

**IN THE COURT OF SESSION, MANJERI DIVISION**

Present:- Sri. K Sanilkumar, Sessions Judge

**Thursday, the 15<sup>th</sup> day of January, 2026****CRIMINAL MISCELLANEOUS PETITION No.01/2026****In****SESSIONS CASE NUMBER 1087/2023****Between:-****State of Kerala: Represented by the Special  
Public Prosecutor, Manjeri.****} Petitioner  
Complainant****And:-****Muhammed Rafeeqe, S/o Abdu Rahiman Siddique,  
Parappuravan House, Avanakkunnu, Pallikkunnu P.O,  
Kumaramputhur, Mannarkkad.****} Respondent  
Accused**

This petition coming on this day for hearing before me in the presence of **Sri. E.M. Krishnan Namboodiri**, Special Public Prosecutor for the petitioner and of **Smt. Nassiya .K (Chief Legal Aid Defence Counsel)**, Advocate for the respondent, the court passed the following:

**ORDER**

Regard being had to the prayer of the Special Public Prosecutor that the mobile phone, using which CW5 captured the photographs of the deceased as well as the objection of the defence that the said mobile phone is only of peripheral significance vis-a-vis the entire

gamut of evidence of the case and further that its production may engender unnecessary procrastination of the trial, and also noting the submission of the defence that the photographs have already being marked as Ext.P14/PW14 series subject to proof, this court is of the considered opinion that a direction needs be given to CW5 to surrender the said mobile phone, and that he shall be directed to produce certificate under Section 65B(4) of the Indian Evidence Act (Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam (BSA), 2023), in respect of Ext.P14/PW14.

***Accordingly, the petition stands partly allowed.***

(Dictated to the Confidential Assistant, transcribed and typed by her, and corrected and pronounced in open court on this the 15<sup>th</sup> day of January, 2026).

Sd/-  
**Sessions Judge**

*Typed by: Sumitha .T*  
*Compared by: 1. Sumitha*  
*2. Suni*

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**Fair/Copy of Order in CrI.M.P.No.01/2026**  
**in S.C. No. 1087/2023, Dated : 15-01-2026**  
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