. Nagasree v. Government of India**, 2007 (1) APLJ 1 (HC), affirmed by the Hon'ble Supreme Court vide judgment dated 15.04.2025 passed in Petition(s) for Special Leave to Appeal (Crl.) No(s). 5584/2025; **Vinit Kumar v. CBI**, 2019 SCC OnLine Bom 3155; **Jatinder Pal Singh v. CBI**, 2022 SCC OnLine Del 135; **Dr. S.M. Mannan v. CBI**, 2024 SCC OnLine Kar 80; and **P. Kishore v. Secretary to Government of India**, W.P. No.143 of 2018, wherein the Courts have consistently emphasised that the procedural safeguards governing interception are mandatory constitutional requirements and not mere technical formalities. Learned Senior Advocate would further contend that the respondents cannot seek to distinguish the present case merely because the interception has been authorised under the Telecommunications Act, 2023. The new enactment substantially preserves the same constitutional balance between the needs of investigation and the citizen's right to privacy. Section 20(2) of the Telecommunications Act, 2023 is substantially analogous to Section 5(2) of the Telegraph Act, and the safeguards incorporated in the Rules of 2024 perform the

same constitutional function earlier discharged by Rule 419-A of the Telegraph Rules. Therefore, the judicial interpretation accorded to Section 5(2) continues to govern the exercise of interception powers under the new statutory regime. Learned Senior Counsel would submit that in the present case the respondents' own affidavit demonstrates that the confirmation order dated 04.07.2025 purported to operate for a period commencing from 01.06.2025, notwithstanding the admitted fact that the Competent Authority issued the original authorisation only on 28.06.2025. Such retrospective validation is wholly impermissible under the scheme of Section 5(2) of the Telegraph Act as interpreted by the Hon'ble Supreme Court and equally impermissible under Section 20(2) of the Telecommunications Act, 2023. Since the jurisdictional foundation itself is absent for the anterior period, the subsequent confirmation and review cannot cure the defect.

18. Learned Senior Advocate would therefore submit that tested on the touchstone of Section 5(2) of the Telegraph Act, the constitutional jurisprudence developed by the Hon'ble Supreme Court, and the pari materia provisions of Section 20(2) of the Telecommunications Act, 2023, the interception authorisation dated 28.06.2025, the consequential confirmation dated 04.07.2025 and the Review Committee proceedings dated 15.09.2025 suffer from incurable jurisdictional illegality, violate the petitioner's fundamental rights under Articles 14, 19 and 21 of the

Constitution of India, and are liable to be declared void and set aside.

19. Mr. Vaibhav A. Goverdhan, learned Standing Counsel appearing for the respondent No.1/CBI, per contra, would submit that the challenge mounted by the petitioner proceeds on an erroneous understanding of the statutory scheme governing lawful interception under the Telecommunications Act, 2023 and the Rules of 2024. It is contended that the interception was lawfully initiated pursuant to the authorisation dated **28.06.2025** issued by the Competent Authority in exercise of powers under Section 20(2) of the Telecommunications Act, 2023 and was thereafter duly placed before the Ministry of Home Affairs for confirmation in accordance with Rule 3(3)(b) of the Rules of 2024. Learned counsel would submit that the interception formed only one part of the extensive investigation conducted by the CBI into a nationwide conspiracy involving officials of the Ministry of Health and Family Welfare, members of the National Medical Commission, intermediaries and private medical colleges, and that the prosecution case is also supported by several independent pieces of evidence, including documentary records, digital evidence, financial transactions, statements of witnesses and material collected during the course of investigation. It is argued that the legality or otherwise of the interception order is essentially a matter concerning the authorising authorities under the Telecommunications Act and cannot by itself furnish a ground

for quashing the FIR or the charge-sheet in exercise of the inherent jurisdiction of this Court. Learned counsel would further submit that at the present stage, the Court is only required to examine whether a prima facie case is disclosed and not to undertake a meticulous examination of the evidentiary value or admissibility of the intercepted conversations. Reliance is placed upon **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335, Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021) 19 SCC 401**, and **CBI v. Arvind Khanna, (2019) 10 SCC 686**, to contend that the extraordinary jurisdiction for quashing criminal proceedings is to be exercised sparingly and that disputed questions relating to the legality or admissibility of evidence ought to be left to be considered by the trial Court.

20. Mr. Ramakant Mishra, learned Deputy Solicitor General appearing for respondent Nos.2 and 3/Union of India, would submit that the interception authorisation dated **28.06.2025** was issued strictly in accordance with Section 20(2) of the Telecommunications Act, 2023 and that the subsequent order dated **04.07.2025** issued by the Ministry of Home Affairs merely constituted the statutory confirmation contemplated under Rule 3(3)(b) of the Rules of 2024. It is submitted that the expression in the affidavit stating that the specific interception order pertained to the period from **01.06.2025 to 31.07.2025** merely refers to the administrative cycle or review period adopted by the Ministry while forwarding interception orders to the Review Committee and cannot be

construed to mean that interception of the petitioner's communications was authorised retrospectively from **01.06.2025**. Learned Deputy Solicitor General would submit that no interception of the petitioner's communications was carried out prior to the authorisation dated **28.06.2025**, and the petitioner's interpretation of the affidavit is wholly misconceived. He would further contend that the Review Committee, in its meeting held on **15.09.2025**, examined all interception orders issued during the relevant period, including the order relating to the CBI, and categorically recorded its satisfaction that the interception was in accordance with Section 20(2)(a) of the Telecommunications Act, 2023 and required no interference. It is, therefore, submitted that there has been complete compliance with the statutory procedure prescribed under the Act and the Rules of 2024. Learned Deputy Solicitor General would also argue that there exists a presumption in favour of the validity of official acts performed by public authorities under **Section 114 Illustration (e) of the Indian Evidence Act, 1872** (corresponding provision under the Bharatiya Sakshya Adhiniyam, 2023), and in the absence of any cogent material establishing mala fides or non-compliance with the mandatory procedure, the interception orders cannot be declared illegal merely on the basis of an alleged discrepancy in the wording of the affidavit. It is thus prayed that the challenge to the interception authorisation dated **28.06.2025**, the confirmation order dated **04.07.2025**, and the Review Committee's decision

dated **15.09.2025** deserves to be rejected and, consequently, the petition seeking quashing of the criminal proceedings is liable to be dismissed.

21. We have heard learned Senior Counsel appearing for the petitioner, learned Standing Counsel appearing for the Central Bureau of Investigation, and learned Deputy Solicitor General appearing for respondent Nos.2 and 3 and have also perused the pleadings, the additional affidavit filed pursuant to the orders of this Court, the statutory provisions contained in the Telecommunications Act, 2023 and the Rules of 2024, as well as the judgments relied upon by the respective parties.
22. At the outset, it deserves to be noticed that during the course of hearing, learned Senior Counsel appearing for the petitioner has fairly restricted the scope of the present petition. The petitioner has specifically stated that he is not pressing the prayer for quashing of the FIR, charge-sheet or the criminal proceedings in their entirety and is willing to face the trial on the basis of the other evidence collected during investigation. The challenge has been confined only to the legality of (i) the interception authorisation dated 28.06.2025 issued by the Competent Authority, (ii) the confirmation order dated 04.07.2025 issued by the Ministry of Home Affairs under Rule 3(3)(b) of the Telecommunications (Procedure and Safeguards for Lawful Interception of Messages) Rules, 2024, and (iii) the proceedings of the Review Committee dated 15.09.2025. Consequently, the controversy before this

Court stands considerably narrowed and the Court is not required to examine the merits of the criminal prosecution or the sufficiency of the evidence collected during investigation.

23. The challenge raised by the petitioner is not directed against the desirability of investigation by the CBI as such, but against the very legality of the interception proceedings, which admittedly constitute one of the principal foundations of the prosecution case. Once the State seeks to justify an invasion into an individual's private communications by invoking statutory powers of interception, strict compliance with the constitutional and statutory safeguards becomes indispensable. Telephone interception is an exception to the fundamental right to privacy guaranteed under Article 21 of the Constitution and, therefore, the statutory conditions authorising such intrusion must receive strict construction. The principles laid down by the Hon'ble Supreme Court in ***Hukam Chand Shyam Lal v. Union of India*, (1976) 2 SCC 128**, ***People's Union for Civil Liberties (PUCL) v. Union of India*, (1997) 1 SCC 301** and the Constitution Bench decision in ***K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1**, unequivocally recognise that surveillance powers are constitutionally sustainable only when exercised in strict conformity with law and accompanied by effective procedural safeguards against arbitrariness.
24. Before proceeding further, it is necessary to extract Section 5 of the Indian Telegraph Act, 1885 as under:-

“5. Power for Government to take possession of licensed telegraphs and to order interception of messages:

(1) On the occurrence of any public emergency or in the interest of the public safety, the Central Government or a State Government, or any officer specially authorized in this behalf by the Central or a State Government may, if satisfied that it is necessary or expedient so to do, take temporary possession (for so long as the public emergency exists or the interest of the public safety requires the taking of such action) of any telegraph established, maintained or worked by any person licensed under this Act.

(2) On the occurrence of any public emergency, or in the interest of public safety, the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States or public order or for preventing incitement to the commission of an offence, for reasons to be recorded in writing, by order, direct that any message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government making the order or an officer thereof mentioned in the order.

Provided that press messages intended to be published in India of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under this sub-section.”

25. A bare reading of the above provision shows that for the purpose of making an order for interception of messages in exercise of powers under Sub-section (1) or Sub-section (2) of Section 5 of the Telegraph Act, 1885 (for short, 'the Act'), the occurrence of any public emergency or the existence of a public safety interest are the sine qua non.
26. In the event of the occurrence of any public emergency or in the interest of public safety the interception of messages can be ordered under Sub-section (2) of Section 5 by the Central Government or the State Government, if satisfied, that it is necessary or expedient so to do in the interest of :
- (i) The sovereignty and integrity of India.
 - (ii) The security of the State.
 - (iii) Friendly relations with foreign States.
 - (iv) Public order.
 - (v) For preventing incitement to the commission of an offence.
27. In ***Hukam Chand Shyam Lal v. Union of India*** the Supreme Court while observing that the existence of the emergency which is a pre-requisite for the exercise of power under Section 5 of the Act must be a public emergency and not any other kind of emergency and that as a preliminary step to the exercise of jurisdiction under Section 5 the Government or the authority concerned must record its satisfaction as to the existence of such an emergency held as under :

"The expression public emergency has not been

defined in the statute, but contours broadly delineating its scope and features are discernible from the section which has to be read as a whole. In Sub-section (1) the phrase occurrence of any public emergency is connected with and is immediately followed by the phrase or in the interests of the public safety. These two phrases appear to take colour from each other. In the first part of Sub-section (2) those two phrases again occur in association with each other, and the context further clarifies with amplification that a public emergency within the contemplation of this section is one which raises problems concerning the interest of the public safety, the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or the prevention of incitement to the commission of an offence. It is in the context of these matters that the appropriate authority has to form an opinion with regard to the occurrence of a public emergency with a view to taking further action under this section. Economic emergency is not one of those matters expressly mentioned in the statute. Mere economic emergency as the High Court calls it may not necessarily amount to a public emergency and justify action under this section unless it raises problems relating to the matters indicated in the section."

28. In ***People's Union for Civil Liberties (PUCL), v. Union of India*** while deciding a Public Interest Litigation under Article 32 of the Constitution of India, the Supreme Court while considering the scope and object of Section 5(2) of the Telegraph Act 1885 in detail and while observing that telephone- tapping is a serious invasion of an individual's privacy held that the right to privacy is a part of the right to life and personal liberty enshrined under Article

21 of the Constitution. It was further held that though the question whether right to privacy can be claimed or has been infringed in a given case would depend on the facts of the said case, the right to hold a telephone conversation in the privacy of one's home or office without interference can certainly be claimed as right to privacy and therefore telephone-tapping would infract Article 21 of the Constitution of India unless it is permitted according to the procedure established by law.

29. It would be relevant to extract the following excerpts from the above decision of the Supreme Court with regard to exercise of power under Section 5(2) of the Act.

“Section 5(2) of the Act permits the interception of messages in accordance with the provisions of the said section. Occurrence of any public emergency or in the interest of public safety are the sine qua non for the application of the provisions of Section 5(2) of the Act. Unless a public emergency has occurred or the interest of public safety demands, the authorities have no jurisdiction to exercise the powers under the said section. Public emergency would mean the prevailing of a sudden condition or state of affairs affecting the people at large calling for immediate action. The expression public safety means the state or condition of freedom from danger or risk for the people at large. When either of these two conditions are not in existence, the Central Government or a State Government or the authorised officer cannot resort to telephone-tapping even though there is satisfaction that it is necessary or expedient so to do in the interests of sovereignty and integrity of India etc. In other words, even if the Central Government is

satisfied that it is necessary or expedient so to do in the interest of the sovereignty and integrity of India or the security of the State or friendly relations with sovereign States or public order or for preventing incitement to the commission of an offence, it cannot intercept the messages or resort to telephone-tapping unless a public emergency has occurred or the interest of public safety or the existence of the interest of public safety requires. Neither the occurrence of public emergency nor the interest of public safety are secretive conditions or situations. Either of the situations would be apparent to a reasonable person.

The first step under Section 5(2) of the Act, therefore, is the occurrence of any public emergency or the existence of a public safety interest. Thereafter the competent authority under Section 5(2) of the Act is empowered to pass an order of interception after recording its satisfaction that it is necessary or expedient so to do in the interest of (i) sovereignty and integrity of India, (ii) the security of the State, (iii) friendly relations with foreign States, (iv) public order or (v) for preventing incitement to the commission of an offence. When any of the five situations mentioned above to the satisfaction of the competent authority require then the said authority may pass the order for interception of messages by recording reasons in writing for doing so."

30. While taking note of the fact that no Rules were framed by the Central Government under Section 7(2)(b) of the Act laying down the precautions to be taken for preventing the improper interception or disclosure of messages under Section 5(2) of the Act, the Supreme Court in **PUCL** (supra) directed observance of certain procedure in order to rule out arbitrariness in the exercise

of power under Section 5(2) of the Act till the time the Central Government lays down the procedure under Section 7 (2)(b) of the Act. The said directions are as under:

“1. An order for telephone-tapping in terms of Section 5(2) of the Act shall not be issued except by the Home Secretary, Government of India (Central Government) and Home Secretaries of the State Governments. In an urgent case the power may be delegated to an officer of the Home Department of the Government of India and the State Government not below the rank of Joint Secretary. Copy of the order shall be sent to the Review Committee concerned within one week of the passing of the order.

2. The order shall require the person to whom it is addressed to intercept in the course of their transmission by means (of) a public telecommunication system, such communications as are described in the order. The order may also require the person to whom it is addressed to disclose the intercepted material to such person and in such manner as are described in the order.

3. The matters to be taken into account in considering whether an order is necessary under Section 5(2) of the Act shall include whether the information which is considered necessary to acquire could reasonably be acquired by other means.

4. The interception required under Section 5(2) of the Act shall be the interception of such communications as are sent to or from one or more addresses, specified in the order, being an address or addresses likely to be used for the transmission of communications to or from, from one particular person specified or described in the

order or one particular set of premises specified or described in the order.

5. The order under Section 5(2) of the Act shall, unless renewed, cease to have effect at the end of the period of two months from the date of issue. The authority which issued the order may, at any time before the end of two months' period renew the order if it considers that it is necessary to continue the order in terms of Section 5(2) of the Act. The total period for the operation of the order shall not exceed six months.

6. The authority which issued the order shall maintain the following records:

- (a) the intercepted communications,
- (b) the extent to which the material is disclosed,
- (c) the number of persons and their identity to whom any of the material is disclosed.
- (d) the extent to which the material is copied, and
- (e) the number of copies made of any of the material.

7. The use of the intercepted material shall be limited to the minimum that is necessary in terms of Section 5(2) of the Act.

8. Each copy made of any of the intercepted material shall be destroyed as soon as its retention is no longer necessary in terms of Section 5(2) of the Act.

9. There shall be a Review Committee consisting of Cabinet Secretary, the Law Secretary and the Secretary, Telecommunication at the level of the Central Government. The Review Committee at the State level shall consist of Chief Secretary, Law Secretary and another member, other than the home Secretary, appointed by the State Government.

(a) The Committee shall on its own, within two months of the passing of the order by the authority concerned, investigate whether there is or has been a relevant order under Section 5(2) of the Act. Where there is or has been an order whether there has been any contravention of the provisions of Section 5(2) of the Act.

(b) If on an investigation the Committee concludes that there has been a contravention of the provisions of Section 5(2) of the Act, it shall set aside the order under Scrutiny of the Committee. It shall further direct the destruction of the copies of the intercepted material.

(c) If on investigation, the Committee comes to the conclusion that there has been no contravention of the provisions of Section 5(2) of the Act, it shall record the finding to that effect.”

31. Pursuant to the above procedural safeguards specified by the Supreme Court, the Central Government had brought out an amendment to the Indian Telegraph Rules, 1951 by inserting Rule 419-A vide G.S.R. 123 (E), dated 16.02.1999. Rule 419-A, to the extent it is relevant for the purpose of the present case, runs as under:-

“419-A (1) Direction for interception of any message or class of messages under Sub-section (2) of Section 5 of the Indian Telegraph Act, 1885 (hereinafter referred to as the said Act) shall not be issued except by an order made by the Secretary to the Government of India in the Ministry of Home Affairs in case of Government of India and by the Secretary to the State Government in charge of the Home Department in the case of a State Government. In emergent cases such order may be

made by an officer, not below the rank of a Joint Secretary to the Government of India, Who has been duly authorized by the Union Home Secretary or the State Home Secretary, as the case may be, Such order shall contain reasons for such direction, A copy of such order shall be forwarded to the concerned Review Committee within a period of seven days; Provided that in emergent cases,-

(i) in remote areas, where obtaining of prior directions for interception of messages or class of messages is not feasible; or

(ii) for operational reasons, where obtaining of prior directions for interception of messages or class of messages is not feasible the officer concerned may carry out the required interception of messages or class of messages subject to its confirmation from the concerned competent officer within a period of fifteen days.

(2) ...

(3) ...

(4) ...

(5) The directions for interception shall remain in force, unless revoked earlier, for a period not exceeding ninety days from the date of issue and may be renewed but same shall not remain in force beyond a total period of one hundred and eighty days.

(6) ...

(7) The officer authorised to intercept any message or class of messages shall maintain proper records mentioning therein, the intercepted message or class of messages, the particulars of persons whose message has been intercepted, the name and other particulars of the officer or the authority to whom the intercepted message or class of message has been disclosed, the

number of copies of the intercepted message or class of message made and the mode or the method by which such copies are made, the date of destruction of the copies and the duration within which the directions remain in force.

(8) The Central Government and the State Government, as the case may be, shall constitute a Review Committee. The Review Committee to be constituted by the Central Government shall consist of the following namely :

(a) Cabinet Secretary...Chairman

(b) Secretary to the Government of India In-charge, Legal Affairs...Member

(c) Secretary to the Government of India...Member The Review Committee to be constituted by a State Government shall consist of the following, namely :

(a) Chief Secretary...Chairman

(b) Secretary Law/Legal Remembrancer...Member

(d) Secretary to the State Government (other than the Home Secretary)...Member (9) The Review Committee within a period of sixty days from the issue of the directions shall suo moto make necessary enquiries and investigations and record its findings whether the directions issued under Sub-rule (1) are in accordance with the provisions of Sub-section (2) of Section 5 of the Act. When the Review Committee is of the opinion that the directions are not in accordance with the provisions referred to above, it may set aside the directions and order for destruction of the copies of the intercepted message or class of messages.

32. It is clear that Rule 419-A of the Rules which has been made in terms of the procedural safeguards laid down by the Supreme

Court in People's Union for Civil Liberties's case AIR 1997 Supreme Court 568 (supra) is aimed at safeguarding the right to privacy of an individual. The procedure laid down under Rule 419-A includes that a copy of the order under Section 5(2) of the Act shall be forwarded to the concerned Review Committee within a period of seven (7) days and that the directions for interception shall remain in force for a period not exceeding 90 days from the date of issue and the renewal if any shall not be beyond 180 days. The Review Committee constituted under Sub-rule (8) is required to make necessary enquiries and investigations and recorded its findings whether the directions issued under Sub-rule (1) are in accordance with the provisions of Section 5(2) of the Act. Such enquiry and investigation shall be done within a period of 60 days from the issue of directions under Sub-rule (1) of Rule 419-A. It is also relevant to note that if the Review Committee finds that the direction is not in accordance with Sub-section (2) of Section 5, the committee shall order for the destruction of the copies of the messages.

33. In the light of the above provisions, the question that arises for consideration in this petition is whether interception authorisation dated **28.06.2025** issued by the Competent Authority under Section 20(2) of the Telecommunications Act, 2023 for intercepting the mobile telephone of the petitioner, the consequential confirmation /interception order dated **04.07.2025** issued by the Ministry of Home Affairs, Government of India, and

the decision/recommendation of the Review Committee dated **15.09.2025** are in accordance with law.

34. The controversy raised before this Court is considerably narrower than the challenge originally laid in the petition. During the course of hearing, the learned Senior Advocate appearing for the petitioner has fairly restricted the relief insofar as the interception authorisation dated 28.06.2025, the consequential confirmation/interception order dated 04.07.2025 and the proceedings of the Review Committee dated 15.09.2025 are concerned. Learned Senior Advocate has categorically stated that the petitioner is not pressing, at this stage, for quashing of the criminal proceedings in their entirety and is willing to face the trial on the basis of the other material collected during investigation. The question, therefore, is whether the interception proceedings satisfy the mandatory statutory and constitutional safeguards governing lawful interception of communications.
35. At the outset, it would be necessary to extract the impugned order dated 28.06.2025 which runs as under :-

"TOP SECRET

No. SU/DLI/TS(84)/2023-1
Central Bureau of Investigation
 (Government of India)
 ORDER

Whereas as per the provision in sub-rule (3) of Rule 3 of the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024r/w Section 20(2) of the Telecommunications Act, 2023 and Rule 3 of the Information Technology (Procedure and

Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009 r/w Section 69 of the Information Technology Act, 2000, the head or the second senior most officer of the law Enforcement Agency (LEA) at central level, is authorized to approve interception, monitoring and decryption of messages for operational reasons where obtaining prior permission of the competent authority is not feasible.

2. Now, therefore, I, Director, Central Bureau of Investigation, being satisfied that for reasons of public safety, it is necessary / expedient to do so in the interest of public order and for preventing incitement to the Commission of an offence and considering that obtaining prior permission of Competent Authority is not feasible, hereby direct to intercept, monitor or decrypt or cause to be intercepted, monitored or decrypted any information generated, transmitted, received or stored in any computer resource in respect of the telephone number 99819-97615 and disclosed to me. It is further directed that any telephone message relating to clandestine contact/movement/activity etc. to and from 99819-97615 shall also be intercepted and disclosed to me.

3. I am further satisfied that it is necessary to monitor this telephone as the information cannot be acquired through any other reasonable means.

4. This order shall remain in force for a period not exceeding 07 working days from the date of issue.

Sd/-

xxx xxx

Director, Central Bureau of Investigation, New Delhi
New Delhi.

Dated: 28.06.2025"

36. As can be seen, the said order was passed by the Director, Central Bureau of Investigation, per provision in sub-rule (3) of

Rule 3 of the Rules of 2024 r/w Section 20(2) of the Telecommunications Act, 2023 and Rule 3 of the Information Technology (Procedure and Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009 r/w Section 69 of the Information Technology Act, 2000 directing to intercept, monitor or decrypt or cause to be intercepted, monitored or decrypted any information generated, transmitted, received or stored in any computer resource in respect of the telephone number 99819-97615 and disclosed to him and it was further directed that any telephone message relating to clandestine contact/movement/activity etc. to and from 99819-97615 shall also be intercepted and disclosed to him.

37. As held by the Supreme Court in PUCL case (supra) the competent authority under Section 5(2) of the Act is empowered to pass an order of interception only on the occurrence of any public emergency or in the interest of public safety which are held to be sine qua non for the application of the provisions of Sub-section (2) of Section 5 of the Act. However, a mere perusal of the impugned order, extracted above, shows that the same did not refer either to occurrence of any public emergency or existence of public safety interest which are pre-requisites for the exercise of power under Section 5(2) of the Act.
38. As a matter of fact, except repeating all the five situations mentioned in Sub-section (2) of Section 5 verbatim, no specific reason which warranted interception of the petitioner's mobile

telephone was mentioned. The said fact itself shows that the impugned order was passed mechanically without application of mind to the facts and circumstances of the case on hand. Hence, on the face of it, the impugned order is not in compliance with the mandatory requirement of Sub-section (2) of Section 5. Not only the satisfaction of the authority as to the occurrence of public emergency or the existence of public safety interest is absent, but even the satisfaction expressed with regard to the other situations enumerated under Sub-section (2) of Section 5 of the Act does not stand the legal scrutiny.

39. That apart, the specific allegation made by the petitioner with regard to non-compliance of the subsequent procedure required to be followed under Rule 419-A could not be contradicted by the respondents. Except reiterating the object and purport of Section 5(2) of the Act and the guidelines issued by the Supreme Court in PUCL case (supra), the counter-affidavits filed on behalf of the respondents are silent as to the procedure laid down under Rule 419-A much less the compliance thereof.
40. The right to privacy has now been unequivocally recognised as an intrinsic part of the guarantee under Article 21 of the Constitution. Interception of telephonic or electronic communications constitutes a serious invasion upon that right and can be sustained only where the procedure established by law is strictly complied with. The safeguards incorporated by the legislature are not matters of administrative convenience but constitute

substantive guarantees intended to prevent arbitrary or excessive executive intrusion into individual liberty.

41. The Supreme Court in ***People's Union for Civil Liberties v. Union of India, (1997) 1 SCC 301***, while considering the constitutional validity of telephone interception under the Telegraph Act, emphasised that interception is permissible only upon strict adherence to the procedural safeguards prescribed by law. Those principles continue to inform the interpretation of Section 20 of the Telecommunications Act, 2023 and the Rules framed thereunder. The Constitution Bench in ***K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1***, has further held that any restriction upon informational privacy must satisfy the tests of legality, necessity and procedural fairness.
42. Equally well settled is the principle that where a statute prescribes that a statutory power affecting valuable rights must be exercised in a particular manner, the prescribed procedure is mandatory unless the statute expressly provides otherwise. The principle enunciated in ***State of Uttar Pradesh v. Singhara Singh, AIR 1964 SC 358***, namely that where the law requires a thing to be done in a particular manner it must be done in that manner alone or not at all, has repeatedly been applied in matters involving procedural safeguards intended to protect fundamental rights.
43. Section 20(2) of the Telecommunications Act, 2023 read with the Rules of 2024 contemplates a structured statutory mechanism.

The process commences with a lawful authorisation by the Competent Authority founded upon the existence of jurisdictional facts. The authorisation is thereafter required to be placed before the Central Government for confirmation in terms of Rule 3(3)(b), and thereafter becomes subject to scrutiny by the Review Committee constituted under Rule 5. Each successive stage derives its legitimacy from the existence of a valid initial authorisation.

44. In the present case, there is no dispute that the Competent Authority issued the interception authorisation on **28.06.2025**. It is equally not in dispute that the Ministry of Home Affairs thereafter issued its order dated **04.07.2025**. The controversy has arisen because the affidavit filed by the Secretary, Department of Telecommunications, pursuant to the specific directions of this Court, states that the "specific interception order dated 04.07.2025 issued by the Ministry of Home Affairs pertains to the duration from 01.06.2025 to 31.07.2025."
45. The respondents seek to explain the aforesaid statement by contending that the period from 01.06.2025 to 31.07.2025 merely represents the administrative review cycle adopted by the Ministry while placing interception orders before the Review Committee and does not signify retrospective authorisation. However, the Court is unable to accept this explanation for more than one reason.

46. Firstly, the affidavit has been filed by the highest administrative authority in the Department pursuant to a specific judicial direction intended to clarify the statutory compliance. The affidavit is neither tentative nor qualified. It expressly states that the "specific interception order" pertains to the period from 01.06.2025 to 31.07.2025. The language employed admits of no ambiguity.
47. Secondly, the respondents have consistently maintained throughout the proceedings that the interception authorisation itself came into existence only on 28.06.2025. If that be so, the statutory confirmation issued on 04.07.2025 could not legally operate in respect of a period commencing on 01.06.2025, i.e., twenty-seven days prior to the very existence of the original authorisation. The confirmation contemplated under Rule 3(3)(b) is confirmatory in character; it cannot create jurisdiction retrospectively nor enlarge the scope of an authorisation already granted.
48. Thirdly, the statutory architecture itself negatives the possibility of retrospective validation. The existence of a lawful authorisation by the Competent Authority is a jurisdictional fact. Unless such jurisdictional fact exists on the relevant date, neither the Ministry of Home Affairs nor the Review Committee can retrospectively validate interception for an anterior period. Acceptance of such a proposition would defeat the entire object of the statutory safeguards and render the procedural protections illusory.

49. This Court also finds merit in the submission advanced by learned counsel for the petitioner that the safeguards governing interception of communications have their genesis in Section 5(2) of the Indian Telegraph Act, 1885, which has consistently been interpreted by the Hon'ble Supreme Court as conferring an exceptional power capable of being exercised only upon the existence of the statutory preconditions prescribed therein. Although the interception in the present case has been authorised under Section 20(2) of the Telecommunications Act, 2023 read with the Rules of 2024, the legislative scheme substantially incorporates the constitutional safeguards which were earlier embodied under Section 5(2) of the Telegraph Act, 1885. Therefore, the principles laid down by the Hon'ble Supreme Court in ***Hukam Chand Shyam Lal v. Union of India*, (1976) 2 SCC 128**, ***People's Union for Civil Liberties (PUCL) v. Union of India*, (1997) 1 SCC 301** and ***K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1**, continue to guide judicial scrutiny of interception orders. Consequently, the authorisation of interception cannot be sustained merely because it has received subsequent administrative confirmation or review; rather, the Court is required to examine whether the jurisdictional facts and statutory conditions precedent contemplated by law existed on the date the interception was authorised. In the absence of strict compliance with such mandatory safeguards, which constitute the substantive protection against arbitrary invasion of the

fundamental right to privacy guaranteed under Article 21 of the Constitution, the interception order and all consequential actions founded thereon would be rendered legally unsustainable.

50. The Review Committee's opinion dated 15.09.2025 also cannot improve the position of the respondents. The function of the Review Committee is supervisory in nature. It examines whether the interception order conforms to the statutory requirements. The Committee cannot validate an order which suffers from a foundational jurisdictional defect. If the confirmation itself travels beyond the permissible statutory framework, the Review Committee's endorsement cannot confer legality upon an otherwise invalid exercise of power.
51. This Court is conscious of the submission advanced by the learned Standing Counsel for the CBI that questions relating to admissibility of evidence ordinarily fall within the domain of the trial Court and that the inherent jurisdiction should be exercised sparingly. There can be no quarrel with the principles laid down in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335, Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021) 19 SCC 401 : AIR 2021 SC 1918, and CBI v. Arvind Khanna, (2019) 10 SCC 686**. However, the issue before this Court is not the appreciation of evidence but the legality of executive action authorising interception. Judicial review of administrative action affecting fundamental rights stands on an entirely different footing from the exercise of jurisdiction to quash

criminal proceedings on disputed questions of fact.

- 52.** At the same time, this Court also finds substance in the submission of the respondent-CBI that the investigation is not founded exclusively upon the intercepted conversations. The prosecution has specifically asserted that it has collected independent documentary evidence, electronic records, financial material, witness statements and other incriminating circumstances during investigation. Significantly, learned Senior Advocate appearing for the petitioner has also fairly submitted that the petitioner is prepared to face the trial on the basis of such independent material.
- 53.** Consequently, the invalidity of the interception proceedings does not automatically result in the collapse of the prosecution or warrant quashing of the FIR, the charge-sheet or the pending criminal case. The effect of setting aside the interception orders is confined to the legality of the interception process and the use of material derived therefrom, leaving it open to the competent criminal Court to proceed in accordance with law on the basis of other legally admissible evidence collected during investigation.
- 54.** This approach preserves both competing constitutional values. On one hand, it ensures that the procedural safeguards protecting the fundamental right to privacy are not diluted by permitting retrospective or jurisdictionally defective authorisations. On the other hand, it equally ensures that a criminal prosecution

supported by independent and otherwise admissible evidence is not terminated merely because one part of the investigation is found to be legally unsustainable.

55. Accordingly, this Court holds that the interception authorisation dated **28.06.2025**, the consequential order dated **04.07.2025** issued by the Ministry of Home Affairs, and the Review Committee proceedings dated **15.09.2025**, insofar as they relate to the interception challenged in the present proceedings, cannot be sustained in law and deserve to be set aside.
56. However, having regard to the limited relief ultimately pressed by the petitioner and the availability of other materials collected during investigation, this Court does not find it appropriate to quash FIR No. RC 2182025A0014 dated 30.06.2025, Charge-sheet No.18/2025 dated 28.08.2025, the summoning order dated 25.02.2026, or the pending criminal proceedings arising therefrom.
57. The learned Special Judge (Prevention of Corruption Act), Raipur, shall proceed with the trial strictly in accordance with law on the basis of the remaining legally admissible material available on record, uninfluenced by any observation contained in this order except to the extent of the declaration regarding the interception proceedings. It shall be open to the trial Court to determine the admissibility, relevance and evidentiary value of every item of evidence placed before it in accordance with the provisions of the

Bharatiya Sakshya Adhiniyam, 2023 and other applicable law.

58. The petitioner shall appear before the learned Trial Court on all dates fixed, extend full cooperation in the expeditious conduct of the proceedings, refrain from seeking unnecessary adjournments, and comply with all directions that may be issued by the Trial Court during the course of trial. It is clarified that any deliberate non-cooperation shall entitle the Trial Court to proceed in accordance with law.
59. Consequently, this Court pass the following orders :
- (i) The challenge to the interception proceedings succeeds.
 - (ii) The interception authorisation dated **28.06.2025** issued by the Competent Authority under Section 20(2) of the Telecommunications Act, 2023, the consequential confirmation/ interception order dated **04.07.2025** issued by the Ministry of Home Affairs, Government of India, and the decision/proceedings of the Review Committee dated **15.09.2025**, insofar as they relate to the petitioner, are hereby **set aside** and consequently directing that the copies of the intercepted messages pursuant to the said order shall be destroyed, if there is no legal impediment.
 - (iii) The prayer for quashing FIR No. RC 2182025A0014 dated 30.06.2025, Charge-sheet No.18/2025 dated 28.08.2025, the summoning order dated 25.02.2026 and the pending criminal proceedings is **declined**.

(iv) The learned Special Judge (Prevention of Corruption Act), Raipur, shall proceed with the trial on the basis of the other legally admissible material available on record, uninfluenced by the interception proceedings set aside by this judgment.

(v) The petitioner shall cooperate fully with the Trial Court and remain present as and when directed, subject to any exemption granted in accordance with law.

60. With the aforesaid observations and directions, the instant stands **disposed of**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Head-Note

The powers to intercept messages under sub-section (1) or sub-section (2) of Section 5 of the Telegraph Act, 1885 [pari-materia with Section 20(2) of the Telegraph Rule, 1951], may be exercised only upon the occurrence of a public emergency or where the interest of public safety so requires.