

**പതിമൂന്നാം കേരള നിയമസഭ
പതിനഞ്ചാം സമ്മേളനം**

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ -224

30.11.2015 ൽ മറുപടിയ്ക്ക്

രാജമ്മ സമർപ്പിച്ചപരാതി

ചോദ്യം

ശ്രീമതി.ജമീലാ പ്രകാശം

ഉത്തരം

ശ്രീ.രമേശ് ചെന്നിത്തല
(ആഭ്യന്തരവും, വിജിലൻസും വകുപ്പ് മന്ത്രി)

(എ) നെയ്യാറ്റിൻകര താലൂക്കിൽ പൊഴിയൂർ മണലിവിള വീട്ടിൽ എസ്.രാജമ്മ, സമർപ്പിച്ച പരാതിയുടെ അടിസ്ഥാനത്തിൽ CBCID OCW-1 സൂപ്രണ്ട് ഓഫ് പോലീസ് അന്വേഷണം നടത്തി എ.ഡി.ജി.പി. ക്രൈംസിന് റിപ്പോർട്ട് സമർപ്പിച്ചിട്ടുണ്ടോ;

(ബി) എങ്കിൽ പ്രസ്തുത റിപ്പോർട്ടിന്റെ പകർപ്പ് സഭയുടെ മേശപ്പുറത്ത് വയ്ക്കാമോ;

(സി) പ്രസ്തുത റിപ്പോർട്ടിന്മേൽ എന്തു നടപടി സ്വീകരിച്ചു എന്ന് വ്യക്തമാക്കാമോ?

(എ) നെയ്യാറ്റിൻകര താലൂക്കിൽ പൊഴിയൂർ മണലിവിള വീട്ടിൽ എസ്.രാജമ്മ, സമർപ്പിച്ച പരാതിയുടെ അടിസ്ഥാനത്തിൽ CBCID OCW-1 പോലീസ് സൂപ്രണ്ട് അന്വേഷണം നടത്തി എ.ഡി.ജി.പി. ക്രൈംസിന് റിപ്പോർട്ട് നൽകിയിട്ടുണ്ട്.

(ബി) റിപ്പോർട്ടിന്റെ പകർപ്പ് അനുബന്ധമായി ചേർത്തിരിക്കുന്നു.

(സി) ക്രിമിനൽ നടപടി നിയമം 173(8) വകുപ്പ് പ്രകാരം ഈ കേസിന്റെ പുനരന്വേഷണം നടത്തുന്നതിന് ഉപോദ്ബലകമായ പുതിയ തെളിവുകളൊന്നും ലഭിച്ചിട്ടില്ലാത്തതിനാൽ പുനരന്വേഷണം നടത്തുന്നത് പ്രായോഗികമല്ല എന്ന വിവരം പരാതിക്കാരിയെ അറിയിച്ചിട്ടുള്ളതാണ്.

(Handwritten Signature)

സെക്ഷൻ ഓഫീസർ

Prasanna

1075



No. 04/PTN/CB OCW -1/15.
Office of the Superintendent of Police,
Crime Branch CID OCW-1,
Eanchakkal, Thiruvananthapuram.
Dated: 28.03.2015.

From
To
[Signature]

Superintendent of Police,
Crime Branch CID, OCW-1,
Eanchakkal, Thiruvananthapuram.

The Additional Director General of Police (Crimes),
Thiruvananthapuram.

Sir,

Sub: Report on petition from Smt. Rajamma, Pozhiyoor, W/o. Austin-
Devaraj (Late) Submitting of - reg.
Ref: No. D1/12505/CR/2004, Dated: 09.02.2015.

Kind attention is invited to the subject and reference cited above.

I am submitting herewith the enquiry report of the above reference presented by
Sri. A. Pramodkumar, Deputy Supt. of Police of this unit with original reference for kind
perusal and favour of further necessary action.

The report of the Deputy Supt. of Police and original reference are enclosed
herewith.

Yours faithfully,

[Signature]
28/3/15
Superintendent of Police,
Crime Branch CID, OCW-1,
Eanchakkal, Thiruvananthapuram

No 4/PTN/CB-OCW-1/15
Office of the Supdt of Police,
Crime Branch CID OCW-1,
Thiruvananthapuram.
Dated. 23.03.2015

From

A Pramodkumar,
Deputy Superintendent of Police,
CBCID OCW-I,
Thiruvananthapuram

To

Superintendent of Police,
CBCID OCW-I,
Thiruvananthapuram.

Sir,

Sub:- Petition filed by Smt. Rajamma Pozhiyoor, W/o. Austin Devaraj (the late)
(CBCID Crime 348/CR/S1/04) - report submitting of reg

Ref :- CBCID (HQ) ENDT No D1/12505/CR/2014 dated 9.2.2015

Kind attention is invited to the subject and references cited.

On 27-10-1990 at about 08.20 am, the father of the deceased Austin Devaraj went to Pozhiyoor PS and gave the FIS to H.C.T. 2651. On the basis of this statement H.C.T 2651 registered Pozhiyoor PS crime 126/90, U/s. 174 Cr PC. After holding inquest report, the body was sent to the Forensic Medicine Department, Medical College, Thiruvananthapuram for postmortem examination. Postmortem was conducted by Police Surgeon Sujathan. Investigation was done by the then CI Poovar. The service of FSL Expert, Finger Print Expert, Photographer and Dog Squad were seen used by I.O. Thereafter as per order No D1/4719/93 dated 24-2-1993 of the Superintendent of Police, Thiruvananthapuram Rural the investigation of this case was taken over by Sri. Krishna Pillai, the then DySP DCRB, Thiruvananthapuram Rural. Investigation was conducted by questioning and recording the statement of witnesses. After completing the investigation, final report was submitted stating that the death was accidental. Thereafter, on 6-6-95 Rajamma the wife of the deceased gave a petition to the Superintendent of Police for investigation. Accordingly as per order No D1/4737/95/T dated 6-6-95 of the Superintendent of Police, Thiruvananthapuram Rural, the investigation of this case was entrusted to P. Sridharan, the then CI of Police Venjaramoodu. He took over the investigation of the case on 8-7-95. His investigation should understand that on 10-10-90, the deceased was injured

alcohol from one arrack shop at Uchakkada junction after 9 pm and while he was proceeding to his house, he was effected with alcoholic withdrawal symptoms and when he reached near the spring pool fell in it. When he fell in the pool a broken glass bottle piece, which was in the pool penetrated into his belly. As a result, he died in the pool. Thus, he submitted the final report to the RDO Court, Thiruvananthapuram on 20.6.95 treating the case as death due to accidental fall.

Thereafter, as per order No.23969/D1/04/Home dated 3.8.04 the Director General of Police, PHQ transfer the investigation of Pozhiyoor PS crime 126/90 to CBCID. Accordingly as per order No D1/8734/02 dated 12.8.04 of the DGP, Crimes, Thiruvananthapuram, the case was transferred to CBCID, SIG-I, Thiruvananthapuram for investigation and entrusted to Shri. Rajamohanam, Detective Inspector, CBCID SIG-I Thiruvananthapuram for investigation. On 8.10.04 the SHO, Pozhiyoor re-constituted CD file containing pages 1 to 54 and handed over to Detective Inspector Shri. Rajamohanam and he conducted investigation from 8-10-2004 to 30-4-2005. The I.O has questioned 45 witnesses and recorded their statements.

It is also submitted that when the investigating officer Sri. Rajamohanam contacted the RDO Office, Thiruvananthapuram for getting the copy of Final report and the copy of FIR and connected records, he was informed that all the documents were destroyed after the elapse of time. Regarding this a letter has been received from the RDO, Thiruvananthapuram on 29-10-2004. After his investigation Shri. Rajamohanam, I.O prepared a factual report to treat the case as undetected. But instead of approving the factual report submitted by the Detective Inspector for treating the case as undetected, the investigation of the case was transferred to DySP, Shri. Sureshbabu of CBCID, SIG-I, Thiruvananthapuram on 1-9-2005. He conducted investigation up to 2-2-2006. He was also not able to make any progress in the investigation other than questioning and recording the statement of some of the old and new witnesses.

As per the Government, notification No 62576/M3/2005/Home dated 4-1-2006 the Government of Kerala has decided to transfer the investigation of this case to CBI. As per order No. D3/12505/CR/2004 dated 20-2-2006 the matter was referred to the CBI to make the CD file up to date. As per order No. D3/12505/CR/2004 dated 25-9-2006 the Director General of Police

(Crimes) it was informed that the CBI investigation is not necessary in this case and hence Crime Branch has to complete the investigation and to furnish a detailed report for onward transmission to Government.

There after vide order No D3/12505/CR/04 dated 2-1-2008 Shri G Somasekhar the then DySP of SIG-I took over the investigation of this case on 4-1-2008 and continued investigation up to 20-10-2008 and submitted the factual report to treat the case as undetected. Accordingly, vide order No D3/12505/CR/04 dated 27-4-2009 sanction was obtained to treat this case as UN and hence UN report was filed before the SDMC, Thiruvananthapuram on 13-5-2009

The main drawback of this case is that the original CD file of Pozhiyoor PS in crime 126/90, which includes the inquest report, photographs of the dead body at the scene of crime, Photograph of the place of occurrence, the M.Os collected with the case, investigation details conducted by Sri. Raghu Varma then CI of Police, followed by Sri. Krishna Pillai, DySP, DCRB, Thiruvananthapuram Rural and Sri B. Sasidharan then CI of Police, Venjaramoodu are missed and not available for further investigation. It was totally lost from Pozhiyoor Police station, Neyyattinkara DySP office and also from RDO Court. So it is very difficult to conduct a fruitful investigation in this case any further. The date of occurrence was 27-10-1990 that is more than 25 years completed.

On perusal of CD file available in CBCID, Forensic Medicine Director and Police Surgeon Dr Umadethan, FSI Director Scientific experts and the doctor who conduct the postmortem examination were visited the place of occurrence at that time and opined that "the width of the broken end of the glass bottle recovered from the scene of occurrence tally with the distance between two injuries found on the body of the deceased" and also ruled out the forcible fall of the deceased considering the injuries as well as the posture of the dead body. The investigation of the case was conducted by 6 officers (1) Sri. Reghuvarma, the CI, Poovar, (2) Sri. Krishna Pillai, DySP, DCRB, Thiruvananthapuram Rural (3) Sri. B. Sasikumar the CI, Venjaramoodu (4) Sri. Rajan, CI, CBCID (5) Sri. C. Keshibabu, DySP, CBCID S-3-1 and (6) Sri. G. Somasekhar, DySP, CBCID

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They opined that there was no substantiating evidence to prove the involvement of any other person in the death of Austin Devaraj. On questioning Dr. Devika Rani, Psychiatrist, Mental Health Centre, Thiruvananthapuram, who treated deceased Austin Devaraj opined that she was treated Austin from 30.10.1987 onwards and he was suffering from alcohol withdrawal syndrome and also revealed that the deceased had a history of illusion after consuming alcohol that somebody were trying to kill him and that he would run away from there and taken shelter in someplace. This mental illness might be the reason for his fall in the deserted pond. On the basis of above in investigation the IO opined that the death was due to "Deliberate fall due to the symptoms of mental Retardness". On the basis of above finding the IO submitted UN report before SDMC.

From the above mentioned reasons it is clear that further progress in investigation of this 25 years old case is not possible.

Submitted,



A. Pramodkumar,
Deputy Superintendent of Police
CBCID OCW-I,
Thiruvananthapuram.

17/01/2011

അമരം അനുബ.