

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
Friday, the 5th day of April 2024 / 16th Chaithra, 1946
WP(CRL.) NO. 377 OF 2024(S)

PETITIONER:

JAYAPRAKASH T, AGED 48 YEARS, S/O LATE K. THANKAPPAN PILLAI,
RESIDING AT KUNNUMPURATHU VEEDU, VINOD NAGAR, KURAKOD,
NEDUMANGAD P.O., THIRUVANANTHAPURAM DISTRICT, PIN - 695 541.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS, THROUGH SECRETARY, DEPARTMENT OF PERSONNEL AND TRAINING, GOVERNMENT OF INDIA, NORTH BLOCK, NEW DELHI, PIN - 110 001.
2. THE CENTRAL BUREAU OF INVESTIGATION, 6TH FLOOR, LODHI ROAD, PLOT NO. 5-B, JAWAHARLAL NEHRU STADIUM MARG, CGO COMPLEX, NEW DELHI, REPRESENTED BY THE DIRECTOR, PIN - 110 003.
3. THE SUPERINTENDENT, CENTRAL BUREAU OF INVESTIGATION (SIB), MAIN ROAD, NO. 21, ASHWINI, SANTHINAGAR, THIRUVANANTHAPURAM, PIN - 695 001.
4. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.

Writ petition (criminal) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(Crl.) the High Court be pleased to direct the 1st respondent to entrust the investigation with the 2nd respondent, following Exhibit P4 Government Order and other documents that were forwarded subsequently without any delay, pending disposal of the writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(Crl.) and upon hearing the arguments of M/S NISHA GEORGE, GEORGE POONTHOTTAM (SR.), A.L.NAVANEETH KRISHNAN, ANSHIN K.K, KAVYA VARMA M. M., SIDHARTH.R.WARIYAR Advocates for the petitioner, SRI.GEORGE POONTHOTTAM (SENIOR ADVOCATE) along with SMT.NISHA GEORGE & SMT.T.C KRISHNA, SENIOR CENTRAL GOVERNMENT COUNSEL for R1, SRI.K.P.SATHEESAN (SENIOR ADVOCATE) along with SRI.BHARATH MOHAN & SRI.P.NARAYANAN, PUBLIC PROSECUTOR for R4, the court passed the following:

P.T.O.

BECHU KURIAN THOMAS, J.

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Dated this the 5th day of April, 2024

ORDER

Petitioner is the unfortunate father of a victim who was allegedly subjected to inhuman treatment by the students of the College of Veterinary & Animal Sciences, Pookode, Wayanad. The incident occurred on 18.02.2024 when Sri.Sidharthan – son of the petitioner was found dead in the bathroom of the college hostel. A crime was registered as FIR No.77 of 2024 before the Vythiri Police Station, Wayanad for unnatural death. Since the postmortem report dated 19.02.2024 indicated several ante-mortem injuries, the State Government, on the request of the petitioner, decided to handover investigation of the case to the CBI. The notification to that effect was issued on 09.03.2024 under Section 6 of the Delhi Special Police Establishment Act, 1946 (for short, 'the Act').

2. Petitioner alleges that, despite the State Government having issued the aforesaid notification, the Officers under it delayed forwarding the papers to the Union Government for issuing appropriate orders under Section 5 of the Act. According to the petitioner, till date, the Union Government has not issued orders

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under Section 5 of the Act directing the CBI to take over the investigation due to the delay in forwarding the papers.

3. I have heard Sri.George Poonthottam, the learned Senior Counsel duly instructed by Smt.Nisha George, Smt.T.C.Krishna, the Senior Central Government Counsel appearing on behalf of the first respondent, Sri.K.P.Satheesan, the learned Senior Counsel on behalf of CBI duly instructed by Sri.Bharath Mohan and Sri.P.Narayanan, the learned Public Prosecutor appearing on behalf of the 4th respondent.

4. The learned Public Prosecutor appearing on behalf of the State of Kerala submitted that the files have been forwarded to the Central Government on 26.03.2024 and action is being initiated against the officers responsible for the delay.

5. The incident of ragging inflicted upon the deceased Sidharthan led to his death, alleges the petitioner. Taking note of the serious repercussions and the enormity of the offence, the State Government immediately decided to handover investigation to the CBI and a notification to that effect was also issued. Unfortunately, for reasons unknown, the files were not forwarded immediately to the Central Government. The delay has led the father of the victim to approach this Court for appropriate directions through this writ petition.

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6. Each day's delay can cause serious prejudice to the investigation already ordered. It may cause prejudice to the investigation and undue benefits to the perpetrators of the crime. Such a situation ought not to befall any investigation. Therefore it is upon the first respondent, Union of India, to initiate immediate action and issue the requisite notification under Section 5 of the Act, without further delay. The needful ought to be done before the next posting.

Post on 09.04.2024.



Sd/-

BECHU KURIAN THOMAS, JUDGE

RKM

APPENDIX OF WP(CRL.) 377/2024

Exhibit - P4

**A COPY OF THE G.O (M.S) 70/2024/HOME DATED 09.03.2024
ISSUED BY THE ADDITIONAL CHIEF SECRETARY.**

