

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 14790 of 2015 (W)

PETITIONER(S):

**REJANI, AGED 39 YEARS,
W/O. LATE RAMACHANDRAN, RESIDING AT BHAVAN,
KURIYODE, CHADAYAMANGALAM, KOTTARAKARA.**

**BY ADVS.SRI.MOHAN JACOB GEORGE,
SMT.P.V.PARVATHI,
SMT.REENA THOMAS.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS HOME SECRETARY,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 691 001.**
- 2. CENTRAL BUREAU OF INVESTIGATION, COCHIN,
REPRESENTED BY ITS SUPERINTENDENT OF POLICE,
KATHRIKKADAVU, KALOOR, KOCHI - 682 017.**
- 3. DISTRICT CHIEF OF POLICE,
ASHRAMAM ROAD, ASRAMAM, KOLLAM - 691 002.**
- 4. DEPUTY SUPERINTENDENT OF POLICE,
KOTTARAKKARA - 691 506.**
- 5. CIRCLE INSPECTOR OF POLICE,
KADAKKAL, KOLLAM - 691 536.**
- 6. SUB INSPECTOR OF POLICE, CHADAYAMANGALAM,
KOLLAM - 691 534.**
- 7. SUB DIVISIONAL MAGISTRATE,
KADAKKAL, KOLLAM - 691 536.**

**R1 & R3 TO R7 BY SRI.P. VIJAYARAGHAVAN, STATE ATTORNEY.
R2 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - COPY OF THE POSTMORTEM REPORT OF THE DECEASED RAMACHANDRAN DATED 09.08.2013.
- P2 - COPY OF THE POST MORTEM CERTIFICATE OF ARJUNAN DATED 28.08.2013.
- P3 - COPY OF THE PETITION DATED 08.10.2013 SUBMITTED TO THE CIRCLE INSPECTOR OF POLICE.
- P4 - COPY OF THE PETITION DATED 08.10.2013 SUBMITTED TO THE SUPERINTENDENT OF POLICE (RURAL).
- P5 - COPY OF THE PETITION DATED 15.10.2013 SUBMITTED TO THE DISTRICT COLLECTOR.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B.KEMAL PASHA, J.

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W.P.(C).No.14790 of 2015

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Dated this the 1st day of September, 2015

J U D G M E N T

The mysterious death of a person named Ramachandran had occurred on 08.08.2013. Exhibit P1 post-mortem certificate shows 34 ante-mortem injuries on the body of the deceased. The findings in the post-mortem certificate shows that the death was due to combined effects of drowning and injury to the neck.

2. On hearing the learned counsel for the petitioner, the learned Public Prosecutor as well as the learned Standing Counsel for the CBI, and on a perusal of the report of the investigating officer, it has come out that there is no prompt investigation going on in the matter in the correct line. It seems that even now, the investigating officer has not formed an opinion as to whether it was an accidental death or homicidal death.

3. On going through the entire matter, this Court is of the view that the complaint of the petitioner that a proper investigation is not being conducted in the matter seems to be correct. The investigation has to be handed over to the Crime Branch at the earliest.

4. The ADGP (Crimes) shall expeditiously constitute a team for investigation, headed by a DySP of the Crime Branch under the supervision of the SP Crime Branch, Thiruvananthapuram. The present investigating officer is directed to hand over the files to the HHW, Crime Branch CBCID, Thiruvananthapuram for the continued investigation in the matter.

In the result, this Writ Petition (Civil) is disposed of. The present investigating officer is directed to hand over the files to HHW, Crime Branch CBCID, Thiruvananthapuram, at the earliest, for the continued investigation in the matter.

Sd/-
B. KEMAL PASHA
JUDGE