



2025:KER:21450

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

WEDNESDAY, THE 12TH DAY OF MARCH 2025 / 21ST PHALGUNA, 1946

OP(CRL.) NO. 350 OF 2015

AGAINST THE FINAL REPORT DATED 31.12.2013 IN CRIME:

84/CR/EKM/07 OF CBCID HHW-II, ERNAKULAM PENDING BEFORE THE

SUB DIVISIONAL MAGISTRATE COURT, FORT KOCHI

PETITIONER:

**ALL KERALA ANTI CORRUPTION AND
HUMAN RIGHTS PROTECTION COUNCIL
ZAM ZAM COMPLEX, METTUPALAYAM STREET,
PALAKKAD, REPRESENTED BY ITS PRESIDENT
ISACC VARGHESE.**

**BY ADV.
SRI.MANSOOR.B.H.**

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME AFFAIRS,
SECRETARIATE, THIRUVANANTHAPURAM, PIN-695001.**
- 2 DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM-695001.**
- 3 ADDITIONAL DIRECTOR GENERAL OF POLICE(CRIMES)**



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CRIME BRANCH, HEAD QUARTERS,
THIRUVANANTHAPURAM, PIN-695033.

4 THE SUPERINTENDENT OF POLICE
CBCID, HURT AND HOMICIDE WING-II,
ERNAKULAM.

BY ADV.
SRI. M.P. PRASANTH, PUBLIC PROSECUTOR

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
12.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

This original petition has been filed seeking further investigation in Crime Branch Crime No.84/CR/EKM/2007 of CBCID HHW-II, Ernakulam connected to Crime No.671/2002 of Aluva Police Station, Ernakulam registered under Section 174 of the Criminal Procedure Code with regard to the unnatural death of Swami Saswathikananda who was allegedly drowned at the bathing ghat on the Periyar bank in broad day light at about 9 am on 01.07.2002.

2. The crime was registered as per the statement of one Subramanyan, an Advisory Member of Adwaitasramam, Aluva and investigated by the then Circle Inspector of Police, Aluva Police Station under the supervision of the Deputy Superintendent of Police, Aluva. The investigation conducted by the local police, after examining 56 witnesses including the medical officer who conducted the autopsy, revealed that the death was due to drowning while Swami Saswathikananda was taking bath. The family members of the deceased dissatisfied with the



investigation approached this Court seeking further investigation and on the basis of the direction issued by this Court in O.P. No.34851/2002, the Superintendent of Police Ernakulam (Rural) was deputed to verify the entire investigation conducted and to conduct further investigation, if necessary. Accordingly, the Superintendent of Police Ernakulam (Rural) conducted investigation again by examining 33 witnesses including the relatives, the medical officer who conducted autopsy etc. After completing the investigation, he filed the final report before the Sub Divisional Magistrate Court, Fort Kochi on 28.07.2004 stating that the death was due to accidental drowning. Thereafter, the family members of the deceased along with Swami Sivanandagiri approached this Court by filing W.P.(C) No.23310/2004 seeking CBI investigation. This Court dismissed the Writ Petition. The Writ Appeal challenging the judgment of this Court was dismissed. The SLP filed before the Supreme Court also suffered dismissal. Still the Government of Kerala as per the order dated 28.03.2007



ordered further investigation by constituting a Special Investigation Team (SIT) headed by the 4th respondent. The SIT took over the investigation on 07.05.2007 and conducted investigation. The SIT after thorough investigation, filed Ext.P3 final report on 31.12.2013 holding that the death was due to accidental drowning. It is challenging the said report, this Original Petition has been filed. There is also a prayer to direct the 4th respondent to conduct further investigation under the supervision of an officer not below the rank of Inspector General.

3. I have heard Sri. B. H. Mansoor, the learned counsel for the petitioner and Sri. M. P. Prasanth, the learned Public Prosecutor.

4. As narrated above, the investigation and further investigation were conducted several times and all the investigations revealed that it was a case of death due to accidental drowning. The postmortem findings were consistent with death due to drowning. The chemical analysis report was collected. There is nothing in the



chemical analysis report to suggest that it is a homicide. Several witnesses were questioned. Ext.P3 report would reveal that the SIT headed by the 4th respondent conducted in-depth investigation considering all the aspects of homicide based on the allegations raised by the blood relatives, authorities of Sivagiri Mutt etc. The personal assistant of the Swami one Mr. Sabu, who was present at the bathing ghat, was an eye witness to the incident. The petitioner raised some doubt about the conduct and behaviour of the aforesaid Sabu and driver Subhash. They were interrogated and subjected to the polygraph examination. The examination report was negative. A detailed investigation was also conducted with regard to the superficial injury on the Swami's head and there was no suspicious circumstance in that matter. In the Original Petition, the petitioner stated that one Dr. Biju Ramesh had made a shocking statement that the death of Swami was a murder and the same was disclosed to him by one Priyan. Accordingly, a detailed statement of Dr. Biju Ramesh was



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recorded on 30.10.2015. Mr. Priyan to whom Dr. Biju allegedly made the statement was also interrogated. After conducting the further investigation, the SIT submitted the final report on 06.02.2021, reiterating that it is a case of accidental drowning. In these circumstances, I am of the view that no more investigation is necessary in this case.

Accordingly, the Original Petition is dismissed.

**Sd/-
DR. KAUSER EDAPPAGATH
JUDGE**

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APPENDIX OF OP(CRL.) 350/2015

PETITIONER'S EXHIBITS

- EXHIBIT P1** TRUE COPY OF THE F.I.R.AND F.I.S IN CRIME NO.671/2002 OF ALUVA POLICE STATION.
- EXHIBIT P2** TRUE COPY OF THE POST MORTEM CERTIFICATE ISSUED BY THE DR.C.ANILAKUMARI, ASSISTANT SURGEON, TALUK HEAD QUARTERS HOSPITAL,ALUVA.
- EXHIBIT P3** A COPY OF THE FINAL REPORT IN CRIME 84/CR/EKM/07 (CR 671/2002 OF ALUVA POLICE STATION DATED 31/12/2013 SUBMITTED BY THE FOURT RESPONDENT BEFORE THE SUB DIVISIONAL MAGISTRATES COURT, FORT KOCHI.
- EXHIBIT P4** TRUE COPY OF THE NEWS REPORT DATED 11/10/2015 IN DECCAN CHROINCLE.

RESPONDENTS' ANNEXURES

- ANNEXURE R1(a)** COPY OF F.I.R. IN CRIME NO.671/2002 DATED 1.7.2022.
- ANNEXURE R1(b)** COPY OF POSTMORTEM CERTIFICATE OF DR. ANILA KUMARI C., ASST. SURGEON, TALUK HOSPITAL, ALUVA.
- ANNEXURE R1(c)** COPY OF CHEMICAL ANALYSIS REPORT.
- ANNEXURE R1(d)** COPY OF JUDGMENT IN W P (C) NO. 23310/2004.
- ANNEXURE R1(e)** COPY OF JUDGMENT IN W.A. NO.1281/2006.



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- ANNEXURE R1(f) COPY OF G.O.(Rt) NO.866/2007 HOME DATED
28.3.2007
- ANNEXURE R1(g) COPY OF POLYGRAPH EXAMINATION REPORT OF
MR.SABU AND MR.SUBHASH
- ANNEXURE R1(h) COPY OF FINAL OPINION OF DR. ANILA
KUMARI C., ASSISTANT SURGEON, TALUK
HOSPITAL, ALUVA.
- ANNEXURE R1(i) COPY OF STATEMENT OF MR.BIJU RAMESHAN.