

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 30232 of 2013 (D)

F.I.R.NO.583/2013 OF KOODAL POLICE STATION, PATHANAMTHITTA

PETITIONER(S)/PETITIONER :

**SANTHAMMA, AGED 60 YEARS,
W/O.PRABHAKARAN, SANTHA BHAVANAM, MALANADA,
KALANJOOR, PATHANAMTHITTA.**

BY ADV. SRI.P.HARIDAS

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, DEPARTMENT OF HOME AFFAIRS,
THIRUVANANTHAPURAM- 695 001.**
- 2. DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM - 695 001.**
- 3. DISTRICT POLICE CHIEF,
PATHANAMTHITTA - 689 645.**
- 4. SUPERINTENDENT OF POLICE, CBCID (HURT & HOMICIDE WING),
THIRUVANANTHAPURAM - 695 001.**
- 5. DEPUTY SUPERINTENDENT OF POLICE,
(CBCID)(HURT & HOMICIDE WING), ALAPPUZHA - 688 001.**
- 6. CIRCLE INSPECTOR OF POLICE,
KONNI, PATHANAMTHITTA - 689 539.**
- 7. SUB INSPECTOR OF POLICE,
KODAL POLICE STATION, PATHANAMTHITTA - 689 539.**
- 8. SURESH @ VAVA,
SARITHA BHAVANAM, POOTHANKARA, PATHANAMTHITTA - 689 539.**
- 9. ANAND,
BHASKARA VILASOM, MALANADA, PATHANAMTHITTA - 689 539.**

**R1 TO R7 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R8 BY ADV. SRI.NIDHI BALACHANDRAN
R9 BY ADV. SRI.SHERRY J. THOMAS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1 : TRUE COPY OF THE F.I.R NO.583/2013 DATED 26.08.2013 OF
KODAL POLICE STATION.**

EXHIBIT P2 : TRUE COPY OF THE POST MORTEM REPORT DATED 27.08.2013.

**EXHIBIT P3 : TRUE COPY OF THE COMPLAINT FILED BY PETITIONER BEFORE
THE 3RD RESPONDENT DATED 02.09.2013.**

**EXHIBIT P4 : TRUE COPY OF THE RECEIPT ISSUED BY THE DYSP ADOOR
DATED 02.09.2013**

**EXHIBIT P5 : TRUE COPY OF THE RECEIPT ISSUED BY THE DISTRICT POLICE
CHIEF, PATHANAMTHITTA UNDATED**

RESPONDENT(S)' ANNEXURES :

ANNEXURE R6(A): TRUE COPY OF THE POSTMORTEM CERTIFICATE.

**ANNEXURE R6(B): TRUE COPY OF THE STATEMENT OF THE DOCTOR
ON 11.12.2013.**

ANNEXURE R6(C): TRUE COPY OF THE CHEMICAL ANALYSIS REPORT.

//TRUE COPY//

PA.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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W.P.(C) No. 30232 of 2013

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Dated this the 4th day of November, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. The matter relates to the suspicious death of the son of the petitioner. According to the petitioner, the persons behind the death of the son of the petitioner had trespassed into the house of the petitioner in the evening of 25.08.2013, in search of the deceased, who was not there. She was intimidated and they left the place in search of the deceased. They could locate the deceased at the temple compound where he was severely assaulted. The petitioner went over there and took back the deceased to her house.

3. It is alleged that during that night also, the said

persons again came over there by around 9 o' clock in search of the deceased. The deceased took heels from the house and thereafter, he was found dead in a hanging posture on a tree in a nearby property.

4. According to the petitioner, no fruitful investigation is going on in the matter even though the crime was registered as Crime No.583/2013 under Section 174 Cr.P.C.

5. A series of reports have been filed in the matter by the Investigating Officer. It seems that all the said reports are all virtually the same. No fruitful investigation is going on in the matter. The matter requires thorough investigation by an impartial agency.

In the result, this Writ Petition is allowed and the investigation is ordered to be handed over to the CBCID, Crime Branch (HHW). The Additional DGP, who is in charge of the Crime Branch shall issue orders within 15 days from today by entrusting the investigation to a competent Officer not below the rank of a Deputy

Superintendent of Police of the Crime Branch. Such Officer shall expedite the investigation and complete it expeditiously.

Sd/-
B.KEMAL PASHA, JUDGE

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