

Jayakumar vs State Of Kerala on 7 January, 2020

3. On 06.04.2005, PW18-Sugathan was working as Additional Sub Inspector of the East Police Station, Kollam. On that day, he along with PW23-Shamsudheen went outside to conduct investigation in connection with Crime No.187/2005. They arrested the accused in the said crime at 02.45 pm on the same day itself. The accused in Crime No.187/2005 was brought back to the police station and entrusted to the police constable who was on sentry duty. Thereafter, PW18 went to the police club for lunch. After having lunch, PW18 was engaged in connection with VVIP duties and returned to the police station at 07.40 pm only. He received reliable information that one Rajendran was brought from Sanker's hospital, Kollam in connection with a mobile phone **theft case** by the Sub CrI.A.No.1267/2014 Inspector of Police and party attached to the control room. He also received Ext.P1-intimation that the aforesaid Rajendran was questioned by the police and thereafter he had developed physical illness and was taken to the hospital at 06.30 pm and while so, he succumbed to the illness at 07.30 pm. Accordingly, PW18 registered Ext.P14-FIR under [Section 174](#) of Cr.P.C for unnatural death. He had recorded the death of Rajendran in Ext.P8-General Diary stating the above facts. Over and above, PW18 entered in Ext.P8(e) that, pursuant to Ext.P1 intimation, Crime No.227/2005 under [Section 174](#) Cr.P.C was registered. PW18 further recorded in Ext.P15(a)-official notebook that, Crime No.227/2005 was registered.

4. Pursuant to the registration of Crime No.227/2005 under [Section 174](#) Cr.P.C, the Superintendent of Police made a request to the learned District Magistrate to depute one of the Executive Magistrates working under him to conduct inquest on the dead body of the deceased Rajendran. Accordingly, the learned District Magistrate authorised PW27, the then learned Sub Divisional Magistrate/Revenue Divisional Officer of Kollam to conduct inquest CrI.A.No.1267/2014 on the body of the deceased. On 07.04.2005, at 12.45 pm, PW27 conducted inquest on the body of deceased and prepared Ext.P21- inquest report, in the presence of PW24-Thulaseedharan, who is none other than the brother of deceased Rajendran and other police officials. Column No.11 in Ext.P21 is relating to apparent cause of death. Ext.P21 is silent regarding the apparent cause of death. However, it noted the apparent cause of death 'after the postmortem examination'. Column No.16 is pertaining to the opinion of the panchayatdars as to the cause and manner of death. It is stated in column No.16 that Rajendan, aged 37 was arrested in connection with a **theft case** and detained at East Police Station, Kollam in connection with the same and while so, he had developed physical ailments and two police constables attached to the police station escorted him to the District Hospital, Kollam and on the way, Rajendran passed away. It is specifically stated that no suspicion had arisen on account of the death of the deceased.

