



2026:KER:76788

CRL.MC NO. 8147 OF 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 7TH DAY OF OCTOBER 2026 / 15TH ASWINA, 1948CRL.MC NO. 8147 OF 2026

CRIME NO.1548/2018 OF Ernakulam Central Police Station,

Ernakulam

AGAINST THE ORDER DATED 22.09.2026 IN CRMP 11/2026 IN SC
NO.1068 OF 2018 OF DISTRICT COURT & SESSIONS COURT/RENT
CONTROL APPELLATE AUTHORITY, ERNAKULAM

PETITIONERS/ACCUSED 1,2,4 TO 12, 14 AND 15:

- 1 MOHAMMED J I,
AGED 29 YEARS
S/O. IBRAHIM, JAVADH,MANZIL, VADUTHALA, NADUVATH
NAGAR.P.O., NEAR,ABRAR ARABIC COLLEGE, ARUKUTTI
VILLAGE, CHERTHALA TALUK, ALAPPUZHA, PIN - 688524
- 2 ARIF BIN SALEEM
AGED 33 YEARS
S/O.MUHAMMED SALEEM, CHAMAACKALAYIL HOUSE, HIDAYATH
NAGAR, PONJASSERY.P.O., PERUMBAVOOR, VENGOLA,
ERNAKULAM, PIN - 683547
- 3 BILAL SAJI
AGED 26 YEARS
S/O. SAJI, CHIRAKKAL HOUSE,PATHANAD, KANGAZHA.P.O.,
CHANGANASSERY,KOTTAYAM, PIN - 686541
- 4 FAROOK AMANI
AGED 27 YEARS, S/O. ISMAIL,NARAKATHUMKUZHI HOUSE,
CHUNKAPPARA, KOTTANGAL,KULATHOOR.P.O.,
PATHANAMTHITTA, PIN - 689588



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- 5 RAJEEB P.M.
AGED 33 YEARS
S/O. MUHAMMAD, PERINGATTU PARAMBU HOUSE, NEAR NETTOOR
MAHALAUDITORIUM, NETTOOR.P.O., ERNAKULAM, PIN -
682040
- 6 ABDUL NASAR @ NACHU
AGED 32 YEARS
S/O. ABDUL, SALAM, PURAKKELI PARAMBIL HOUSE, NEAR
NETTOOR, MAHAL AUDITORIUM, NETTOOR.P.O., ERNAKULAM,
PIN - 682040
- 7 ADIL BIN SALEEM
AGED 33 YEARS
S/O. MUHAMMED, SALEEM, CHAMAKKALAYIL HOUSE, HIDAYATH
NAGAR, PONJASSERY.P.O., PERUMBAVOOR, VENGOLA,
ERNAKULAM, PIN - 683547
- 8 SHIFAS V.N. @ CHIPPU
AGED 31 YEARS
S/O. NASAR, VELIPARAMBU HOUSE, H NO 20/954,
KACHERIPADY, PALLURUTHI.P.O., KOCHI, ERNAKULAM, PIN -
682006
- 9 SAHAL
AGED 29 YEARS
S/O. HAMSA, MEKKATTU HOUSE, NETTUR MASJID
ROAD, NETTUR.P.O., ERNAKULAM, PIN - 682040
- 10 JISAL RASAK
AGED 29 YEARS
S/O. RASAK, PUTHUVEETIL, PARAMB, PALLURUTHY.P.O.,
ERNAKULAM, PIN - 682006
- 11 MUHAMMED SHAHIM
AGED 39 YEARS
S/O. KHALID, NAMBIPTHALATH HOUSE, PALLURUTHY, KOCHI,
ERNAKULAM, PIN - 682006
- 12 FAYIS P.M.
AGED 29 YEARS
S/O. MOIDEENKUNJU, PALIYATH VEETIL, H NO 7/349,
ULIYANNUR.P.O., ALUVA, ERNAKULAM, PIN - 683108



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13 THANSIL
AGED 33 YEARS
S/O. MUHAMMED KUTTI, COLONY, 23, H NO. 01/1043, NEAR
HONDA SHOWROOM, NETTUR, NETTUR.P.O., ERNAKULAM, PIN -
682040

BY ADVS.
SHRI.E.A.HARIS
SHRI.M.A.AHAMMAD SAHEER
SRI.MUHAMMED YASIL
SMT.AAGI JOHNY
SHRI.RAVI KRISHNAN

RESPONDENTS/STATE & COMPLAINANT:

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

2* PARIJITH
PARIJITH, AGED 30 YEARS, S/O BHOOPATHI, SUPPUVEEDU
(H), VATTAVADA, KOVILLOOR P.O

*IMPLEADED AS PER THE ORDER DATED 30.09.2026 IN
CRL.M.A.NO.3 OF 2026.

BY ADVS.
SRI.C.RASHEED, SPL.PP
SMT.DEVIKA K.R.
SHRI.K.S.ARUN KUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR FINAL HEARING
ON 30.09.2026, THE COURT ON 07.10.2026 PASSED THE FOLLOWING:



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C.S.DIAS,J.

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CrI. M.C.No. 8147 of 2026

Dated this the 7th day of October, 2026**ORDER**

The petitioners are accused Nos. 1, 2, 4 to 12, 14 and 15 in S.C. No. 1068 of 2018 on the file of the Court of Session, Ernakulam ('Trial Court', for short), arising from Crime No. 1548 of 2018 registered by the Ernakulam Central Police Station, alleging that the accused persons have committed the offences punishable under Sections 143, 148, 323, 324, 307 and 302 read with Section 149 of the Indian Penal Code.

2. The concise prosecution case is that, on 02.07.2018, the accused persons, in prosecution of their common intention, committed the murder of a student of Maharaja's College, Ernakulam.

3. It is the petitioners' case that, the above case is



scheduled for trial from 15.10.2026 to 12.11.2026. The incident giving rise to the crime has received extensive public and media attention. No test identification parade was conducted during the investigation and that the witnesses have not identified the accused persons. Consequently, the identification of the accused by the witnesses is to be tested during the trial. In the above background, the petitioners apprehend that their prior exposure to the witnesses, even through photographs or video recordings, may compromise the fairness and reliability of the identification process. The petitioners contend that several attempts were made to photograph and video-record the accused persons when they appeared before the Trial Court, to expose such material to the witnesses. Accordingly, the petitioners moved an application before the Trial Court, to conduct the trial 'in-camera', particularly the examination of the eye-witnesses, and appropriate restrictions be imposed on



entry of the general public into the courtroom and on photography/videography of the trial. Even on ordinary days, the courtroom is congested. Unrestricted entry to students, political workers, public representatives, media persons, and others would cause considerable crowding and may impede the expeditious examination of witnesses within the limited period fixed for the trial. The prosecution opposed the application, inter alia, contending that criminal proceedings are ordinarily required to be conducted in open court. Consequently, by the impugned Annexure A4 order, the Trial Court dismissed the application on the finding that there was no material to establish that an open-court trial would prejudice the fair and proper administration of justice.

4. The petitioners have contended in this petition that the impugned order is erroneous. The petitioners main concern is regarding the preservation of the testimony of the witnesses and the identification evidence.



The petitioners have relied on the decisions of the Hon'ble Supreme Court in **Naresh Shridhar Mirajkar and Others v. State of Maharashtra and Another** [1966 SCC OnLine SC 10] and that of this Court in **Jollyamma Joseph @ Jolly v. State of Kerala [2023 (2) KHC 559]**, to canvass the position that the Court has the power to conduct 'in-camera' proceedings.

5. I have heard the learned counsel for the petitioners, the learned Public Prosecutor and the learned counsel appearing for the additional 2nd respondent.

6. The learned counsel for the petitioners submitted that, since no test identification parade was conducted, the petitioners have a legitimate apprehension in their mind that if the witnesses are shown the photographs or video recordings of the accused persons, they will identify the accused persons with reference to such material. It was further submitted that the case is likely to receive extensive and continuous media coverage. The presence of



prosecution witnesses in the court premises, while another witness is being examined, may also afford a subsequent witness an opportunity to derive information regarding the incident and the identity of the accused persons standing in the dock.

7. The learned Public Prosecutor and the learned counsel appearing for the 2nd respondent strenuously opposed the petition. The learned Public Prosecutor submitted that proceedings cannot be held 'in-camera' merely at the instance of an accused and that, under Section 366 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) and the principles laid down in **Naresh Shridhar Mirajkar's case** (supra), the matter falls within the discretion and prerogative of the Trial Court. Open-court proceedings are the rule and closed-court proceedings are an exception. It was submitted that the prosecution has made elaborate arrangements to ensure that no law-and-order problem arises, and that the witnesses can testify



without threat or intimidation. The police have already prepared a bundobust scheme to avert any untoward incident in the court or its premises. It was further submitted that the injured and other occurrence witnesses have already identified the accused persons through a photo identification parade conducted by the Executive Magistrate, in addition to their identification before the police. Therefore, according to the prosecution, the apprehension founded on identification of the accused persons is misconceived. It was also submitted that, while the plea of the accused was being recorded, they appeared in masks, to which the prosecution did not object. The accused have been on bail since 2018 and have remained active in their social and personal lives. The judgments relied upon by the petitioners do not apply to the facts of the present case.

8. The question is whether the petitioners are entitled to have the trial conducted in-camera.



9. Section 366 BNSS, reads as follows:

“366. Court to be open.- (1) The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed to be an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

(2) Notwithstanding anything contained in sub-section (1), the inquiry into and trial of rape or an offence under section 64, section 65, section 66, section 67, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023 or under sections 4, 6, 8 or section 10 of the Protection of Children from Sexual Offences Act, 2012 shall be conducted in camera:

Provided that the presiding Judge may, if he thinks fit, or on an application made by either of the parties, allow any particular person to have access to, or be or remain in, the room or building used by the Court:

Provided further that in camera trial shall be conducted as far as practicable by a woman Judge or Magistrate.

(3) Where any proceedings are held under sub-section (2), it shall not be lawful for any person to print or publish any matter in relation to any such proceedings except with the previous permission of the Court:

Provided that the ban on printing or publication of trial proceedings in relation to an offence of rape may be lifted, subject to maintaining confidentiality of name and address of the parties.”

10. The above provision makes it abundantly clear that criminal proceedings are ordinarily to be conducted in open court, where the public generally have access. At the same time, the proviso to sub-section (1) confers upon



the presiding Judge or Magistrate the power, at any stage of an inquiry or trial, to exclude the public generally or any particular person from the courtroom. The provision, therefore, recognises open-court proceedings as the general rule while preserving the presiding officer's discretion, in appropriate cases, to restrict access in the interests of the fair and proper administration of justice.

11. In **Naresh Shridhar Mirajkar's** case (supra), the Hon'ble Supreme Court, while considering Section 327 Cr.P.C., which is *pari materia* with Section 366 BNSS, held as follows:

"20. Before dealing with this question, it is necessary to refer to one incidental aspect of the matter. It is well-settled that in general, all cases brought before the Courts, whether civil, criminal, or others, must be heard in open Court. Public trial in open court is undoubtedly essential for the healthy, objective and fair administration of justice. Trial held subject to the public scrutiny and gaze naturally acts as a check against judicial caprice or vagaries, and serves as a powerful instrument for creating confidence of the public in the fairness, objectivity, and impartiality of the administration of justice. Public confidence in the administration of justice is of such great significance that there can be no two opinions on the broad proposition that in discharging their functions as judicial Tribunals, courts must generally hear causes in open and must permit the public admission to the court-room."



12. In the present case, the petitioners do not apprehend any law-and-order problem in the court or its premises. The petitioners' principal apprehension is that, if the trial is conducted in open court, their photographs or video recordings may be taken and transmitted to the witnesses, thereby influencing their identification. The apprehension, therefore, relates to the possibility of the accused being exposed to the witnesses and not to any threat, intimidation, or disturbance during the conduct of the trial.

13. The learned Public Prosecutor submitted and assured this Court that a bundobust scheme has been prepared and that a sufficient number of police personnel would be deployed to ensure that the trial is conducted smoothly, without interference or hindrance from any quarter.

14. The decision in **Jollyamma Joseph @ Jolly's case** (supra) was rendered in the peculiar facts and



circumstances of that case. It cannot be understood as laying down a general proposition that every trial must be conducted 'in-camera', which would be inconsistent with the scheme of Section 366 BNSS.

15. Having given my anxious consideration to the facts and circumstances of the case, the materials on record, the findings in the impugned order, the rival submissions advanced across the Bar and, in particular, the assurance given by the learned Public Prosecutor, I am of the considered view that the circumstances of the present case do not warrant directing an 'in-camera' trial. I find no error or illegality in the impugned order warranting interference by this Court. Nevertheless, the apprehension expressed by the petitioners cannot be left entirely unaddressed.

Accordingly, by confirming the impugned order, I direct the Trial Court, in coordination with the police, to ensure that no person is permitted to photograph or



video-record the trial or the accused while they are inside the courtroom. The Trial Court shall also consider, in accordance with law and having regard to the circumstances of the case, whether the entry of the public or any particular person ought to be restricted during the examination of the eyewitnesses, namely, CWs. 1 to 7, so as to preserve the fairness of the trial.

With the above observations, this petition is dismissed.

Sd/-
C.S.DIAS, JUDGE

dkr



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APPENDIX OF CRL.MC NO. 8147 OF 2026

PETITIONER ANNEXURES

Annexure A1	TRUE COPY OF THE PROCEEDINGS IN S.C. NO.1068 OF 2018 ON THE FILES OF PRINCIPAL SESSIONS COURT, ERNAKULAM
Annexure A2	TRUE COPY OF THE PETITION DATED 10.09.2026 IN CRL.M.P. NO.11 OF 2026 IN S.C. NO.1068 OF 2018 ON THE FILES OF THE PRINCIPAL SESSIONS COURT, ERNAKULAM ALONG WITH ANNEXURES
Annexure A3	TRUE COPY OF THE OBJECTION DATED 15.09.2026 FILED BY THE RESPONDENT IN CRL.M.P. NO.11 OF 2026 IN S.C. NO.1068 OF 2018 ON THE FILES OF THE PRINCIPAL SESSIONS COURT, ERNAKULAM
Annexure A4	TRUE COPY OF THE ORDER DATED 22.09.2026 IN CRL.M.P. NO.11 OF 2026 IN S.C. NO.1068 OF 2018 ON THE PRINCIPAL SESSIONS JUDGE, ERNAKULAM
Annexure A5	A TRUE COPY OF THE PHOTO IDENTIFICATION REPORT DATED 22.08.2018 SUBMITTED BY THE TAHSILDAR & EXECUTIVE MAGISTRATE, KANAYANNOOR