

**IN THE COURT OF SPECIAL JUDGE FAST TRACK SPECIAL
COURT, MATTANNUR**

Present: Smt.Anit Joseph, Special Judge

Dated this the 21st day of August 2025

Crl.M.P.No. 186/2025 in SC.787/2024

(Crime No.36/2024 of Kuthuparumba Police Station)



Petitioner/ Accused

Varun T.,

S/o. Vijith T., aged 20/2024,

Vasantham, Palaparamba, Post Nirmalagiri,

Kuthuapramba

Vs

Respondent/ defacto complainant

SHO, Kuthuparumba Police Station,

Represented by Special Public Prosecutor, Mattannur.

This petition coming on this day for hearing before me in the presence of Adv. Prajeesh K., counsel for the Petitioner/Accused and of Smt. P.V Sheena, Spl. Public Prosecutor for the Respondent/defacto complainant and of the Court passed the following:-

ORDER

1. This is an application filed by the defence counsel under Sec.230 of BNSS
2. The accused person in the case stands charged for the offences punishable under section 366, 342, 376 IPC, Sec. 67 A of IT Act and Sec. 3 r/w 180 of M V Act.

3. The application was for copy of CDs containing visuals and photographs copied from the iphone of the accused.

4. Heard both sides.

5. Point for consideration is :-

1. Whether the petitioner is entitled to the relief prayed for?

6. **Point No.1:-** While handling digital evidence that contains sexually explicit content or other records involving confidential/objectionable materials extra care should be taken. Recently, in the guidelines issued by Hon'ble High Court of Kerala in WP (Crl). No. 445 of 222 (2023 KHC online 834)-Circular No. 2/2024, it is unequivocally held as follows;- "No copies of such electronic/other records, containing sexually explicit material/confidential/objectionable items, including newly created electronic records as result of scientific examination, shall be provided to any person, including the accused, in the said case".

7. As per the guidelines, the court can allow the accused or their lawyer to view CD under the conditions mentioned thereunder. The copy of the CD is not made available to provide the defense. In the circumstances, the request is found genuine. Hence, the application is allowed as follows:-

1 The counsels/lawyers holding vakalath of the accused persons can view the CD from the court office under the supervision and monitoring of the bench clerk, who is the current custodian of the CD, on any convenient date before the commencement of the trial.

- 2 While viewing the CD, no equipment or secret devices shall be used by any persons for copying the content, or for mutilation of the contents of the CD.
- 3 The bench clerk shall record detailed proceedings regarding the viewing of the CD, including the participants details, date, time, details of experts if any present, and the measures adopted to preserve the authenticity of the electronic document.
- 4 The date, time and details of the proceedings shall also be entered in the prescribed register.

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on the 21st day of August, 2025).


**ANIT JOSEPH, SPECIAL JUDGE,
FAST TRACK SPECIAL COURT, MATTANNUR.**