

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 21<sup>ST</sup> DAY OF JUNE 2024 / 31ST JYAISHTA, 1946

OP(CRL.) NO. 434 OF 2024

CRIME NO.621/2011 OF PETTA POLICE STATION,

THIRUVANANTHAPURAM

AGAINST THE ORDER/JUDGMENT DATED IN SC NO.241 OF 2020 OF  
DISTRICT COURT & SESSIONS COURT, THIRUVANANTHAPURAM  
ARISING OUT OF THE ORDER/JUDGMENT DATED IN CP NO.46 OF  
2011 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,  
THIRUVANANTHAPURAM.

PETITIONER/ACCUSED :

P.B.SOURBHAN  
AGED 71 YEARS  
S/O THE LATE P.K.BHASKARAN, SANNIDHANAM VEEDU,  
CRA 253, CHENTHIMURI, PONGUMMODU DESOM,  
EDAVAKKODE WARD, ULLOOR VILLAGE,  
THIRUVANANTHAPURAM, PIN-695011, NOW RESIDING AT  
ANANTHANIYIL SANTHI BHAVAN,  
MALAYALAPUZHA, PATHANAMTHITTA,, PIN - 689666

BY ADVS.

SRI. C.S.MANU  
SRI.DILU JOSEPH  
SRI.C.A.ANUPAMAN  
SRI.T.B.SIVAPRASAD  
SRI.C.Y.VIJAY KUMAR  
SRI.MANJU E.R.  
SRI.ANANDHU SATHEESH  
SRI.ALINT JOSEPH  
SRI.PAUL JOSE  
SRI.AMAL M.  
SRI.DAINY DAVIS

**RESPONDENT/COMPLAINANT:**

**STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682031**

**OTHER PRESENT:**

**SREEJA V (PUBLIC PROSECUTOR)**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON  
21.06.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**BECHU KURIAN THOMAS, J**

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**OP(Crl.)No.434 OF 2024**  
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**Dated this the 21st day of June, 2024**

**JUDGMENT**

Petitioner's application for obtaining a certified copy of the property register, relating to property produced in court was dismissed by the learned Magistrate relying upon Rule 225 of the Criminal Rules of Practice, Kerala 1982 (for short 'the Rules'). The refusal is assailed in this petition under Article 227 of the Constitution of India.

2. Petitioner is the accused in S.C. No.241/2020 of the Additional Chief Judicial Magistrate's Court, Thiruvananthapuram. He has been indicted for the offences punishable under Sections 447, 294(b), 323, 324, 308 and 34 of the Indian Penal Code, 1860. When the above case was posted for trial, petitioner applied to obtain a certified copy of the property register relating to T-582/2011. However, the learned Magistrate by the impugned order dated 05.06.2024, dismissed the said application stating that it is a register kept in the office of the court and it is a non-judicial record as per Rule 225 of the Rules.

3. I have heard Sri. C.S.Manu, the learned counsel for the

petitioner and Smt. Sreeja V., the learned Public Prosecutor.

4. Rule 225 reads as follows:

*“Copies of non-judicial and confidential papers- Copies of correspondence or of proceedings which are confidential or are not strictly judicial shall not be granted except under the orders of the Court.”*

5. The restriction for issuing certified copies, as is discernible from the above extracted rule, is only in respect of correspondences or proceedings which are confidential or are not strictly judicial. Even with respect to those documents, under the orders of the court, certified copies can be given. Thus, under the orders of the Court, a certified copy of any document can be given, provided the court grants permission to that effect.

6. The document sought for by the petitioner is a property (thondi) register in relation to the property T-582/11. The said property is apparently related to the case under trial. As an accused in a criminal trial, if petitioner believes that the said document is essential to put up his defence, the court cannot stand in his way in producing the document. Therefore, it is legally improper to deny issuing a certified copy of such a

document especially when the same is retained in a public office.

7. In this modern era of right to information and transparency there can be nothing confidential about a property register maintained in a public office like a court of law. It needs no mention that the property register is one of the key registers to be maintained by a criminal court. In this context, it needs to mention that Form 23 in Appendix II deals with the “Register of Property Produced in Inquiries and Trials”. The register falls under the category of ‘Administrative Forms’. Though the property register falls under the category of administrative forms under the Rules, the said category or nomenclature of the form is not determinative of the character of the record as a judicial or non-judicial record. Having regard to the significance a property register holds in the administration of justice, this Court is of the opinion that the property register is a judicial record.

8. Even otherwise, Rule 225 of the Rules restricts correspondences and proceedings, which are confidential or are not strictly judicial. The property register relating to a property produced in a criminal case is not a confidential document or a record of proceedings which has to be protected from disclosure. The property register cannot

fall into such a category and the trial court went wrong in refusing to permit grant of a certified copy.

9. Though in the application, the petitioner sought the entire property register upto December 2013, the learned counsel for the petitioner fairly confined his prayer to a certified copy of the specific entry relating to T-582/2011. Therefore, I am of the view that the petitioner ought to be issued a certified copy of the property register relating to T-582/2011.

10. In view of the above, the impugned order Exhibit P4 dated 05.06.2024 issued by the Additional Chief Judicial Magistrate, Thiruvananthapuram refusing to issue a certified copy of the property register is set aside. A certified copy of the property register relating to T-582/2011 shall be issued to the petitioner without delay.

This original petition is allowed as above.

**Sd/-**  
**BECHU KURIAN THOMAS**  
**JUDGE**

SLR

