

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

Wednesday, the 11th day of March 2026 / 20th Phalguna, 1947

CRL.M.APPL.NO.1/2026 IN CRL.MC NO. 1756 OF 2026

CRIME NO.100CB/KLM/PTA-D/2026 OF CBCID, PATHANAMTHITTA, PATHANAMTHITTA

CRMP 5/2026 OF JUDICIAL MAGISTRATE OF FIRST CLASS COURT, THIRUVALLA,
PATHANAMTHITTA

APPLICANT/PETITIONER:

RAHUL MAMKOOTATHIL, AGED 36 YEARS, ATTUVILAKATH HOUSE, MUNDAPALLI,
PARAKKOOTTAM, PATHANAMTHITTA, PIN - 691551.

RESPONDENT/RESPONDENT:

STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR,HIGH COURT OF
KERALA,ERNAKULAM - 682031.

Application praying that in the circumstances stated therein the High Court be pleased to stay all the further proceedings in Anx.A1 order dated 21.02.2026 in Crl. M.P. No. 05/2026, passed by the Judicial First-Class Magistrate Court, Thiruvalla, in the interest of justice.

This Application coming on for orders upon perusing the application and upon hearing the arguments of M/S. SASTHAMANGALAM S. AJITHKUMAR (SR.), SREEJITH S. NAIR, SATHEESH MOHANAN and MAHIMA, Advocates for the petitioner and of the PUBLIC PROSECUTOR for the respondent, the court passed the following:

p.t.o

C. JAYACHANDRAN, J.

CrI.MC.No.1756 of 2026

Dated, this the 11th day of March, 2026

ORDER

Having heard Sri.Sasthamangalam Ajith Kumar.S, duly instructed by Sri.Sreejith S.Nair, on behalf of the petitioner and Sri.P.Narayanan learned Special Public Prosecutor, this Court is of the opinion that Annexure A1 Order will have to be stayed, especially in the light of a recent Order of the Hon'ble Supreme Court dated 16/2/2026 in ***Vinay Kumar Gupta v. State of Madhya Pradesh [2026 KLT OnLine 1348 (SC)]***, wherein, the Hon'ble Supreme Court held that a direction to the accused to cooperate with the investigation cannot take within its fold, a duty to provide his mobile phone, as the same will impinge upon the constitutional guarantee of the accused in terms of Article 20(3).

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2. In the circumstances, Annexure-A1 will stand stayed for a period of three weeks.

Post on 8/4/2026.

Sd/-

C. JAYACHANDRAN

JUDGE

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APPENDIX OF CRL.MC 1756/2026

Annexure A1

**THE TRUE COPY OF THE ORDER IN CRL. M.P NO. 05/2026 OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THIRUVALLA,
DATED 21/02/2026**

