

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.5045 of 2016

ORDER:

The deceased is the son of the writ petitioner, who allegedly died in the accident that occurred on 23.12.2014. The main reason for filing the present writ petition is that during the post-mortem of the deceased, the doctors found from the body of the deceased 'poison Organophosphate, an insecticide poison'. The grievance of the petitioner is that the respondent-police are backing the real culprit due to political pressure by showing the cause of death due to head injury received in the accident.

Heard and perused the material available on record.

In the counter affidavit filed by the 4th respondent, it is stated that the Assistant Professor who issued the opinion regarding the death of deceased stating that pungent smell is detected from the body of the deceased, was called to explain the ambiguity. The said doctor opined that pungent smell may be due to Organophosphate/alcoholic substance and also opined that the head injury is the cause of death of the deceased. The relevant portion of para 7 of the counter reads thus:

“7.The Inspector of Police, Hasanparthy has collected the clarification from the Assistant Professor who issued opinion on the cause of death wherein the doctor has opined that, the pungent smell is may be due to Organophosphate/alcoholic substance and he opined that, the Head injury is sufficient to cause the death of the deceased. The Head injury is the cause of death of the deceased due to accidental, it is sufficient to say that the cause of death of deceased is an accidental but not homicidal. With the evidence collected from the eyewitness and the final opinion of the medical officer, it is clear that, the deceased who was consumed alcohol drove his motor cycle in a high speed in rash and negligent manner and without observing the indication flat which was put on the morrum heal accidentally climbed over the said morrum heap and fallen down on the road and died due to head injury on the spot.....”

Thus it is evident from the counter that smell of poison is possible because of the alcohol and that the evidence is also clear that the deceased was under the influence of alcohol and that the death was due to the head injury received in the accident. In that view of the matter, this Court is not inclined to pass any orders as prayed for.

Accordingly, the writ petition is dismissed. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

02.01.2017.
Tsr

RAJA ELANGO,J



