

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:-

Sri. K.K.Balakrishnan, Sessions Judge

Monday, 15th day of June, 2026/25th Jyaishtha, 1948

Crl.MP No.04/2026 in S C No 1068/2018

Petitioner:

Adv. G Mohan Raj, Special Public Prosecutor.

**Respondents /
Accused 1,2,4 to 12
and 15 :**

- R1 Muhammed J I, S/o. Ibrahim, Javadh Manzil, Vaduthala, Naduvath Nagar P O, Near Abran Arabic College, Arukutti Village, Cherthala Taluk, Alappuzha.
- R2 Arif Bin Salim, S/o. Muhammed Salim, Chamakkalayil Veedu, Chunangamvelikkara, Erumathala P O, Aluva East Village.
- R3 Bilal Saji, S/o. Saji, Chirakkal House, Pathanad Bhagom, Kangazha Post, Changanassery.
- R4 Farokh Amani, S/o. Ismail, Narakathumkuzhi House, Chunkappara Bhagom, Kulathoor Post, Kottangal Village, Pathanamthitta.
- R5 Rajeeb P M, S/o. Muhammad, Peringattu parambu House, Nettoor Post, Near Nettoor Mahal auditorium, Maradu Village, Kanayannoor Taluk, Ernakulam.
- R6 Abdul Nazar @ Nachu, S/o. Abdul Salam, Peringattu Parambu House, now residing at Urakkeli parambil House, Near Nettoor Mahal Auditorium, Nettoor Post, Maradu Village.
- R7 Adhil Bin Salim, S/o. Muhammed Salim, Chamakkalayil House, Chunangumvelikkara, Erumathala Post, Mulankuzhi Bagam, Aluva East Village.

- R8 Shifas V N @ Chippu, S/o. Nazar, Velipparamb veettil, H No 20/954, Palluruthy Post, Kacheripady bagam, Palluruthi Village.
- R9 Sahal, S/o. Hamsa, Mekkattu House, Nettur Kara, Maradu Village, Nettur Masjid Road, Kanayannur Taluk.
- R10 Jisal Razak, S/o. Razak, Puthuveettil Paramb, H No 20/896, Palluruthy Post, Palluruthy Velipipe line, Kochi Taluk, Ernakulam.
- R11 Muhammed Shahim, S/o. Khalid, H No 20/1019, Nambiputhalath veedu, Panavalli Village, Thrichattukulam Post, Near Karipozhi Temple, Cherthala Taluk.
- R12 Fayiz P M, S/o. Moideenkunju, Paliyath House, H No 7/349, Uliyannur Kara, Uliyannur Post, Aluva Taluk, Ernakulam.
- R13 Thansil, S/o. Muhammed kutti, GCDA Colony, 23, H No 01/1043 now residing at Karingambara House, Opposite Nettoor Honda Showroom, Nettoor Post, Maradu Village, Ernakulam.

By Adv. E A Haris.

This petition filed by the Special Public Prosecutor under Rule 245 of the Criminal Rule of Practice.

This petition coming on for hearing on 06.06.2026 and the Court on 15.06.2026 passed the following:

ORDER

This petition is filed by learned Special Public Prosecutor under Rule 245 of the Kerala Criminal Rules of Practice.

2. It is contended that time is fixed by the Hon'ble High Court of

Kerala for conducting the trial of the case. Certain documents in the case were missing and those documents have been reconstructed as per the direction of Hon'ble High Court. So, it is necessary for physical verification of all documents of the case before the commencement of the trial to check the availability of the documents. So permission sought to inspect the documents in the presence of court staffs.

3. There is no objection against the petition by A13 and A16. Against the petition A1, 2, 4 to 12, 14 and 15 filed objection stating that the petition is not maintainable either in law or on facts. The averment that certain documents were missing is vague and unspecified. No details has been furnished as to which documents were missing at any point of time. The documents have been reconstructed is also not supported by any material particulars. There is possibility for tampering the documents were existing or reconstructed. Permission is granted it would cause great prejudice to the accused. If permission is granted, it should be verified in the presence of the defense to ensure transparency. So pleaded to dismiss the petition.

4. Heard both sides.

5. The first contention of these accused is that petition is not maintainable. The learned counsel has no answer about the provisions in Rule 245 of Criminal Rules of Practice.

“Inspection by Police or Public Prosecutor.- Whenever it shall appear to any Police Officer not below the rank of a Sub-Inspector of Police, that an inspection of the records of any criminal trial or appeal will facilitate the detection or prevention of crime or is desired for the examination of the conduct of the Police Officers connected with the case and whenever inspection of such records may be desired by a Public Prosecutor in exercise of his duty as Public Prosecutor, such officer or Public Prosecutor, as the case may be, may apply to the Sessions Judge or the Presiding Magistrate of the Court in which the records are lodged for permission to inspect the same.”

6. So the provision is very much clear it is the right of the Public Prosecutor for the inspection of the records of a criminal case. Rule 246 and 247 specifically provides procedure for inspection of the documents of a case by Public Prosecutor or police officer. The inspection shall be done in the presence of an officer deputed by the Sessions Judge or Magistrate. There is no condition in any of these rules that inspection shall be done by the Prosecutor in the presence of the defence counsel. The argument of the learned counsel that he is suspecting the transparency of the court proceedings is an unacceptable argument. Moreover, the missing documents were enlisted by a proceedings and it was communicated to all counsel

appearing for the accused and they received notice and no objection is raised against the reconstruction of the missing documents . It is also relevant to note that learned counsel admitted that they received notice in the proceedings of reconstruction of the missing documents. Therefore, the objections raised by A1, 2, 4 to 12, 14 and 15 are baseless and only liable to be rejected.

So, the petition is allowed and the learned Special Public Prosecutor is permitted to inspect the documents of the case in the chamber of Sheristadar of this court in her presence during the working hours of this court.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 15th day of June, 2026).

Sd/-

K K Balakrishnan
Sessions Judge

Typed by: sm
Comp.by:

Crl.MP No.04/2026 in
S C No.1068/2018
Order dated: 15.06.2026