
(1994) 12 AP CK 0030

In the Andhra Pradesh High Court

Case No : Writ Petition No. 2206 of 1994

V. Appukutta Menon and Another

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 23-12-1994

Acts Referred:

Citation : (1995) 2 ALT(Cri) 30 : (1995) CriLJ 1874

Hon'ble Judges : P. Ramakrishnam Raju, J

Bench : Single Bench

Advocate : G. Janardhana Kurup, for the Appellant; P. Innaya Reddy, Standing Counsel, for Central Government, Govt. Pleader for Home, V. Venkataramaiah and G. Raghuram, for the Respondent

Judgement

1. The first petitioner, retired Professor and a resident of Parur Town, Ernakulam District in Kerala State, filed this writ petition seeking for a direction to the second respondent-Director, Central Bureau of Investigation, New Delhi, to take up the investigation of Crime No. 19/93. The petitioner's youngest son by name Mr. Krishna Kumar had a brilliant academic carrier, took his M.Sc., degree with high rank from U.C. College, Alva, Mahatma Gandhi University. He joined as a research scholar in the University of Hyderabad, a Central University. On July 5, 1993 he achieved a break through in his research work and to celebrate his success, he distributed sweets among his friends and having discovered a new chemical compound, he telephoned to his guide Mehta, at 9.30 p.m. and informed him about the unexpected result achieved by him. He also telephoned to his father - the first petitioner. He has also transmitted this happy information to his uncle and his wife and other family members who reside at Hyderabad. However, on 6th morning, the dead body of Krishna Kumar was seen inside the Laboratory known as Cosist Laboratory where late Krishna Kumar was conducting this research work along with other research students like Hanumantha Reddy. The deadbody was first sighted by another research scholar at about 6 a.m. in the morning who gave this information on telephone to Professor Mehta who was also the acting Vice Chancellor of the University. The Chief Medical Officer of the

University Dr. Sarveswara Rao, at the first flush opined that the death might be due to cardiac arrest. The Sub-inspector of Chandanagar police station on information arrived on the scene, arranged for post mortem, which disclosed that all the internal organs of the dead body had a bright cherry red colour which is indicative of consumption of potassium cyanide. The Vice Chancellor and his associates prematurely declared that Krishna Kumar had committed suicide by consuming cyanide poison. Although the death is shrouded in mystery, there is absolutely no reason for Krishna Kumar to commit suicide at a moment when he achieved a break through in his research. There was a demand from the student community for a thorough probe into the cause of death of Krishna Kumar. There was not even an official condolence meeting contrary to the normal practice. The media had also published several news items regarding the mysterious death of Krishna Kumar. The first petitioner had sent a memorandum through the local M.L.A. to the Chief Minister of Kerala to use his good offices for ordering a C.B.I. enquiry in the matter besides sending representations to the Prime Minister seeking his intervention.

2. Late Krishna Kumar was a brilliant boy with mental poise and cool temper. He phoned up to his Professor around 9.30 p.m. about the success he achieved as he discovered a new chemical compound. Mr. Shanker is also another research student under the same Professor. He was the last person who had seen Krishna Kumar alive on 6-7-1993 around mid night. He, while leaving the Laboratory had asked Krishna Kumar to bolt the door of the Laboratory from inside. Dr. G. Hanumantha Reddy was also in the Laboratory along with Krishna Kumar and Shaker till 11.00 p.m. Mr. K. Venkateswara Rao was also in the Laboratory till 10.15 p.m. The fact that Mr. P. V. R. Charyulu entered the Laboratory on the 7th morning through a window of the first Laboratory which was closed but not bolted from inside shows that there was access for somebody else to enter the Laboratory while Krishna Kumar alone was inside. The local police did not conduct the investigation in a proper way to achieve the break through. The remnants of last drops though noticed by the police, they were not sent for chemical examination, nor the finger prints found on the steel tumbler were examined. The conversation between Krishna Kumar and his Professor was also not brought to light during investigation. Dr. G. Hanumantha Reddy, who was deputed by the A.P. State Council of Science & Technology, was also working under Professor Mehta. The police have not directed their investigation into the research work conducted by this scientist so as to know whether he had utilised the breakthrough achieved by late Krishna Kumar. No doubt, the petitioners have no positive proof in respect of any possibility for the murder of Krishna Kumar. In fact, in this writ petition, their relief is only to the limited extent viz., since the local police is not able to break the ice, it is better C.B.I. should be directed to take up the investigation. As the petitioners strongly believe that the theory of suicide by Krishna Kumar does not fit in to the circumstances leading to his death, the police should investigate thoroughly into the cause of death and take action against the culprits.

3. The, 3rd respondent, though not filed any counter, but produced the case file in Crime No. 19/93 of Chandanagar Police Station. The University of Hyderabad is impleaded as 7th respondent. In the counter-affidavit filed through the Registrar, it is stated that late Krishna Kumar is doing research under Professor Mehta. It is stated that on coming to know of the death of Krishna Kumar, Professor Mehta visited the Laboratory on 7th along with Doctor Sarveswara Rao. Police were also informed, who arranged for autopsy over the dead body. The University immediately appointed a Commission of Enquiry with Justice Gangadhara Rao, a retired Judge of the High Court of Andhra Pradesh and Professor Navaneetha Rao, a well known Chemist and Professor of chemistry and former Vice Chancellor of Osmania University, to enquire into the cause of death of Krishna Kumar. The Commission held its session, collected available evidence and finally came to the conclusion that Krishna Kumar's death appears to be more of suicide than homicide. The allegation that any close friend of Krishna Kumar could have made him drink a glass of Coco Cola or other drink added with cyanide poison was only surmise. Equally, the allegation that the new product discovered by Hanumantha Reddy under the guidance of Professor Mehta may be a continuation of the discovery earlier made by Krishna Kumar has no basis.

4. Under the A.P. Police Standing Order 1031, the Crime Branch, Criminal Investigation Department (CBCID) will ordinarily deal with crimes of certain classes including the cases of such nature as in the opinion of the Director General and Inspector General of Police, the Deputy Inspector General of Police or District Authorities should be dealt with by them. On 20-10-1994, the investigation was handed over to CBCID. The petitioners perhaps are not aware of this development. Now that the local police are not concerned with the investigation and the same is being conducted by CBCID under the direct control of Inspector General of the CBCID, the allegations against the local police made into insignificance.

5. Sri Janardhana Kurup, the learned Counsel for the petitioners relying on a decision reported in State of West Bengal and Others Vs. Sampat Lal and Others, contends that if the High Court is satisfied that the matter requires investigation by the Central Bureau of Investigation, Section 5 of the Delhi Special Police Establishment Act, 1946 will not come in the way, and, therefore, the question of obtaining the consent of the State Government u/s 6 of the Act does not arise. There cannot be any dispute over this proposition of law. The learned Counsel also relies upon another decision of the Supreme Court reported in Bhagwant Singh Vs. Commissioner of Police, Delhi, wherein the Supreme Court found on the facts of that case that the investigation conducted by the police about the occurrence was desultory and lackadaisical apart from adopting an attitude too soft so as not to embarrass certain family when vigorous pursuit of investigation is called for. The situation here is different. The petitioners could not establish that the investigating officers have adopted any indifferent or lukewarm attitude while conducting enquiry in this case. I have also perused the record of investigation and I am not in a position to hold that the investigation is either

lopsided or perfunctory.

6. The learned Counsel for the petitioners has asserted before me that the steel glass which contains a few drops of drink consumed by late Krishna Kumar was not sent for Chemical Analysis as well as finger prints that are found on the said glass. The steel glass was sent to the Chemical Analyst and the report of the Forensic Laboratory, Hyderabad dated 13-9-1993 shows that cyanide was found in the steel tumbler. No doubt, the steel tumbler was not sent for finding out whether it contains the finger prints of Krishna Kumar or others. The Enquiry Commission has also observed that it would have been better had the steel tumbler been sent for comparison of the finger prints, as if it is found that it contains the finger prints of Krishna Kumar it would have been another strong circumstance to come to the conclusion that Krishna Kumar committed suicide. The Investigating Officer might have thought that the finger prints are not clear and fit for comparison. By this circumstances alone, I would not be justified in coming to the conclusion that the investigation is lackadaisical or desultory, but at the same time no motive or circumstances have come to light that Krishna Kumar has resorted to commit suicide particularly at a time when he was overwhelmed with euphoria, and in these circumstances, it cannot be said that the petitioners who are no other than the parents of Krishna Kumar have no justification in assuming that there must be some foul play and that the matter requires sincere investigation.

7. The learned Government Pleader has also brought to my notice that from 6-7-1993 up to January 1994 investigation by the Police Department continued and several witnesses were examined. As already stated investigation was transferred to CBCID. In view of this changed circumstance the petitioners desire for a change of investigation has been partly satisfied. In view of above discussion, it is clear that there is not enough material to take the view that the investigation conducted by the local police is superficial or motivated. I will not be justified in interfering with the same, more so when the investigation is being carried on by the CBCID against whom no allegation whatsoever was made in the writ petition. However, having regard to the facts of this case that the death had occurred more than 17 months ago and as charge-sheet has not been filed so far, I direct the CBCID to whom the investigation is entrusted to complete the investigation as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this judgment. I may also observe that the Director General of Police may appoint any Additional DIG or Senior Superintendent of Police to supervise the investigation and to ensure proper investigation and for completion of the same on time and file proper charge-sheet, if the investigation so warrants.

8. Subject to above directions, the writ petition is disposed of. No order as to costs.

9. Order accordingly.