

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C) .No. 19954 of 2015 (T)

PETITIONER:

SUNIL KUMAR N.R., AGED 48 YEARS
S/O. (LATE) RAJAN, R/AT NEELANGATT THUNDIYIL VEEDU
MATHALI ROAD, PANANGADU P.O., KUMBALAM VILLAGE
KANAYANNUR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.K.P.HARISH

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE STATION HOUSE OFFICER
(IN CRIME NO.1385 OF 2014 OF PANANGAD POLICE STATION
ERNAKULAM DISTRICT, 682021.
3. THE CIRCLE INSPECTOR OF POLICE
ERNAKULAM SOUTH POLICE STATION, ERNAKULAM DISTRICT
682020.
4. THE DISTRICT POLICE CHIEF
ERNAKULAM DISTRICT, 682011.
5. THE ASSISTANT COMMISSIONER OF POLICE
ERNAKULAM DISTRICT, 682011.

R1-R5 BY ADV. GOVERNMENT PLEADER: ADV. SMT.P.SAREENA GEORGE

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

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT-P1: TRUE COPY OF FIR IN CRIME NO.1385/2014 OF PANANGAD POLICE STATION.

EXHIBIT-P2: TRUE COPY OF THE POST MORTEM CERTIFICATE.

EXHIBIT-P3: TRUE COPY OF THE NEWSPAPER REPORT IN MATHRUBHOOMI DAILY DATED 26.10.2014.

EXHIBIT-P3(A): TRUE COPY OF THE PHOTOGRAPHS SHOWING THE LIE AND NATURE OF THE ELECTRIC LINE THAT CAUSED THE DEATH OF THE CHILD.

EXHIBIT-P4: TRUE COPY OF THE NEWSPAPER REPORT IN MALAYALA MANORAMA DAILY DATED 27.10.2014.

EXHIBIT-P5: TRUE COPY OF THE COMPLAINT DATED 10.12.2014 FILED BEFORE THE STATION HOUSE OFFICER, PANANGAD POLICE STATION.

EXHIBIT-P6: RECEIPT DATED 11.12.2014 ISSUED FROM PANANGAD POLICE STATION ON RECEIVING EXT.P5 COMPLAINT.

EXHIBIT-P7: TRUE COPY OF THE ACKNOWLEDGMENT CARD DATED 10.04.2015 OF THE 3RD RESPONDENT.

EXHIBIT-P8: TRUE COPY OF THE COMPLAINT DATED 10.12.2014 FORWARDED TO THE DISTRICT POLICE CHIEF, ERNAKULAM AND ITS ACKNOWLEDGMENT CARD.

RESPONDENT(S) ' EXHIBITS:NIL

True Copy /

P.A to Judge

SUNIL THOMAS, J.

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W.P(C).No.19954 of 2015

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Dated this the 9th day of September, 2015

JUDGMENT

The unfortunate father who is bereaved by the death of his only son aged 12 years, is the petitioner herein.

2. On 25.10.2014, while the child climbed a guava tree to pluck guava, he suffered electrocution and later died. It is alleged that the electric lines were sagging and were touching the guava tree. Thereafter, crime was registered and police is conducting enquiry under Section 174 of the Cr.P.C. It is seen that Ext.P5 complaint was laid by the petitioner herein before the second respondent alleging that the crime is not being effectively investigated. Complaining that the police is not effective and not directing itself to the issues involved, petitioner has approached this Court.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor who referred to a statement dated 27.07.2015 filed by the S.I. of Police.

4. Definitely, the agony of the petitioner is unimaginable, beyond words and his anxiety arising therefrom is only be shared. If the child sustained electrocution from an electric line which was

touching the tree, the culpability of some, who either should have rectified the defect, or should have chopped off the branches which were touching the electric line, is evident. In paragraph 8 of the statement given by the police also, there is an indication that one of the electric post had inclination, and the ground clearance of electric line was short by 27 cms., which evidently resulted in this unfortunate incident. It evidently leads to negligence or culpability of some involved at some level. It may not be sufficient to suggest natural reasons for such inclination and sagging of electric line.

5. The petitioner has a definite case that in spite of several complaints regarding the sagging of the electric line, electricity board officials did not take appropriate action which led to this unfortunate incident. Definitely, if such a complaint is made, that must be borne by the record. It is also not clear whether the investigating agency has effectively addressed itself to the issue of any complaint which is in existence and if so, who are persons who are responsible for the incident. The statement filed appears to be vague and in general words. Though, I am not inclined to give specific directions regarding the way in which the investigating agency is to proceed, it is for the investigating agency to address itself to the above issues, and also the culpability of the officials

involved if any with special reference to Ext.P5. Hence, investigating agency is directed to continue the investigation in the light of above and to complete the investigation at the earliest. However, I am reserving the right of the petitioner to move this Court, in case of he not satisfied with the progress of the investigation.

The writ petition is accordingly disposed of.

Sd/-
SUNIL THOMAS
Judge

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