

**IN THE COURT OF THE FAST TRACK SPECIAL COURT,
PATHANAMTHITTA**

Present:- MANJITH T, SPECIAL JUDGE

Saturday the 6th day of December, 2025
15th day of Agrahayana 1947 S.E

Crl.M.P. No. 337/2025 in SC. No. 570/2024

Complainant/Respondent : State of Kerala represented by
Public Prosecutor, Pathanamthitta.

**(By Adv. Roshan Thomas, Special Public
Prosecutor, FTSC, Pathanamthitta)**

Petitioner/accused : Sidhique Jamaludheen, aged 53 years,
S/o. Jamaludheen,
Nediyakala Puthen Veedu,
Kummannoor P.O, Iravon Village,
Konni Taluk.

(By Adv. A.Shebir Ahammed)

Order : Petition is dismissed.

This petition finally heard on 06.12.2025 and the Court on the same day delivered the following.

ORDER

Petition to return the mobile phone and the Indian passport.

2. Petitioner's case, in brief, is as follows: - Petitioner is the sole accused in the above numbered case alleging offences punishable U/Ss. 363 and 506 (1st paragraph) IPC and S. 8 r/w S.7, S. 10 r/w S. 9(l), S. 10 r/w S.9(m) and S.12 r/w S. 11 (i) of the Protection of Children from Sexual Offences Act and S. 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, S.75 of Juvenile Justice (Care and Protection of Children) Act and S. 66 E of the Information Technology Act. This court, by the judgment dated 05.07.2025,

convicted and sentenced the petitioner. Against which, he preferred Crl. Appeal No.1310/2025 before the Hon'ble High Court. Hon'ble High Court, by order dated 04.08.2025 in Crl.M.A No. 01/2025 in Crl. Appeal No. 1310/2025, suspended the execution of the sentence and released the petitioner on conditional bail. Police, in connection with the above numbered case, seized and produced before the court his mobile phone of the make Samsung Galaxy (GH90-011661) B5FK and his Indian passport bearing No. S 5762703. Thus, the petition to deliver the above mentioned items.

3. SHO of Konni Police Station filed report stating the seizure and production of the mobile phone before the court.

4. Heard both sides.

5. Following point arises for consideration:

1. Whether the mobile phone of the make Samsung Galaxy (GH90-011661) B5FK and Indian passport bearing No. S 5762703 are liable to be delivered to the petitioner ?

6. **Point No.1:** - Admittedly, petitioner, the sole accused in the above numbered case, was convicted and sentenced by this court and Hon'ble High Court, in his Crl. M.A No. 01/2025 in Crl. Appeal No. 1310/2025, suspended the execution of the sentence and released him on conditional bail. Thus, the case is under the consideration of the Hon'ble High Court. So, this court became functus officio and has no power to deliver the required items. Further, as per the prosecution case, petitioner used the above mentioned mobile phone to capture the visuals of sexual molestation of the victim, a minor child. Thus, this court, by its judgment, already directed to destroy the mobile phone

after the expiry of appeal period or the disposal of appeal, if any. Similarly, as the appeal against conviction is pending, there is no change in circumstance, which necessitated the petitioner to surrender his Indian passport in obedience to bail condition No. 5 imposed by the 1st Additional Sessions Court, Pathanamthitta in CrI.M.P. No.4754/2024, entitling the petitioner to get his Indian passport released. In these circumstances, those items are not liable to be delivered to the petitioner. This point is found against the petitioner.

In the result, the petition is dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 6th day of December, 2025.

Sd/-
MANJITH T
SPECIAL JUDGE

APPENDIX : NIL

Id/-
SPECIAL JUDGE.

//True copy//

SPECIAL JUDGE.

Typed by: Suseela
Compared by : Prasanna

Fair/copy of Order in
Crl.M.P.337/2025
in SC.570/2024
Dated : 06.12.2025