

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 7786 of 2011 (W)

PETITIONER(S):

1. AHAMED SALIM RAWTHER,
LEKSHMIVILAYIL HOUSE, THONNALLOOR, PANDALAM P.O.
PATHANAMTHITTA DISTRICT.
2. AISHA BEEVI, W/O.AHAMED SALIM RAWTHER,
LEKSHMIVILAYIL HOUSE, THONNALLOOR, PANDALAM P.O,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.K.SASIKUMAR
SMT.T.SUDHA DEVI

RESPONDENT(S):

1. DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM. 695 001
2. SUPERINTENDENT OF POLICE (RURAL),
ERNAKULAM. 683 101
3. DEPUTY SUPERINTENDENT OF POLICE,
MUVATTUPUZHA. 686 661
4. CIRCLE INSPECTOR OF POLICE, PIRAVOM. 686 664
5. SUB INSPECTOR OF POLICE,
MULANTHURUTHY POLICE STATION, MULANTHURUTHY. 682 314

R1-5 BY ADV. GOVERNMENT PLEADER SMT.SAREENA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-10-2015,
THE COURT ON 29-10-2015 DELIVERED THE FOLLOWING:

AD

WP(C).No. 7786 of 2011 (W)

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT P1: A TRUE COPY OF THE FIR IN CRIME NO.94/2010 OF THE
MULANTHURUTHY POLICE STATION**

**EXHIBIT P2: A TRUE COPY OF THE INQUEST REPORT PREPARED BY THE 5TH
RESPONDENT**

**EXHIBIT P3: A TRUE COPY OF THE CHEMICAL ANALYSIS REPORT IN CRIME
NO.94/2010**

EXHIBIT P4: A TRUE COPY OF THE POST MORTEM CERTIFICATE DATED 6.2.2010

**EXHIBIT P5: A TRUE COPY OF THE FINAL CERTIFICATE DATED 28.8.2010 ISSUED BY
THE DOCTOR**

**EXHIBIT P6: A TRUE COPY OF THE FINAL REPORT DATED 31.8.2010 IN CRIME
NO.94/2010 FIELD BY THE 5TH RESPONDENT BEFORE THE SUB
DIVISIONAL MAGISTRATE COURT, FORT KOCHI**

**EXHIBIT P7: A TRUE COPY OF THE REPRESENTATION DATED 10.01.2011
FORWARDED BY THE 1ST PETITIONER TO THE 1ST RESPONDENT**

EXHIBIT P8: A TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARD

RESPONDENT'S EXHIBITS

**ANNEXURE R5(A): TRUE COPY OF THE CERTIFICATE ISSUED BY THE DOCTOR WHO
CONDUCTED THE POSTMORTEM**

//TRUE COPY//

P.A. TO JUDGE

AD

B.KEMAL PASHA, J.

W.P(C).No.7786 of 2011

Dated this the 29th day of October, 2015

JUDGMENT

The investigation has revealed that the opinion of the expert panel relating to the cause of death of the deceased was due to 'Anaphylatic Shock' following 'ketanov Injection'. The certificate of chemical analysis revealed that, apart from the said medicine, no poisonous substances were detected in the viscera and contents taken in postmortem examination. Based on the certificate of chemical analysis, the Doctor who conducted the postmortem examination has revealed that the death was a natural death. The Investigating Officer has also taken the view that, the death is a natural death and based on that reasoning, the matter has been referred.

2. On going through the matter, this Court is of the view that a further investigation is required in the matter to investigate as to whether there was any medical negligence from the part of the concerned Doctor who administered 'ketanov Injection' to such a patient without

giving the test dose. The Deputy Superintendent of Police, Muvattupuzha will again conduct such a further investigation, under the supervision of the District Police Chief.

The writ petition is disposed of accordingly.

Sd/-
B.KEMAL PASHA
JUDGE

AD/30/10/15