

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

CrI.MC.No. 2854 of 2015 ()

**CMP.NO.3137/2015 IN CP.NO. 26/2015 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT, KUNNAMKULAM
CRIME NO. 173/2015 OF PERAMANGALAM POLICE STATION , THRISSUR DISTRICT**

PETITIONER/ACCUSED:

**MOHAMMED NISHAM A.A., AGED 39 YEARS,
S/O. ABDUL KHADER, ADAKKAPRAMBIL HOUSE,
PADIYAM, MUTTICHOOR, THRISSUR.**

**BY SRI.B.RAMAN PILLAI,SENIOR ADVOCATE
ADVS.SRI.R.ANIL
SRI.M.SUNILKUMAR
SRI.SUJESH MENON V.B.
SRI.T.ANIL KUMAR
SRI.MANU TOM
SRI.THOMAS ABRAHAM (NILACKAPPILLIL)
SRI.M.VIVEK**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**

BY SR PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 2854 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A- THE TRUE COPY OF THE CMP.3137 OF 2015 IN C.P.NO. 26 OF 2015 OF COURT OF JUDICIAL FIRST CLASS MAGISTRATE-I, KUNNAMKULAM.**
- ANNEX B- THE CERTIFIED COPY OF THE ORDER IN CMP. 3137 OF 2015 IN C.P. 26 OF 2015 OF THE COURT OF JFCM, KUNNAMKULAM, DATED 10-4-2015.**
- ANNEX C- THE CERTIFIED COPY OF THE COMMITTAL ORDER OF THE JFCM, KUNNAMKULAM, DATED 10-4-2015.**

RESPONDENT(S)' ANNEXURES:

- ANNEX R1(A)- COPY OF THE REPORT FILED BEFORE THE FIRST ADDITIONAL DISTRICT AND SESSION COURT, TRISSUR DATED 1/6/2015.**

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.2854 of 2015
.....

Dated this the 1st day of September, 2015

ORDER

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The learned counsel for the petitioner has pointed out that the copy of the video recording of the postmortem examination produced by CW61, which was seized through a mahazar by CW111, has not been made available to the accused. It is also pointed out that the statement of CW104 recorded under Section 161 Cr.P.C. has also not been made available to the petitioner. Further, it has been pointed out that the copy of the complete case sheet of the deceased, which was produced by CW57, which was also seized through a mahazar from the Amala Hospital, is also not made available to the accused. Copies of all the other documents have been served.

2. The learned Senior Public Prosecutor submits that video recording of the postmortem examination has been produced by CW61 in a sealed cover and the same has been produced as such before the court. It is also pointed out that the

case sheet, which was seized, has also been produced before the court and the copy is not available with the investigating officer. The learned Senior Public Prosecutor has pointed out that the copy of the statement of CW104 recorded under Section 161 Cr.P.C. will be served on the accused.

3. The Sessions Court, Thrissur is directed to serve the copy of the video recording of the postmortem examination, the copy of the statement of CW104 under Section 161 Cr.P.C., if available, as well as the copy of the case sheet relating to the treatment of the deceased, to the learned counsel for the petitioner, prior to the commencement of examination of witnesses.

With the said directions, this CrI.M.C. is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/01/09

// True Copy //

PA to Judge