

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Crl.MC.No. 4083 of 2014

CRIME NO. 600/2014 OF HOSDURG POLICE STATION, KASARGOD

PETITIONER(S)/DEFACTO COMPLAINANT:

**ESTHEENAMMA MASCRENE, AGED 87 YEARS,
W/O. LATE KARMAL DAS MASCRENE, VADAKKETHOTTAM HOUSE,
PULLUVILA P.O., KARUNGULAM VILLAGE, KARUNGULAM DESOM,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.V.SETHUNATH
SRI.S.JUSTUS**

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 001.**
- 2. DISTRICT POLICE CHIEF,
(THIRUVANANTHAPURAM RURAL), VIKAS BHAVAN,
THIRUVANANTHAPURAM-695 001.**
- 3. THE SUB INSPECTOR OF POLICE
KANJIRAMKULAM POLICE STATION, PIN-695 524.**
- 4. THE SUB INSPECTOR OF POLICE
HOSDURG POLICE STATION, PIN-671 315.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE 1 : COPY OF THE COMPLAINT GIVEN TO THE KANJIRAMKULAM POLICE STATION DTD.23.4.2014 WITH RECEIPT.

ANNEXURE 2 : COPY OF THE FIR IN CRIME NO.600/2014 OF HOSDURG POLICE STATION, DTD.23.5.2014.

ANNEXURE 3 : COPY OF THE POSTMORTEM CERTIFICATE.

ANNEXURE 4 : COPY OF THE FIR IN CRIME NO.263/2014 OF KANJIRAMKULAM POLICE STATION.

ANNEXURE 5 : COPY OF THE COMPLAINT DTD.18.6.2014 GIVEN TO THE DISTRICT POLICE CHIEF, THIRUVANANTHAPURAM RURAL WITH RECEIPT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No.4083 of 2014

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Dated this the 10th day of August, 2015

O R D E R

The prayer in this Criminal Miscellaneous Case instituted under Sec.482 of the Code of Criminal Procedure praying for invocation of the inherent powers conferred on this Court as per that provision, is for an order from this Court in the matter of further investigation in relation to Anx.1 complaint in Anx.2 Crime No. 600/2014 of Hosdurg Police Station, to the Crime Branch.

2. The petitioner is the defacto complainant in Anx.2 Crime No.600/2014 of Hosdurg Police Station, Kasargod district, which was registered in relation to the missing of his son and accordingly, the said crime was registered as “unnatural death” as per the provisions contained in Sec.174 of the Cr.P.C. The petitioner's son named, Wilfred Mascree, aged 50 years, was missing since 13.4.2014 from his residence at Pulluvila, Thiruvananthapuram district and the petitioner had given Anx.1 complaint dated 23.4.2014 to the Kanjiramkulam Police regarding the missing of her son. It is the petitioner's case that it was heard from the neighbours that there were quarrels between the petitioner's son and his wife

on the previous day, on which he had gone missing. The wife and children of the petitioner's son are not in any worried about the missing of her son and that they never enquired about the whereabouts of the petitioner's son and they had not even preferred a complaint before the Police. That on the next day, the son of the missing person, who is aged 15 years, gave a complaint to the Police that his father had given him medicine for curing vomiting and that he was admitted to the hospital and that Police registered Crime No.263/2014 of Kanjiramkulam Police Station under Sec.307 of the I.P.C. Therefore, it is alleged that the abovesaid attitude of the wife and children of the missing person and the other information create doubts regarding his missing and that the petitioner believes that her son would not have committed suicide. It is in the aforesaid aspects, the abovesaid prayer has been made in the instant Criminal Miscellaneous Case.

3. The respondent investigating officer concerned (Sub Inspector of Police, Hosdurg Police Station), has filed two statements in this case, one on 29.7.2014 and another on 25.3.2015 more or less on the same lines. The contents of the statement dated 25.3.2015 filed by the respondent Sub Inspector of Police, Hosdurg

Police Station, read as follows:

- "2) It is submitted that the case is registered as per the complaint of Nandan Surendren, s/o.Surendran, Pappinassery Village, Kannur. The case is that on 23.05.14 in between 08.30 and 10.30 hrs. an unidentified person of the age group of 55 was found dead at railway track in front of Karithas Bhavan in Hosdurg Village due to hit by train.
- 3) It is submitted that, the investigation started on 23.05.14. The inquest was conducted and the body was kept in freezer at Manzoor Hospital for the purpose of identification. Crime card message has been sent and photograph published in all media. Then the body was identified by the relatives as one Wilfred Mascrne, s/o.Karmal Das Mascrne, aged 50/14, Enchipulluvila, Thiruvananthapuram. After conducting the postmortum at District Hospital Kanhangad and completing all the formalities the body handed over to the relatives on 24.05.14.
- 4) It is submitted that, during the course of investigation questioned about 20 witnesses and recorded their statements.
- 5) On the statement of the relatives of the deceased it is revealed that a case u/s 307 I.P.C. (sic) been registered against the deceased Wilfred Mascrne at Kanhirkulam P.S for made the (sic) an attempt to kill his son by poisoning and after that incident he was absconding from his native place. On 23.05.14 they got an information from Poovar Circle Inspector and he directed them to Hosdurg and they identified the dead body of Wilfred on 24.05.14.
- 6) 1.Stella D/o.Thomas Age 57/14, Pilathara, Kannur (Railway station master, Kanhangad)2 Vasantha P, W/o.Raveendran, Kalliassery, Kannur (points man duty) are the two eye witnesses. In their statements it is revealed that on 23.05.2014 morning at 09.00 hrs while they are on duty at the southern end of the platform NO.1 Saw an unknown man standing between the two tracks 100 metres towards south deliberately moved to the railway track with the intention to commit suicide while train No.56655 Kannur-Mangalore Passenger approaching the Kanhangad railway station and hit him and thereby occurred sport death due to greivous injury.
- 7) It is submitted that as per the Post Mortum Certificate the opinion is that *"Postmortum findings are in consistent with death due to multipple organ injury due to poly trauma"*.
8. It is submitted that during the course of investigation based on

the statement of witnesses, on circumstantial evidences and by examining the PMC certificate it is revealed that on 23.05.14 at 09.00 hrs Wilfred Mascene committed suicide in mental agony and final report has been submitted to the Sub Divisional Magistrate Court Kasargod at Kanhangad to consider the death as 'suicidal death being hit by train and to list the case as FAD.

- 9) It is humbly submitted that proper investigation has been conducted in this case by keeping all the investigation formalities and there is no objection for transferring the case to any other investigating agency by the Honourable Court."

4. Heard Sri.V.Sethunath, learned counsel for the petitioner and learned Public Prosecutor appearing for the official respondents.

5. On consideration of the submissions made on either side and on going through the averments in the petition and the materials on record as well as the statements filed by the 4th respondent Sub Inspector of Police, Hosdurg Police Station (investigating officer), this Court is of the considered opinion that no grounds are made out by the petitioner calling for any interference in this petition. Accordingly, this Criminal Miscellaneous Case is closed with liberty to the petitioner to work out her remedies in accordance with law.

With these observation, this Crl.M.C. stands finally disposed of.

sd/-
ALEXANDER THOMAS, JUDGE
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///True copy///
P.S. to Judge

