

S.Ajith Kumar vs the State of Kerala

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Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : WP(Crl.)/484/2024

Appellant : S.Ajith Kumar

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946
CRIME NO.62/2024 OF Cheemeni Police Station, Kasargod
PETITIONER: 1 S.AJITH KUMAR AGED 55 YEARS S/O SUKUMARAN
NAIR, THULASI BHAVAN, TC 18/18(8), PRANAVAM, PLAVILA,
THIRUMALA P.O, THIRUVANANTHAPURAM -, PIN - 695006 2
RAJEESH KUMAR C, AGED 48 YEARS S/O CHANDRAN KUTTY NAIR,
MANICKATHU HOUSE, MALLIKASSERY P.O, POOVARANY,
KOTTAYAM -, PIN - 686577 BY ADVS. SUJA PADNABAN PILLAI
G.RAJAN POTAYIL RESPONDENTS: 1 THE STATE OF KERALA
REPRESENTED BY HOME SECRETARY, HOME DEPARTMENT,

GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-, PIN - 695001 2 THE DIRECTOR GENERAL OF POLICE POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM -, PIN - 695014 3 THE STATION HOUSE OFFICER CHEEMENI POLICE STATION, CHEEMENI, CHERUVATHUR, KASARGODE, KERALA -, PIN - 671313

4 RAJU P NAIR PULINGAT HOUSE, PALOTH JN, KAIYOOR P.O, KAIYOOR VILLAGE, KASARGODE -, PIN - 671313 5 NISHAMOL C AGED 49 YEARS DY. COMMANDANT, CRPF, RTC, PERINGOME, KANNUR -, PIN - 670370 6 RADHAKRISHNAN P PALOTH HOUSE, KAIYOOR P.O, KAIYOOR VILLAGE, KASARGODE -, PIN - 671313 SRI.RENJIT GEORGE, SR.PUBLIC PROSECUTOR THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 31st day of May, 2024 This Writ Petition (criminal) has been filed under Article 226 of the Constitution of India and the prayers are as under:

(i) To issue a writ or order in the nature of mandamus or appropriate writ, direction or

order directing the 1st respondent to form a

team of police officers headed by an officer not below the rank of IPS and to submit the report within a time frame that may be fixed by this Hon'ble Court.

(ii) In the alternative to issue a writ or order in the

nature of Mandamus or appropriate writ, direction or order directing the 1st respondent to hand over the investigation to the CBI on the death of the child for a fair and proper investigation.

- (iii) To dispense with English translation of the documents in Malayalam language
- (iv) To grant such other reliefs, as deemed fit to be granted by this Hon'ble Court in the interest of justice and considering the facts and circumstances of the above case.

2. Heard the learned counsel for the petitioners and learned Public Prosecutor. Perused the case diary as such placed by the learned Public Prosecutor.

3. In this case, in between 1 hour and 13 hours on

08.02.2024, the son of the 1st petitioner and the 5th respondent found dead and initially FIR registered under Section 174 of Cr.PC for unnatural death. Now also the Police is of opinion that the same is a clear case of suicide.

4. The learned counsel for the petitioners would

submit that the child victim was a healthy able-bodied, brilliant student and there is no possibility of committing suicide by the child and therefore, how the child died is a matter of serious investigation and at present the petitioners, who are the father and the maternal uncle, are dissatisfied by the manner in which the case being dealt by the Police. Therefore, investigation by a higher official is the minimum prayer that has been pressed into.

5. The learned Public Prosecutor, based on the

reports placed along with the case diary, would submit that so far materials would substantiate suicide and the victim was a boy with tendency to commit suicide and he attempted to commit suicide seven times before the last one. However, the police is ready to address the grievance of the petitioners.

6. In this matter, the 1st petitioner is none other than

the father and the allegation of the father is that the child did not commit suicide and the cause of death is something different for which investigation is necessary.

7. Going by the case diary, now the case seen

handled by the Circle Inspector of Police, Cheemeni, Kasargod. In order to find out the truth of the allegations that has been levelled in this writ petition, it is necessary in the interest of justice, to direct an investigation and it is found by this Court that entrusting the matter for investigation regarding the allegations raised in this writ petition to the Deputy Superintendent of Police, Kasargod, would suffice to address the grievance of the petitioners. Therefore, this writ petition stands disposed of directing the Deputy Superintendent of Police, Kasargod to conduct a detailed investigation in crime No.68/2024 of Cheemeni Police Station and to file report within a period of three months from the date of receipt/production of a copy of this

judgment.

Sd/- A. BADHARUDEEN JUDGE nkr APPENDIX OF WP(CRL.) 484/2024
PETITIONER EXHIBITS Exhibit -P1 TRUE COPY OF THE F.I.R NO.62/2024
DATED 08.02.2024 Exhibit -P2 TRUE COPY OF THE JUDGMENT DATED
23.12.2015 IN OP (HMA) NO.917/2015, FAMILY COURT,
THIRUVANANTHAPURAM Exhibit -P3 TRUE COPY OF THE POST MORTEM
REPORT DATED 09.02.2024 ISSUED BY THE GOVERNMENT MEDICAL
COLLEGE, KANNUR Exhibit -P4 TRUE COPY OF THE COMPLAINT DATED
09.02.2024 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 3RD
RESPONDENT Exhibit -P5 TRUE COPY OF THE REQUEST DATED 27.02.2024
SEEKING INFORMATION UNDER RTI ACT A/W TYPED COPY Exhibit -P6
TRUE COPY OF THE REPLY UNDER RTI ACT NO. 05/E5/RTI/2024 DATED
23.04.2024 ISSUED BY THE 3RD RESPONDENT Exhibit -P7 TRUE COPY OF
THE PETITION DATED 10.04.2024 SUBMITTED TO THE 2ND RESPONDENT

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