



CENTRE FOR CRIMINAL LAWS,
GOVERNMENT LAW COLLEGE, ERNAKULAM

2ND

ALL INDIA TRIAL ADVOCACY COMPETITION

2025

**Trial
Proposition**



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FIRST INFORMATION STATEMENT

I am Sankar S/o Ramachandran, aged 54, residing at Lovely Garden, Shantigiri Road, Pathanakode. I am the owner of Coffee Cube, a coffee shop near to NPA Engineering College.

Today on 01-08-2024, when I reached my coffee shop along with my employee, Mr. Dhruv Singh, at about 6:30A.M., I saw that a man was sitting at the corner table of the coffee shop with his head bent backward. It was only when I went closer that I realized that it was Suraj, our regular customer. I was shocked to find that he was unresponsive and his skin had a bluish tint, with foam around his mouth. There was a strong smell of alcohol around him. Within a short time, about ten people assembled there and saw the situation. I asked them not to enter the coffee shop or touch the body. To ensure this I also deputed my employee thereafter, I took my scooter and reported the incident at Pathanakode Police Station for taking necessary action.

Complainant/ Informant

Sd/-

Sankar R

FIRST INFORMATION REPORT

(Under Section 173 of the Bharatiya Nagarik Suraksha Sanhita (BNSS))

1. District : Kottakulam Police station : Pathanakode
FIR No. : 520/2024 Year : 2024
Date and Time of FIR : 01/08/2024 07.10 A.M.

2.

Sl. No	Acts	Sections
1	Bharatiya Nagarik Suraksha Sanhita	194

3. (a) Occurrence of offence : Not known
(b) Information received at police station : 01-08-2024 at 7:00 A.M.
(c) General Diary Reference Entry No. : 02 at 7:05 A.M.
4. Type of information : Oral
5. Place of occurrence
1. Direction and distance from PS : South East, 5 km
2. Location : Coffee Cube, near to NPA Engineering College, Pathanakode Village Road, Pathanakode.
6. Complainant/ Informant
(a) Name : Sankar R
(b) Father's Name : Ramachandran
(c) Age and date of birth : 54, 24-4-1970
(d) Occupation : Owner, Coffee Cube, Coffee shop near NPA Engineering College, Pathanakode
7. Victim/Missing/ Deceased details

Sl. No	Name	Age	Sex	Relative's Name	Address
	Suraj	23	Male		Unknown

8. Details of known/ identifiable/ suspected/ unknown accused with full particulars:

Sl.No	Name	Alias	Address
	Unknown		

9. First Information Contents:

Sankar S/o Ramachandran, the informant came to Pathanakode Police Station at 7 A.M. on 01-08-2024 and informed that a body of a male, whom he identified as Suraj, a regular customer at his shop was found dead at the coffee shop run by him near to the NPA Engineering College.

10. Action taken

Directed to take up the Investigation/ Self investigation : Self Investigation
Name of I.O : Arun Kumar
Rank : Circle Inspector
Circle Inspector, Sub Inspector and party proceeded to the occurrence spot at 7:15 AM on 01-08-2024. Informed Police Control Room and Dy.SP Pathanakode.
F.I.R read over to the informant, informant admitted it to be correctly recorded and a copy given to him free of cost.

11. Signature of Complainant/Informant : **Sd/-**
Sankar R S/o Ramachandran
12. Signature of Officer in Charge : **Sd/-**
Arun Kumar, Circle Inspector of Police

SUBMITTED

Name : Shyam Sarkar
Rank : Head Constable
PS : Pathanakode
District : Kottakulam
Date : 01/08/2024

SCENE MAHAZAR

Location: Coffee Cube, Pathanakode Village Road, Pathanakode
Date and time: 01/08/2024, 7: 30 A.M.
Officer In Charge: Arun Kumar, Circle Inspector, Pathanakode Police Station
Crime No.: 325/ 2024

The scene of occurrence is located at the corner table within the outdoor area annexed to the cafe - Coffee Cube, bearing no. PP/IV/182. The outdoor area is a rectangular plot running parallel to the Pathanakode Village Road, which runs from west to east. The outdoor seating area measures 10 m in length and 5m in breadth, covering a total area of 50 square metre. The corner table including the chairs area occupy a 1.0 m x 1.0 m space, positioned in the southeastern end of the plot. The road running north to south, parallel to the eastern side of the rectangular plot is MLA Road. All the boundaries were low-fenced, with an entrance located on the northern side. The chair at the corner table, where the body was found, was facing west. It is 3 m away from the MLA road and 6 m away from the Pathanakode Village Road.

The deceased was wearing a grey shirt and blue jeans which had been sealed and seized as SA1. The mobile phone in his left pant pocket was sealed and seized as SA2, a watch, sealed and seized as SA3 was found on his left hand. A shoe lace secured on top of his left elbow, was sealed and seized as SA4. A pair of shoes was also sealed and seized as SA5.

Pancha No: 1

Name: Balagopalan G.S

Age: 45

Address : Rani Nilayam, House No 2, Pathanakode Junction

Pancha No 2:

Name: Patrick Johnson

Age: 50

Address: Jacob's Paradise, MC Road, Pathanakode

We, the above-mentioned Panchas were called by Sub Inspector Mohan Raj, to act as Pancha in the present case on 1st August, 2024 at about 7.30 A.M.

The investigating team with gloved hands and masked mouths, entered the premises. A photographer and two forensic experts also reached the scene after a short while. The grey shirt and blue jeans on the body of the deceased were seized and sealed as SA1. They sealed and seized a mobile phone as SA2. In addition to that they found the watch of the deceased on his left hand of the deceased which was sealed and seized as SA3. Further, the shoelace tied above the left hand was sealed and seized as SA4 and the deceased's pair of shoes was also sealed and seized from the scene as SA5.

Except the above-mentioned items, no other item or property was seized by the police in our presence. The contents of the Panchnama were read over to us and are correctly recorded.

Pancha No. 1 – Sd/-

Name of the I.O.: Arun Kumar

Balagopalan GS

Rank: Circle Inspector, Pathanakode PS

Age: 45

Address : Rani Nilayam, House No 2, Pathanakode Junction

Pancha No. 2 - Sd/-

Mr. Patrick Johnson

Age: 50

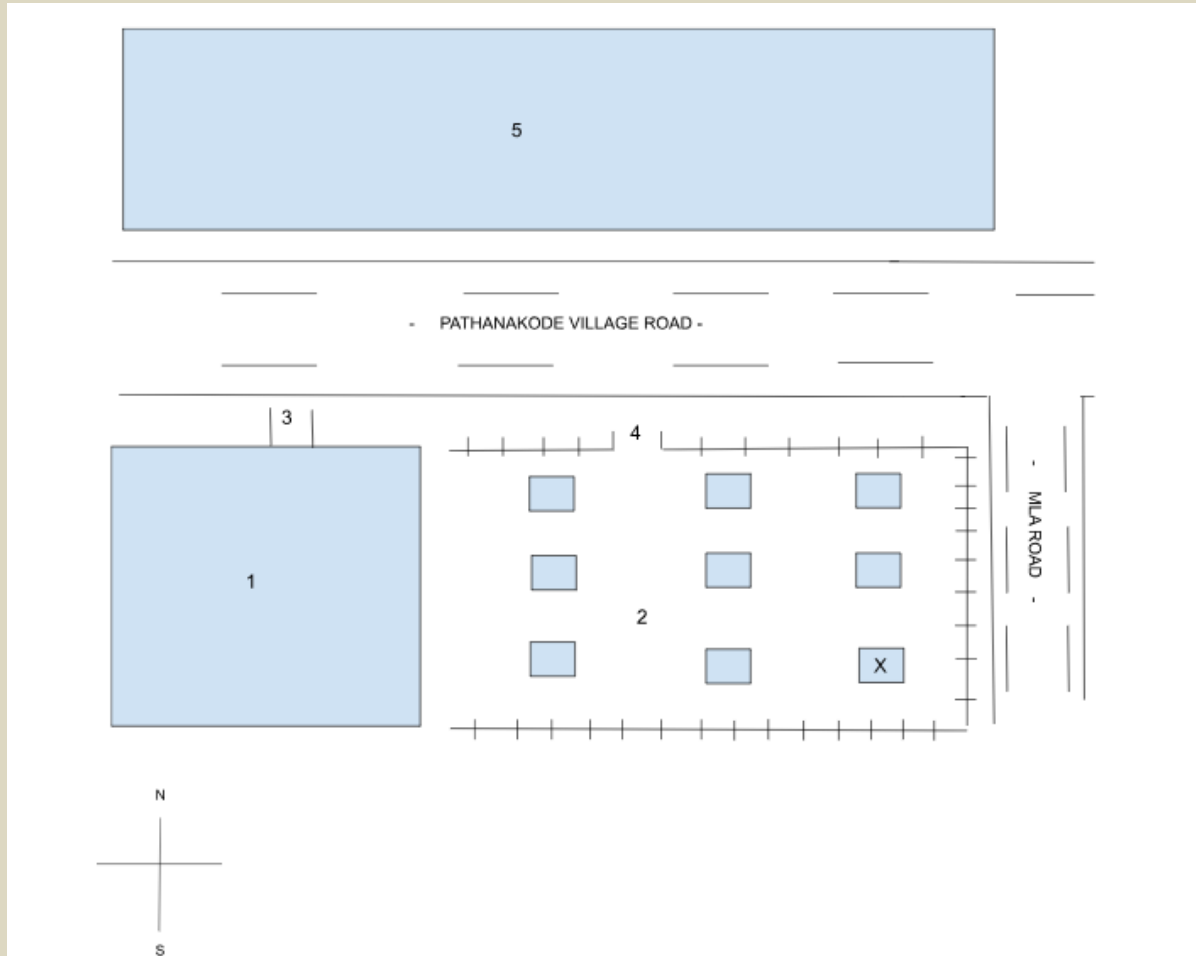
Address: Jacob's Paradise, MC Road, Pathanakode

SITE PLAN

Village : Pathanakode

Village Officer : Chander Mahesh

Cr No: 325/ 2024 OF PATHANAKODE POLICE STATION



x - Scene of Occurrence

+ - Low Fence

1 - Coffee Cube

2 - Outdoor Dining Area

3 - Coffee Cube main entrance

4 - Coffee Cube outdoor entrance

5 -NPA Engineering College

Seal

Sd/-

Village Office

Pathanakode

INQUEST REPORT

(Under Section 196 BNSS, 2023)

Report of investigation on the body of a person found dead at the outdoor area annexed to Coffee Cube, Pathanakode on 01/08/2024.

State : Karnapuram P.S : Pathanakode
Crime No. : 325/ 2024 Date: : 01/08/2024

1. Act/Section:
Bharatiya Nagarik Suraksha Sanhita, Section 194
2. Name, age, sex, residence of deceased person:
Suraj, aged 23 years, Male, S/o Krishnakumar, DLF Old Town Heights, Flat No. 23, Pathanakode
3. By whom first found, where :
Sankar, open area annexed to Coffee Cube
4. By whom last seen alive and, in whose company :
Avinash, friend of deceased at Coffee Cube
5. Height, colour and description marks :
170 cm, fair skin, a mole on the left hand below the elbow
6. Married or Single :
Single
7. State of Corpse, its posture, state of limbs, eyes, mouth, wounds if any, list of property on body :
The deceased was found seated on a chair; body leaning against the chair with head bent backwards in the outdoor area annexed to Coffee Cube. Wearing a grey shirt and blue pants. He had a watch on his left hand. The mouth of the deceased was partially open, stiffness in the jaw and upper limbs. The legs were extended forward slightly apart from each other, right knee acutely bent and the right arm was positioned loosely by the side. Left arm was placed over the armrest of the chair. The pupils were constricted, and the eyes were partially open. There was a bluish tint on the skin. Dried foam was noted around the mouth, with no visible wounds to the face or mouth. No significant external injuries were noted, except for a puncture mark, on the inner elbow of the left hand. The deceased's shoelace was tied above the left elbow.
8. Minute description of exact spot where corpse was found :

The corpse was seated in a chair in the south-eastern corner table at Coffee Cube. In front of the chair there is a square table and three more similar chairs. The corner table, the crime spot is situated 6 m from the Pathanakode Village Road. There is a strong smell of alcohol from the corpse's vicinity.

9. By what relative, the body is recognized and their statement in brief :
Krishna Kumar, Father of the deceased - The deceased left by around 05:00 PM to meet his friends, Avinash and Mili at Coffee Cube. But, the deceased did not return home on the night of 31-07-2024.
10. Apparent cause of death:
Not known
11. Any sign of violence
Nil
12. On whose order the corpse is sent for Medical examination. Name of police officer who took charge of the body for sending for post mortem.:
Under the orders of Inspector of Police, Pathanakode Police Station. Body took charge by SI Mohan Raj, who took the body for post mortem to Kottakulam Govt Medical College.
13. Date and time of commencement and completion of inquest
 - (a) Inquest commenced at (Time): 08.00 AM (Date): 01/08/2024
 - (b) Closed (Time) : 09.30 AM (Date): 01/08/2024
14. Name and signature of witnesses
 1. **Sd/-**
Balagopalan GS
Age: 45
Address : Rani Nilayam, House No 2, Pathanakode Junction
 2. **Sd/-**
Patrick Johnson
Age: 50
Address: Jacob's Paradise, MC Road, Pathanakode
15. Name and signature of officer, who prepared Inquest report :
Sd/-
Mohan Raj, SI, Pathanakode Police Station
16. Name and signature of Station House officer Inspector :
Sd/-
Arun Kumar, Circle Inspector, Pathanakode Police Station.

SEIZURE MAHAZAR

Upon information from Ansar Ali, the watchman at Side Zone Apartments, MC Road, Pathanakode about the discovery of suspicious content near the water tank on the terrace of the apartment, the following contents were seized on 2nd August 2024 at 4:00 P.M :

An empty bottle labelled 'Black by Bacardi', a syringe, a bottle with residue of an unknown drug in liquid form and a stainless-steel *kada* with the words 'Mili ♡ Suraj' embossed.

One empty bottle was a 750 ml bottle labelled " Black by Bacardi"

One syringe was a 9mL syringe with a needle of 8mm inserted into it.

One small drug bottle with a capacity of 30ml quantity with a yellow label.

One stainless steel *kada*, a circular metallic bangle, with a diameter of 7 cm with an inscription of "Mili ♡ Suraj" on the surface.

The syringe was sealed and seized as SA6, the bottle containing unknown drug was sealed and seized as SA7, the empty bottle labelled "Black by Bacardi" was sealed and seized as SA8, and the stainless steel *kada* sealed and seized as SA9. Upon receiving the information, the items were seized in the presence of witnesses.

The Mahazar commenced at 04:00 P.M. and was completed at 04: 45 P.M.

Sd/-

Arun Kumar,
Investigating Officer

Witness 1: **Sd/-**

Ansar Ali,
Age: 29
Watchman, Side Zone Apartments

Witness 2: **Sd/-**

Ramamurthy
Age: 62
Residence Association Secretary

DIRECTORATE OF MEDICAL EDUCATION

*DEPARTMENT OF FORENSIC MEDICINE AND
OFFICE OF POLICE SURGEON,
KOTTAKULAM GOVERNMENT MEDICAL COLLEGE*

POST MORTEM CERTIFICATE

PM 24/2024

Date : 01.08.2024

I, Dr Jayraj, Associate Professor of Forensic Medicine and Police Surgeon, Kottakulam Govt. Medical College certify here as under :

Dead body of a male named Suraj, aged 23 years was sent by the Inspector, Police Station, Pathanakode with the requisition dated 01.08.2024 for Crime no. 325/2024 through SI Mohan Raj for conducting postmortem examination and giving report. The body was identified by CPO 2567. The postmortem examination commenced at 10.30 am on 1.08.2024 and was concluded at 1.00 pm on the same day. The following findings were observed.

General Findings:

Body was of a well-built adult male, 170 cm in height and weighing approximately 63 kg, having fair complexion. Eyes partially open, congested conjunctiva and clear corneas. Bilateral dilation of pupils observed, further toxicological analysis required for determining the presence of central nervous system depressants or opioids. Face appears livid, consistent with hypoxia, dried froth observed on the chin, suggestive of pulmonary edema. Cyanosis of the fingernails is present. No signs of trauma, bleeding, or abnormal discharge are evident from any external body orifices. Rigor mortis fully established and retained. No signs of decomposition.

Injuries (Antemortem):

No visible injuries except for a puncture mark in the inner elbow of the left hand.

Internal Findings:

The lungs were found to be congested and edematous, with frothy, blood-tinged fluid observed in the airways, suggestive of pulmonary edema. The heart showed congestion of coronary vessels and mild hypoxic changes, consistent with oxygen deprivation. The stomach contained partially digested food with a noticeable odor of alcohol; mild inflammation of the gastric mucosa was noted. The brain appeared congested and swollen, with engorgement of cerebral vessels and features suggestive of hypoxia. Samples of viscera, blood, and saliva were collected and sent for chemical and toxicological analysis to determine the presence of any intoxicants or toxins

Opinion as to cause of death:

Preliminary findings suggest that death occurred due to acute respiratory depression, likely resulting from combined opioid and alcohol toxicity. The estimated time of death is within the past 13–14 hours. The final opinion is reserved, pending results from the chemical examination and toxicological analysis.

Sd/-

Dr. Jayraj,
Associate Prof of
Forensic Medicine
and Police Surgeon

Kottakulam Govt. Medical College

Forwarded to: The Judicial Magistrate of First Class,
Pathanakode

Copy to: The Circle Inspector of Police,
Pathanakode Police Station

GOVERNMENT OF KARNAPURAM
CHEMICAL EXAMINER'S LABORATORY DEPARTMENT

CERTIFICATE OF CHEMICAL ANALYSIS

*(Admissible as evidence under section 329 of THE BHARATIYA NAGARIK SURAKSHA
SANHITA, 2023)*

With reference to letter No. 26/2024 dated 1st August 2024 received from Dr. Jayraj, Associate Professor and Assistant Police Surgeon, Department of Forensic Medicine, Kottakulam Govt Medical College.

I hereby certify that I duly received the samples on 01 August 2024, the articles therein referred to are indicated below.

One sealed bottle containing the sample as described below collected from the deceased SURAJ, aged about 23 years involved in crime number 325 /2024 of Pathanakode Police Station for Chemical Examination.

Sl.No	Item No	Name of Item	Volume/weight/Nature
1	1	Blood	25 ml
2	2	Saliva	8 ml

The seal(s) on the bottle was intact and found tallied with sample seal provided by the doctor.

Date : 01.08.2024

Sd/-

Seal

Chemical Examiner's

Laboratory

GOVERNMENT OF KARNAPURAM
CHEMICAL EXAMINER'S LABORATORY DEPARTMENT

Item No 1: Blood

I. General Examination

a. Colour	:	Reddish Brown
b. Appearance	:	Liquid
c. Reaction	:	Reactive+
d. Smell	:	Ethanolic

II. Test for Ethyl Alcohol

a. Iodoform Test	:	Positive
b. Dichromate Test	:	Positive
c. Ethyl Acetate Test	:	Positive
d. Gas chromatography Analysis for ethyl alcohol	:	Positive
e. Quantity of ethyl alcohol	:	190 mg %

III. Test for drugs and other Tranquilizers

a. High- Performance Liquid Chromatography	:	Positive
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IV. Conclusion

Ethyl Alcohol was detected in the blood sample. The sample contained 190 mg of ethyl alcohol per 100mL of blood. 0.05 mcg/mL 6- Monoacetylmorphine and 0.03 mcg/mL Morphine detected.

Date: 01.08.2024

Seal
Chemical Examiner's
Laboratory

FORENSIC ANALYSIS REPORT

Investigation Officer : Arun Kumar, Circle Inspector of Police
Analyst : Dr Janet Sabu, Forensic Scientist
Date : 10th August, 2024
Crime No, : 325/ 2024

CERTIFICATE OF EXAMINATION

The articles seized from the scene of occurrence and articles seized during investigation of crime number 325/2024 of Pathanakode Police Station were received. The DNA on the received articles were compared with the DNA sample of the deceased (DS1). Fingerprint sample of the deceased (FP1) and Fingerprint sample of suspect Avinash (FP2) were received. The articles were received and sealed in a manner that corresponds to the materials as were informed to be received, all of which are summarised in the forensic report.

Examination of SA4

Two fingerprints were lifted from SA4, one conclusively matched with FP1 and one Matched with FP2. The DNA sample (from saliva swab) at the tip of the article matched with DS1.

Examination of SA6

Two fingerprints were lifted from SA6 from the plunger and the barrel of the syringe, one conclusively matched with FP1 and one matched with FP2. The DNA sample at the tip of the needle matched with DS1.

Examination of SA7

Two fingerprints were lifted from SA7, one conclusively matched with FP1 and one Matched with FP2. The contents in SA7 were examined and it was found to be Diacetylmorphine, commonly referred to as Heroin. The toxicology analysis indicated 50mg/mL of heroin in the solution.

Examination of SA8

Two fingerprints were lifted from SA8, one conclusively matched with FP1 and one Matched with FP2. The DNA sample at the tip of the bottle matched with DS1. The toxicology analysis of the contents of the bottle indicated the presence of ethyl alcohol.

Examination of SA9

Two fingerprints were lifted from SA9, one conclusively matched with FP1 and one Matched with FP2

10th August 2024

Sd/-

Dr Janet Sabu,
Forensic Scientist,
Chemical Examiners
Labarotary,
Kottakulam

FINAL REPORT

(under S. 193 Bharatiya Nagarik Suraksha Sanhita)

Submitted before the Judicial Magistrate of First Class, Pathanakode.

Place : Kottakulam Chargesheet No: 23/2024

Date of Filing : 30/09/2024

Police Station : Pathanakode Crime No.: 325/ 2024

Karnapuram State represented by: Arun Kumar, Circle Inspector of Police, Pathanakode

a) Name and address of accused : Avinash Damodar aged 23 yrs S/o Damodar
Gopakumar, Royal House, Thiriketapuram
-935 280

b) Charge /name of offence and circumstance connected with it in concise detail and under what section :

Offence u/s 103 of BNS wherein Accused with the intention of killing the victim, a male named Suraj S/o Krishnakumar, overdosed him to death in Coffee Cube, a shop near to NPA Engineering College, Pathanakode at about 08:30 PM on 31/07/2024.

c) Name of the persons acquainted with the case :

1. Sankar R, S/o Ramachandran aged 54 years, owner of Coffee Cube, near NPA Engineering College, Pathanakode.
2. Arun Kumar, Circle Inspector of Police, Pathanakode PS(Investigating Officer.)
3. Mohan Raj, Sub Inspector of Police, Pathanakode PS

4. Mili Narayan, D/o Prakash Narayan, aged 23 years, residing at New Heights Hostel for women Pathanakode.
5. Ansar Ali, aged 29 years, Watch man, Side Zone Apartments
6. Rajendar, S/o Joshy, aged 62 years, residing at Kovilakam(H), MC Road
7. Chander Mahesh, Village Officer, Pathanakode
8. Dr. Janet Sabu, Forensic scientist, Government Forensic Lab, Kottakulam.
9. Ajith Bose, S/o Bose, aged 24 years, Student, NPA Engineering College.
10. Krishnakumar, aged 58 years residing at DLF Old Town Heights, Flat No. 23, Pathanakode (father of the deceased)
11. Dr. Jayraj, Associate Professor, Govt. Medical College, Kottakulam
12. Damodar Gopakumar, F/o Avinash, aged 60, residing at Royal House, Thiriketapuram
13. Sanjoe Chakan, S/o Chakan, aged 24 years, Student, NPA Engineering College
14. Dr. Santhosh Kumar, Physician, De-addiction Centre, Pathanakode Jilla Hospital
15. Raheem, owner of Safia medical stores, Thiriketapuram

d) Whether any offence appears to have been committed if so, by whom:

Yes, the murder has been committed by the accused

e) Whether the accused has been arrested : Yes

f) Whether he has been released on bail : No

Accused is Avinash Damodar, S/o Damodar Gopakumar, aged 23 years, a student of NPA Engineering College, Pathanakode who has just completed his Automobile engineering course.

On 01-08-2024, Sankar R (CW-1), aged 54 years, running a coffee shop near NPA Engineering College, Pathanakode saw one male person in a seated position in the outdoor area annexed to the coffee shop. He could realize that the person was dead and identified him as Suraj, student of NPA Engineering College, a regular customer at his shop. The deceased was wearing a grey

shirt and blue jeans. He further described the presence of a white foam around the deceased's mouth. Within a short span, he came to the police station, narrated the story and thereafter the police reduced the matter in a written form, which is recorded as First Information Statement.

Further, upon the direction, the Sub- Inspector contacted the photographer and forensic experts who came to the scene. The scene was guarded, after completing the preliminary investigation, an Inquest Report was prepared. The inquest commenced at 8:00 am and concluded at 9:30 am. Thereafter the body of the deceased was taken to Kottakulam Govt. Medical College for post mortem. The body was handed over to Dr. Jayraj, Forensic Surgeon, who conducted the post mortem from 10:30 am to 01:00 pm in the presence of Mr. Krishna Kumar. The body was received by 01:30 pm which was handed over to Krishna Kumar, Father of Suraj.

Thereafter, the police as part of investigation questioned in detail the CW-1 about the functioning of the shop and enquired about the customers and about persons present on the day previous to the incident. It was learned that the accused, the deceased and a woman named Mili met at the coffee shop at or about 6.00 PM on 31-07-2024. After serving tea, CW-1 left the place after closing the shop at 7:00 PM. However, he remembered that the deceased and accused continued to sit in the open area of the coffee shop.

Krishna Kumar F/o the deceased, was examined by the investigating team about the incident wherein he informed that on 31-07-2024, Avinash had called his son, saying he wanted to speak to Suraj in person. He stated that his son was happy over the fact that they were going to sort things out since their course was almost ending. He added that his son left the house by 05:00 pm but did not return home at night. Since Suraj used to stay back at the accused's house at times, Mr. Kumar explained to the police that he did not enquire any further.

The Team examined the woman, Mili Narayan (CW-2) who was known to accompany the accused and the deceased. She is residing about 5 kilometers away from the Coffee shop at a Women's hostel. She acknowledged the meeting between the deceased, the accused and herself at the coffee shop on 31-07-2024 at or about 5:45 PM. She stated that the accused and deceased initially talked out and sorted their problems and thereafter seemed normal throughout. However, she added that she noticed the accused offering drugs to the deceased, to which the deceased refused. She left the shop at or about 6:30 PM as she had to enter the hostel by 7:00 PM. CW-2 informed that though she tried contacting Suraj late at night, his phone was switched off.

Ajith Bose (CW-3), another college mate of the deceased, informed that he, along with a friend Sanjoe, also a student of NPA, joined the accused and the deceased at around 6:45 PM. He stated that the accused was offering alcohol to them, particularly the deceased, saying that they were all celebrating the revival of their friendship. However, he noticed that the accused had not consumed alcohol. Further, CW-3 informed that the accused had in the past, after getting heavily intoxicated, stated that he shall “settle with Suraj once and for all”.

On the same day, the Police reached the residential place of the accused, but could not find his person. On enquiry with the watchman of the apartment, Sri. Ansar Ali, watchman at Side Zone Apartment (CW-4), it was inferred that Avinash had reached back the apartment only by 8:30 pm. Later, at or about 8:45 pm, his parents too reached the place. After 10 minutes, they left the apartment after handing Ansar the spare key of their apartment.

Further, upon knowing the death of a person named Suraj, CW-4 remembered the presence of a rum bottle, a syringe, a small bottle, and a *kada* with ‘Mili ♡ Suraj’ embossed on it on the terrace. The police examined the area and found the contents, consisting of an empty rum bottle, bottle of unknown drug, a syringe and a *kada* at the backside of the water tank of the apartment terrace. The syringe was measured by the team, which was found to have a detachable needle of 8 mm and sealed it in a plastic cover (SA6). The bottle was found to be an empty one with the label - ‘Black by Bacardi’(SA8). The *kada* with the label - ‘Mili ♡ Suraj’ on it was marked as (SA9). The drug bottle was preliminarily identified as a narcotic drug with liquid drops of white color at the sides (SA7). A seizure report was prepared in the presence of witnesses- Ansar Ali, the watchman of Side Zone Apartment and Ramamurthy, Residence Association Secretary.

Thereafter, on 03-08-2024, the police reached the native place of the accused, but no other person except his mother was found at his home. Therefore, the police made a surveillance in and around the area where he is residing and took him from the nearby house owned by one Mr. Rajendran. The accused was questioned at the house and after repeated questions, he confessed about the crime.

On further questioning with the accused, he narrated his version regarding the incident on 31-07-2024. He stated to the police that after Mili left for her hostel, they spent more time at the coffee shop. Once after assuring the deceased that they were back to being good friends like before, the accused offered him alcohol. Though the deceased kept refusing, he persuaded him to have one, to celebrate their reunion. After making sure he was drunk and dizzy, he further

gave the deceased a safe dose of heroin which the deceased inflicted upon himself. The accused had the knowledge of the reaction that might occur since his doctor, Dr. Santosh Kumar (CW-6) while he was admitted at the de-addiction Centre, had warned him not to drink alcohol and not to subsequently take drugs, since it would cause fatality, if left unattended. This triggered and caused an overdose in the body of the deceased, leading to his death. Thereafter, the accused fled the scene and subsequently abandoned the bottle, syringe and the bracelet of the deceased near to the water tank on the terrace of the apartment.

Once after concealing the material evidence, he went along with his parents to his native place for an interview for the next day. However, he was supposed to come on 02-08-2024, but fearing police investigation, he hid himself in a nearby house owned by one Rajendran. On the basis of this information, an arrest memo was prepared and the accused was arrested on ground of murder under section 103 of the Bharatiya Nyaya Sanhita, 2023. The accused was produced before the Judicial Magistrate of First-Class, Pathanakode on 04-08-2024. Magistrate remanded him to judicial custody for 14 days.

The postmortem of the body was conducted at 10.30 AM on 01.08.2024 at the Kottakulam Govt. Medical College. As per postmortem report, the death of the victim was caused due to an alcohol triggered overdose, leading to respiratory depression. Doctor Jayraj, Associate Professor, Kottakulam Govt. Medical College conducted the postmortem (CW- 5).

The syringe, small drug bottle and rum bottle, seized and belonging to the accused, and *kada* seized and belonging to the deceased were sent for forensic test. It was revealed in the DNA test that the fingerprints on the three SAs were that of the deceased and the accused, as conducted by Dr. Janet, the forensic scientist.

From the investigation, it is inferred that the accused had an intention to kill the deceased which emanated out of the jealousy towards him, due to the affair between the deceased and his girlfriend, Mili. The accused induced the deceased to drink a whole bottle of rum, and further adduced maliciously the deceased to self-inflict the narcotic substance. Provided further that since the accused had sufficient knowledge over the effects of taking alcohol alongside narcotic substances, it can be clearly inferred that he had executed the plan in conformity with his malicious intention. The accused had immediately left the place after executing his act as to diminish any chances of him providing any sort of medical assistance to the deceased and further to deviate the cause of death to a mere accident. Further, the accused tried to destroy the substantial evidence in the case by hiding the syringe, small bottle, the alcohol bottle and

the *kada* belonging to the deceased at the apartment terrace. In addition, there are no other suspects in this case. From the aforesaid evidence, it is proved that the accused Avinash has single handedly committed the murder of the deceased. Hence this is a fit case for the prosecution to get the accused convicted for murder under S. 103 of the BNS.

Sd/-

Arun Kumar

Investigating Officer

STATEMENTS

SANKAR R

I am Sankar R, aged 54 years, the owner of Coffee Cube café near the NPA Engineering College, Pathanakode. I have been running the café for the past 25 years and NPA students are my daily customers. I do know most of them. Avinash, Suraj, Mili and some of their friends are also frequent visitors. Avinash and Suraj used to come together very frequently in their initial years and after a while they stopped coming altogether. So, on 31-07-2024, when they came, I spoke to them and they both seemed very happy. I closed my shop at 7:00 P.M.. Since some of these students stay even after closing the café, I did not mind Suraj and Avinash staying back in the outdoor space and chit chatting.

The next morning, at 6:30 A.M, when I reached the place, I saw Suraj on the chair. My initial thought was that since he was highly drunk, he might have slept there. But when I came near to him, I saw a bluish tint throughout his body and a dried foam like substance near his mouth. So, I just checked whether he was breathing and he was not. So, I made Dhruv Singh guard the scene and I rushed to the police station where I gave my statement.

MILI NARAYAN

I am a student of the NPA Engineering College studying in the final year of Automobile Engineering course. I know the deceased, Suraj. We were in a committed relation from the past two years. In fact, we have been really good friends from our initial days in college. We used to visit the house of Avinash along with some other friends, frequently from our very first year in college. Avinash and Suraj used to be really good friends and would drink quite often. But, after speaking about my relation with Suraj, it seemed as if there were some tensions between Suraj and Avinash. Sometimes, Avinash would behave very aggressively with Suraj, something that I'd never seen before. I particularly remember this one time when there was a heated argument among them and Avinash said that he'd make Suraj pay back. But, after a while they both had sorted things and were normal back again.

I have felt that after Avinash became addicted to drugs, he became someone completely different. He was behaving very aggressively towards Suraj and our other friends and we felt that he didn't understand what he was speaking and to whom. We took him to the deaddiction centre and thereafter we did not notice any indifference in his attitude.

On 31-07-2024, I, Suraj and Avinash met at Coffee Cube, a coffee shop near to our college, since Avinash wanted to sort something with Suraj. We reached there by 5:45 pm and sat in the outdoor area. Initially, they sorted their differences and it was all normal. Afterwards Avinash did ask Suraj if he was interested in taking drugs to which Suraj clearly refused. I left by 6:30 P.M since the hostel curfew was from 7:00 P.M. Suraj and Avinash were chatting by the time I left. I could not notice anything unusual in their behaviour. I tried contacting him at about 9:30 P.M but his phone was switched off.

I came to know about the death of Suraj after I came to college on 01-08-2024 at or about 10:00 A.M. By that time the body was taken for postmortem.

AJITH BOSE

I am Ajith Bose, a student of NPA Engineering College. I know the deceased and the accused. They were my good friends. Mili is also a close friend of mine. From our initial days in college, we used to go to the accused's residential house and spend time together. We used to take drinks most of the times. All of us have even gone for rave parties during our initial days in college. But, after Mili and Suraj got in a relation, Avinash's relation with Suraj got excessively strained and they had frequent fights. I remember one time; after excessively drinking he had told me how he loved Mili and how Suraj snatched her away from him. He had then said that he shall "settle with Suraj once and for all". However, matters started getting way out of hand when the accused developed an addiction to drugs. So, we stopped frequenting his house. He was indeed very violent after taking drugs. We started getting worried on his condition. So, we got him admitted to Pathanakode Village Hospital. After discharging, he had some sort of an inferiority complex but later on, he seemed to be normal yet again.

On 31-07-2024 at around 6: 45 P.M, I and Sanjoe saw Avinash and Suraj at the café. We stopped by and spoke to them. Suraj was extremely happy over the fact that his issues with Avinash got resolved. While we were speaking about our college life, I noticed that Avinash brought us some drinks and he was particularly asking Suraj to drink to celebrate the revival of their friendship. Suraj was drinking a lot while Avinash was speaking about his future plans to us. I was surprised to see that Avinash did not consume any alcohol since his doctor advised him not to. When I asked Avinash whether we should drop Suraj home, Suraj said that he'd come with Avinash. Hearing this, we left the place.

ANSAR ALI

I am Ansar Ali, working as a watchman for the past five years at the Side Zone Apartments, Pathanakode, the apartment where Avinash resides. Avinash is a resident at Flat No 3B and he has been residing here since 2020.

On 31.07.2024, I saw Avinash come to the apartment by 8:30 pm. His parents too arrived at the apartment at around 8:45 P.M. He left with his parents after about 10 minutes. When the police officers came to the apartment enquiring about the death of Mr Suraj, I instantly remembered that I had seen a “kada” with “Mili ♥ Suraj” embossed on it. It was left beside the water tank on the terrace along with an alcohol bottle, a syringe and a small drug bottle.

That morning I had gone to the terrace to check for maintenance of the water tank. Though I did notice the items, before I could collect them and enquire about it, I was called downstairs, urgently by one of the residents. When the police officers informed me about the death of the person named Suraj, I remembered finding the items on the terrace and pointed them out to the police.

Dr. JAYRAJ

I am Dr. Jayraj, aged 45 years, Associate Professor of Forensic Medicine and Police Surgeon, Kottakulam Govt. Medical College. I conducted the Post Mortem examination of the deceased, Suraj. During the examination no external injuries were noted on the body of the deceased other than that of a puncture mark above the left elbow. The preliminary findings indicated death to be consistent with respiratory edema, suggestive of opioid overdose.

The fingerprint sample collected from the deceased and the DNA sample of the deceased all matched with the seized articles as per the Forensic Analysis Report as prepared by Dr. Janet. The seized drug bottle also contains Heroin as per the Forensic Analysis Report. The fingerprint of the accused also matches with the fingerprints lifted from the seized articles.

The chemical analysis of the blood sample sent for analysis at the Chemical Examiner's Laboratory, detected the presence of 6- Monacetlymorphine and morphine, which are metabolites of Heroin, confirming the use of this opioid. Additionally, the report also indicated a high level of alcohol in blood. Based on the combined findings, the cause of death is acute respiratory depression resulting from opioid overdose, aggravated by alcohol consumption.

Dr. SANTHOSH KUMAR

I am Dr. Santhosh Kumar, aged 53 years, an addiction medicine physician at Pathanakode Village Hospital. The accused came to me for de addiction treatment in December 2023 and stayed till mid of March 2024. The accused had an addiction towards narcotic substance liquid heroin. Avinash also had a history of drinking alcohol from the age of 18 years. Considering its prominent effect on the health of the accused, I had advised him not to take drugs along with any moderate quantity of alcohol, since it could cause fatality amounting to death. I felt he understood the severity of the situation. After the period of treatment, he was doing quite well and was never re-admitted to the hospital.

DAMODAR GOPAKUMAR

I am Damodar, father of the accused. My son is staying near his college in a rented house. I know the deceased, Suraj and his friends. They had visited my house thrice during their vacations. My son got addicted to drugs after he failed two subjects in his sixth semester examinations. He had told me how he is not able to concentrate on his examinations after this incident. I got to know he takes drugs only after Suraj and Mili had contacted me. In fact, they had accompanied me to take him to the deaddiction centre of Dr Santhosh Kumar. After his treatment, he behaved perfectly with us and he did not return to taking drugs again.

My son did not kill his good friend, Suraj. In fact, on 31-07-2024, my wife, Vinaya and I had visited my son's place by 8:45 pm. When we reached his apartment, he had just completed packing his bag and within 5 minutes we all left his place. We went to a local restaurant, Sandhya Uphara, falling within a radius of 5 km from his apartment for a family dinner. and he came along with us to our house, in Thiriketapuram, about 200 km away to stay with us and further to attend his interview the next day.

SANJOE CHAKAN

I am Sanjoe, a student of NPA Engineering College, Pathanakode. I know Avinash and Suraj. They are my good friends. We used to spend some time at the residence of Avinash. He started taking drugs only after his bad performance in college since he used to be a topper in school and this drastic degradation seemed to severely affect him. He behaved very aggressively with everyone after getting addicted. But, after he got discharged, I didn't notice any aggressiveness in his behaviour towards Suraj or anyone.

On 31.07.2024, when I and Ajith had joined them, I noticed that Suraj's behaviour was a bit extraordinary. While we were reminiscing on our good old days, he was saying how he used to enjoy taking drugs at rave parties and how he so missed it. Then, while speaking he started taking alcohol and spoke on how he has changed after Mili came into his life. I remember that by then, Avinash did describe how he used to enjoy taking drugs, but he has changed for the good and can never go back to that. By this time Suraj was heavily under the influence of alcohol and he expressed his urge to take drugs.

ABHISHEK JOSE

I am Abhishek Jose, HR Manager at Speed Cars Automobile Engineering Company. The accused, Mr. Avinash, had come for an interview at our office in Thiriketapuram for the post of Assistant Engineer on 01.08.2024 at 9:30 am. We had received his follow-up and final confirmation to our email at 8:42 pm on 31.07.2024. He was a good candidate and performed well for the interview. Out of the 35 candidates who had interviewed, he was one among the 15 shortlisted.

COMMITAL ORDER

**IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS,
PATHANAKODE**

In the matter between

CP No. 384/2024

State of Karnapuram

Prosecution

v.

Avinash Damodar

Defence

COMMITTAL ORDER

Whereas information has been laid before me and on the consideration thereof, I have reasons to believe that the accused Avinash Damodar, S/o Damodar Gopakumar, aged 23 years, Royal House, Thiriketapuram is alleged for having committed the offence of Murder of one Mr. Suraj K on 31st of July, 2024.

Since the offence is under Section 103 read with section 286 of the Bharatiya Nyaya Sanhita, 2023, it is exclusively triable by the Court of Sessions at Kottakulam. Notice of the Committal Order has been given to the Public Prosecutor. Copies of the Final Report of the Investigating Officer have been given to the accused.

Sealed

Sd/-

Date: 22.10.2024

Ravi Nandan

WITNESS BIFURCATION

PROSECUTION WITNESSES

CW 1 – SANKAR R

CW 2 – MILI NARAYAN

CW 3 – AJITH BOSE

CW 4 – ANSAR ALI

CW 5 – DR JAYRAJ

CW 6 – DR. SANTHOSH KUMAR

CW 7 – INVESTIGATING OFFICER

DEFENCE WITNESSES

ACCUSED - AVINASH DAMODAR¹

DW 1 – DAMODAR GOPAKUMAR

DW 2 – SANJOE CHAKAN

DW 3 – ABHISHEK JOSE

¹ As per application filed by the accused under Section 353 of the BNSS

SA LIST

SA 1 Grey shirt and blue jeans of the deceased

SA 2 Mobile Phone of the deceased

SA 3 Watch of the deceased

SA 4 Shoe lace

SA 5 Shoes of the deceased

SA 6 Syringe

SA 7 Small drug bottle

SA 8 Alcohol bottle

SA 9 *Kada* of the deceased

PHOTOS



THE CORPSE



SA 2 - MOBILE PHONE



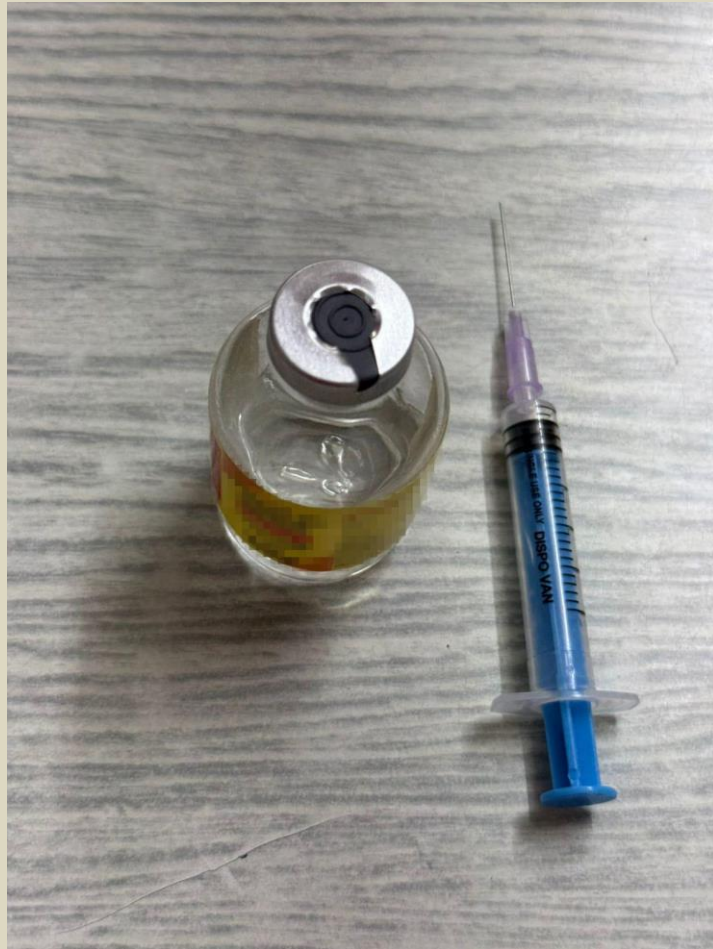
SA 3 - WATCH



SA 4 - SHOE LACE



SA 5 - SHOES



SA 6 - SYRINGE
SA7 - SMALL DRUG BOTTLE



SA 8 - ALCOHOL BOTTLE



SA 9 - *KADA*

LIST OF ABBREVIATIONS

<i>SA</i>	-	<i>Seized Article</i>
<i>CI</i>	-	<i>Circle Inspector of Police</i>
<i>SI</i>	-	<i>Sub Inspector of Police</i>
<i>DySP</i>	-	<i>Deputy Superintendent of Police</i>
<i>PS</i>	-	<i>Police Station</i>
<i>I.O</i>	-	<i>Investigation Officer</i>
<i>CW</i>	-	<i>Court Witness</i>
<i>DW</i>	-	<i>Defence Witness</i>
<i>BNSS</i>	-	<i>Bharatiya Nagarik Suraksha Sanhita</i>
<i>BNS</i>	-	<i>Bharatiya Nyaya Sanhita</i>
<i>m</i>	-	<i>metre</i>
<i>mm</i>	-	<i>millimetre</i>
<i>cm</i>	-	<i>centimetre</i>
<i>mcg</i>	-	<i>micrgram</i>
<i>mL</i>	-	<i>miliLitre</i>