



2026:KER:77377

Crl.R.P No.214/2026

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

FRIDAY, THE 9TH DAY OF OCTOBER 2026 / 17TH ASWINA, 1948CRL.REV.PET NO. 214 OF 2026CRIME NO.1591/2018 OF MANGALAPURAM POLICE STATION,
THIRUVANANTHAPURAMAGAINST THE ORDER DATED 23.12.2025 IN CRMP 2307/2025
IN CC NO.23 OF 2021 OF CHIEF JUDICIAL
MAGISTRATE, THIRUVANANTHAPURAMREVISION PETITIONERS/PETITIONERS IN CRL.M.P.2307/2025:

1 K.C UNNI
AGED 77 YEARS
S/O SANKUNNI NAIR,
RESIDING AT TC 42/415,
CHADIYARA, POOJAPPURA P.O,
THIRUVANANTHAPURAM,
PIN - 695012

2 B. SANTHAKUMARI
AGED 72 YEARS
W/O K.C UNNI,
RESIDING AT TC 42/415,
CHADIYARA, POOJAPPURA P.O,
THIRUVANANTHAPURAM,
PIN - 695012

BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.MANJU R. KARTHA
SMT.SNEHA BRIGIT PRINCE
SMT.GREESHMA T.G.
SMT.GOWRY GOPINATH
SHRI.ABIN K. SEBASTIAN



2026:KER:77377

Crl.R.P No.214/2026

2

RESPONDENTS/RESPONDENTS IN CRL MP 2307/2025:

- 1 STATE OF KERALA
 REPRESENTED BY REPRESENTED BY THE PUBLIC PROSECUTOR,
 HIGH COURT OF KERALA,
 ERNAKULAM, PIN - 682031

 - 2 CENTRAL BUREAU OF INVESTIGATION
 REPRESENTED BY DIRECTOR,
 C.B.I HEAD QUARTERS, NEW DELHI.,
 PIN - 110003

 - 3 DEPUTY SUPERINTENDENT OF POLICE
 CENTRAL BUREAU OF INVESTIGATION,
 SPECIAL CRIME BRANCH, THIRUVANANTHAPURAM,
 PIN - 695004

 - 4 THE INSPECTOR OF POLICE CENTRAL BUREAU OF
 INVESTIGATION,
 SPECIAL CRIME BRANCH,
 THIRUVANANTHAPURAM, PIN - 695004
- SRI. K.P. SATHEESAN SR. SPECIAL PUBLIC PROSECUTOR
SRI. SAMEER.S, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 30.07.2026, THE COURT ON 09.10.2026 PASSED THE
FOLLOWING:

**ORDER**

The order dated 23.12.2025 of the Chief Judicial Magistrate Court, Thiruvananthapuram disallowing the prayer for further investigation and stay of proceedings in C.C.No.23/2021 of the said Court, is under challenge in this revision petition filed at the instance of CW1 and CW2 of that case.

2. The facts of the case in conspectus, are as follows:

Balabhaskar, a renowned Violinist met with an accident at about 4:15 a.m on 25.09.2018 at National Highway near CRPF Camp, Pallippuram while he was travelling in his Innova Car with his wife Smt.Lakshmi and 1½ year old daughter Baby Thejaswini Bala. They were on their return trip from Thrissur after attending some rituals at a temple on the preceding night. The car was said to have been driven by one Mr.Arjun K.Narayanan, the accused in the aforesaid case. It is stated that the car which was at a speed of about 94 Kms per hour, swerved towards the right side and rammed against a tree by the side of the National Highway. The people of that locality and



2026:KER:77377

Crl.R.P No.214/2026

4

the staff and travellers of a KSRTC bus which was behind the above car, involved in rescue operations. Baby Thejaswini Bala was immediately taken to the Ananthapuri Hospital, Thiruvananthapuram, but she was declared as brought dead. Mr.Balabhaskar and his wife were taken to the Medical College Hospital, Thiruvananthapuram where they were admitted at the casualty and taken care of by the PG Doctors. Within a few hours, the friends and relatives of Mr.Balabhaskar were alerted. One Mr.Prakash Thampi, a close friend of Mr.Balabhaskar, immediately rushed to the Medical College Hospital and Ananthapuri Hospital and took stock of the situation. At his involvement, Mr.Balabhaskar and his wife were also shifted to Ananthapuri Hospital, Thiruvananthapuram in the early morning of 25.09.2018 itself. Mr.Balabhaskar succumbed to the injuries suffered in the accident in the early hours of 02.10.2018. His wife recovered and she was discharged from the hospital on 29.10.2018. Prior to that, the driver of the vehicle, who is the accused in this case, was also discharged from the hospital pursuant to his recovery. The State Police proceeded with the investigation in connection with the commission of offence under Sections 279, 337, 338 & 304A IPC



2026:KER:77377

Crl.R.P No.214/2026

5

against the above person by name Arjun K. Narayanan. In the meanwhile, Mr Prakash Thampi and some of his associates were arrested by the Directorate of Revenue Intelligence in connection with gold smuggling, and he was remanded to judicial custody. He was also kept under COFEPOSA detention from 11.10.2019 onwards. While so, a cine/mimicri artist by name Kalabhavan Soby George made a disclosure that he had the occasion to see a group of persons involved in gold smuggling, attacking the vehicle in which Mr.Balabhaskar and his family were travelling at the time of incident. In view of the above developments, the investigation in the case was taken over by the Crime Branch. However, the Crime Branch also came to the conclusion that what had happened was nothing but a pucca accident. Thereafter, upon the representations made by the parents of Mr.Balabhaskar, the investigation in the case was handed over to the Central Bureau of Investigation, SCB, Thiruvananthapuram. Accordingly, an Additional Superintendent of Police conducted the investigation in this case. But, the above investigating agency also came to the conclusion that the incident involved was an accident, and accordingly, filed the final report



before the Chief Judicial Magistrate Court, Thiruvananthapuram, in connection with the commission of offences under Sections 279, 337, 338 & 304A IPC by Mr Arjun K.Narayanan. Petitions for further investigation were filed before the Chief Judicial Magistrate Court by the parents of Mr.Balabhaskar and the artist by name Soby George, who claimed to have witnessed the attack on the vehicle of Balabhaskar by persons associated with gold smuggling. The above petitions were dismissed by the said Court. Against the aforesaid dismissal, two separate revision petitions were filed before this Court, by the parents of Mr.Balabhaskar as well as Mr Soby George mentioned above. A learned Single Judge of this Court considered the issue in detail and directed the Investigating Officer to conduct further investigation, to identify whether there was any conspiracy or connection between the activities of gold smuggling and the accident on 25.09.2018, leading to the death of Mr.Balabhaskar. But, instead of conducting further investigation by the very same Investigating Officer or any other officer of the same rank or above, an Inspector of the CBI undertook the further investigation, and filed a further report reiterating the findings of the earlier Investigating Officer.



Against the above further report submitted by the Inspector, the parents of Mr.Balabhaskar filed Crl.M.P.No.2307/2025 for further investigation and stay of proceedings before the Chief Judicial Magistrate Court. The order passed by the learned Magistrate declining to allow the above petition, is under challenge in this revision petition.

3. Heard the learned counsel for the revision petitioner, and the learned Public Prosecutor representing the State of Kerala.

4. While directing further investigation as per the order dated 05.10.2023 in Crl.R.P.Nos.608/2022 & 268/2023, this Court pointed out 20 suspicious circumstances which required to be probed and verified by the Central Bureau of Investigation. The aforesaid 20 suspicious circumstances pointed out in paragraph No.12 of the said order, are extracted hereunder for the sake of convenience and easy reference.

"(i) Balabhaskar had travelled from Thiruvananthapuram to Thrissur on 24-09-2018 and booked a hotel for one night but suddenly decided to return to Thiruvananthapuram that night itself. On their way back, they had dinner at Smt. Latha's (CW48) sister's house at Thrissur. Smt. Latha stated that on the night before the accident, Balabhaskar insisted on travelling back as he had arranged a meeting



2026:KER:77377

Crl.R.P No.214/2026

8

with a Music Director called Akshay Verma (CW104) at Thiruvananthapuram on 25-09-2023, while the said Akshay Verma denied any such proposed meeting.

(ii) Smt. Latha called Arjun sometime around 4.15 a.m., and the police picked up their call and informed her about the accident. She immediately telephoned her son Jishnu, who was staying with Sri.Prakash Thampi that night.

(iii) By 04.30 am, both Sri.Prakash Thampi (CW53) and Sri.Jishnu (CW51) went first to Ananthapuri Hospital and then to the Medical College Hospital, Thiruvananthapuram. Against medical advice, Sri.Prakash Thampi shifted Balabhaskar and his wife to Ananthapuri Hospital, situated 6 km away. On his way to the hospital, he informed the parents of the wife of Balabhaskar and other friends.

(iv) Sri.Prakash Thampi stated that he went to Mangalapuram Police Station on 25-09-2018 between 9 a.m. and 10 a.m. and collected Balabhaskar's mobile phone, wallet and car key from the police station, which had been seized by the police from the scene of occurrence. No acknowledgement was obtained by the police at the time of handing over those material objects recovered from the scene of the crime to Sri.Prakash Thampi. An acknowledgement was obtained from the brother of Lakshmi five days later for objects other than those handed over to Sri.Prakash Thampi.

(v) Sri.Prakash Thampi refused to hand over Balabhaskar's mobile phone to Balabhaskar's wife despite repeated requests.

(vi) Two mobile phones of Balabhaskar were concealed in the pooja room of the house of Sri.Prakash Thampi and were recovered when the Department of Revenue Intelligence seized them in May 2019.

(vii) Sri.Prakash Thampi and Sri.Vishnu Somasundaram were involved in a gold smuggling case and were both arrested and



2026:KER:77377

Crl.R.P No.214/2026

9

remanded into custody. They even underwent preventive detention under the COFEPOSA.

(viii) Sri.Prakash Thampi had withdrawn an amount of Rs.25000/- from an ATM close to the scene of occurrence and that too few hours before the accident. (at 19.58 hours on 24-09-2018). This fact was also identified by the DRI who informed the CBI through their letter dtd. 12-10-2020.

(ix). Dr. Anoop Chandran, CW87, (husband of the closest first cousin of Balabhaskar), the Medical Director of a well-known hospital called Sree Uthradam Thirunal Hospital (SUT) situated close to the Medical College Hospital, Thiruvananthapuram (2 km), was never consulted or informed by Sri.Prakash Thampi before the injured were shifted to a private hospital that too from the Medical College Hospital against medical advice and even before the sun rose on the day of the accident.

(x) Though there were two well-known hospitals like SUT and KIMS, closer to the Medical College Hospital, and despite CW87 being the Medical Director of SUT Hospital, Sri.Prakash Thampi shifted the injured persons to Ananthapuri Hospital, which was about 6 kms away.

(xi) Dr. Anoop Chandran CW87 says that Sri.Prakash Thampi was the last to see Balabhaskar at Ananthapuri Hospital on 1st October, 2018, the day before his death, and his behaviour on hearing the news of the death of Balabhaskar was dramatic and suspicious.

(xii) Sri.Prakash Thampi travelled all the way to Kollam with a technician and another person to check on the CCTV camera at a juice shop from where Balabhaskar had juice during his travel on the illfated day.

(xiii) The juice shop owner CW.61, had stated that Sri.Prakash Thampi came with a technician to his shop to check the CCTV recording, and with the permission of the local police, he was



permitted to check the CCTV. CW61 further stated that Sri.Prakash Thampi left, saying that he could not retrieve anything.

(xiv) CW41, a Civil Police Officer, who was on duty at Mangalapuram Police Station till 9 a.m. on 25-09-2018, stated that at around 6.30 am and 7 am, a lady and a man came to the police station to collect the articles of Balabhaskar recovered by the police from the scene of the accident.

(xv) The call detail records of Balabhaskar's phone show that on 25-09-2018 at 7.14 am a call was attended at Mangalapuram (police station) while the next call was attended at 7.35 a.m., while the phone was at Pettah junction indicating that the phone had travelled out of the police station before 7.35 am.

(xvi) CW74, the Nodal Officer of the Cellular operator of Sri.Prakash Thampi's Mobile phone, stated that between 6.55 am to 07.25 am Sri.Prakash Thampi's mobile phone was within the towers of Mangalapuram (Police Station area) to Kazhakoottam. The distance between Ananthapuri Hospital and Mangalapuram Police Station is about 19 kilometres.

(xvii) The driver of the vehicle Sri. Arjun has few criminal antecedents, including involvement in two ATM theft cases and criminal trespass, as spoken to by CW2, CW47, CW 49, CW50 and even by his own parents.

(xviii) The driver Arjun, was not wearing a seat belt, though the vehicle was speeding at 94 km per hour at the time of accident. The passenger (Lakshmi) seated in the front, on the left, was wearing a seat belt, and she suffered serious injuries and was unconscious for almost a month, while the driver, though injured, did not suffer serious injuries compared to the other passengers.



2026:KER:77377

Crl.R.P No.214/2026

11

(xix) Sri.Prakash Thampi has a significant connection with 'Ananthapuri hospital' and he had taken thumb impressions of Balabhaskar while at the hospital.

(xx) Sri.Akash Shaji, the cousin of Sri.Vishnu and questioned by DRI for smuggling with whom Sri.Prakash Thampi had a conversation for 8.31 minutes at 10.30 pm on 24-09-2018, was never questioned by the CBI."

5. It is quite unfortunate to note that the Central Bureau of Investigation which was expected to ponder its serious attention to the aforesaid 20 suspicious circumstances, took the matter in a casual and lackadaisical manner, and deputed an Inspector, lower in rank to the earlier Investigating Officer, to conduct the further investigation. The above officer went ahead with the examination of 117 witnesses, including most of the witnesses already examined, as also the previous Investigating Officer of the rank of Additional Superintendent of Police. It is thereafter that the above Inspector laid the further report affirming the findings of the Additional Superintendent of Police, who had conducted the earlier investigation.

6. It has to be stated at the outset that the aforesaid course of further investigation conducted by the Inspector, is totally against the purport and objectives of Section 173(8) of the Code of Criminal



Procedure, 1973, as laid down by judicial precedents of the Hon'ble Supreme Court and various High Courts, including this Court. It is pertinent to note that this Court had observed in clear and categorical terms in paragraph No.15 of Annexure-A2 order that the CBI had failed to take note of the 20 suspicious circumstances narrated in the said order, and to conduct a proper probe on those aspects. It was further observed thereunder that the CBI had accepted the statements of the witnesses, who could be under a scanner of doubt and against whom suspicions were raised by the parents of the deceased, without confronting them with the materials collected. In spite of such a serious observation in the said order, a lower level officer embarked upon the further investigation in a manner more vulnerable than the flawed investigation pointed out by this Court in the aforesaid order, by getting the inconsistencies reconciled through additional statements of the witnesses under scanner of suspicion, by affording them an opportunity to deny and vary the earlier statements. In fact, what has been done by the Inspector in the subsequent investigation was a damage control exercise to save his superior officer who conducted the earlier investigation from the



blame of not having been serious on many material suspicious circumstances which were looming large. The aforesaid casual and perfunctory mode of investigation was adopted by the Inspector of Central Bureau of Investigation only because of the reason that he cannot supersede the findings of the earlier Investigating Officer who was superior in rank. This aspect is discernible from the statement given by the earlier Investigating Officer, who was examined as CW115 in the further investigation conducted by the Inspector. The concluding portion of the statement of the above witness is extracted hereunder:

"ബഹു. കേരളാ ഹൈക്കോടതി ഈ കേസിന്റെ തുടർ അന്വേഷണത്തിനായി പുറപ്പെടുവിച്ച *Crl Revision Petition No. 608/2022 and 268/2023 dtd. 05.10.2023* നമ്പർ ഉത്തരവിലെ തുടർ അന്വേഷണത്തിന് ഉപോൽബലകമായി കോടതി ചൂണ്ടിക്കാട്ടുന്ന 20 പോയിന്റുകൾ ബാലഭാസ്കറിന്റെ അച്ഛൻ ശ്രീ.കെ.സി.ഉണ്ണി, അന്വേഷണ വേളയിൽ ഹാജരാക്കിയ പരാതിയിൽ പറഞ്ഞിട്ടുള്ളതാണ്. ആയവ വിശദമായ അന്വേഷണത്തിന് വിധേയമാക്കിയിട്ടുള്ളതും ആയതിൽ കഴമ്പ് ഒന്നും ഇല്ല എന്ന് കണ്ടെത്തിയിട്ടുള്ളതുമാണ്."

(The 20 points highlighted by the Hon'ble High Court of Kerala in the order dated 05.10.2023 in Crl.R.P Nos.608/2022 and 268/2023 to substantiate the need of further investigation were already stated by Sri.K.C.Unni, the father of Balabhaskar in his complaint during investigation. Those aspects were subjected to investigation and found to be devoid of merits.)



7. Thus, the earlier Investigating Officer, who was examined as CW115 by the Inspector of Police during his further investigation, has in effect, discredited the observations of this Court in the order directing further investigation. Being a subordinate officer of the rank Inspector, there is nothing unusual if he found himself to be helpless to supersede the above stand taken by the Additional Superintendent of Police, who conducted the earlier investigation. Thus, it could be seen that this is a typical case where the failure of the investigating agency to entrust the further investigation with an officer, same or superior in rank to that of the officer who conducted the earlier investigation, has defeated the purpose sought to be fulfilled by Annexure-A2 order of this Court.

8. The findings of the Inspector of Police in the further investigation conducted on the 20 suspicious circumstances pointed out by this Court, are narrated hereunder:

i) There is nothing unusual in the decision taken by Balabhaskar to return to Thiruvananthapuram on the night of 24.09.2018 from Thrissur though he had initially planned to stay there on that day. Balabhaskar had told the hotel authorities that he



2026:KER:77377

Crl.R.P No.214/2026

15

was not staying there that night and demanded a discount on room rent. He also wanted to come back to Thiruvananthapuram immediately to take delivery of a BMW car booked by him. Balabhaskar's family friend Latha at Thrissur gave a statement in further investigation denying her earlier statement that Balabhaskar had told her that he had arranged a meeting with Music Director Akshay Varma on 25.09.2018. During further investigation, Akshay Varma gave a statement that he is not a Music Director, but a film director, and that a meeting with Balabhaskar in connection with the music direction to his new movie was held on 23.09.2018 at Thiruvananthapuram, and Balabhaskar was eager to complete the above music work at the earliest. Mrs.Lakshmi Balabhaskar also stated that they had planned to return on the same day, if the rituals at a temple at Thrissur could be completed on that day.

ii) There was nothing unusual in Smt.Latha calling Balabhaskar's driver Arjun K.Narayanan at 4:15 a.m on 25.09.2018 since she was of the habit of contacting her relatives and friends whoever travelled from her premises, to find out whether they reached their destination safely. Arjun is the son of Latha's brother.



2026:KER:77377

Crl.R.P No.214/2026

16

As per her habit, she called Arjun at 4:15 a.m on 25.09.2018 but the call was attended by the police who informed her about the accident.

iii) Mr. Prakash Thampi went to Ananthapuri Hospital upon getting information from the Mangalapuram Police that the child of Balabhaskar was taken to the said hospital. Thereafter, he went to Medical College Hospital Casualty by 4:50 a.m on 25.09.2018 and found that Balabhaskar was conscious. Then, he sought permission from Balabhaskar to shift him and his wife to Ananthapuri Hospital, and Balabhaskar agreed for the same. The Doctor who was attending Balabhaskar told Mr. Prakash Thampi that Balabhaskar was suffering from quadriplegia and that he was in a good condition for a first shifting. The Doctor allowed the shifting on the request of Mr. Prakash Thampi and recorded in the wound certificate that it was done against medical advice, as it is the usual practice to write so.

iv) Mr. Prakash Thampi had actually gone to the Mangalapuram Police Station around 06:30 a.m and 07:00 a.m on 25.09.2018 to receive the mobile phone and wallet of Balabhaskar. Dr Kalpana Gopan, a friend of Balabhaskar, had dropped Mr. Prakash Thampi at Mangalapuram Police Station at that time. The officer in



2026:KER:77377

Crl.R.P No.214/2026

17

GD charge of that Police Station had released the mobile phone and wallet of Balabhaskar to Mr. Prakash Thampi, after obtaining permission from the higher police officials, but the receipt in that regard was missing from the Police Station. In the statement given by Prakash Thampi to the earlier Investigating Officer on 22.08.2020, the time of visit to the above Police Station on 25.09.2018 was mistakenly stated as between 09:00 a.m and 10:00 a.m. Mr. Prakash Thampi stated in the further investigation that he does not remember the time he had stated to the previous Investigating Officer. However, the actual time of Mr. Prakash Thampi's visit to the Police Station was found to be between 06:30 a.m and 07:00 a.m.

v) Mr. Prakash Thampi had not refused to handover the mobile phone of Balabhaskar to Balabhaskar's wife. He stated that he could not handover the mobile phone to Mrs.Lakshmi Balabhaskar since it contained many pictures related to the happy family moments of Balabhaskar, Lakshmi and the child, which if seen by Lakshmi Balabhaskar would have caused a mental shock to her affecting her health. Mr. Prakash Thampi also stated that he planned to handover the mobile phone of Balabhaskar to Lakshmi Balabhaskar once her



health condition becomes stable. Mrs. Lakshmi Balabhaskar has stated that Mr. Prakash Thampi had never misused the above mobile phone while it remained under his possession.

vi) Though it was stated in the report of Mr. Sreejith M, Deputy Director, DRI that the search conducted at the house of Mr. Prakash Thampi on 16.05.2019 disclosed that the two mobile phones of late Balabhaskar were concealed in the prayer room of that house, the mahazar prepared by the DRI did not contain any such indication. What was revealed from the statement of Mr. Rakesh, the Intelligence Officer of DRI, who conducted the search was that the mobile phones were kept in an almirah-like portable wooden pooja room along with perfumes and pooja articles. The further investigation did not reveal that there was concealment of the above mobile phones by Mr. Prakash Thampi.

vii) Mr. Prakash Thampi was arrested by DRI on 29.05.2019 in connection with a gold smuggling case by two persons by name Sunil Kumar M and Sereena Shaji, who arrived at Thiruvananthapuram International Airport on 13.05.2019 at 07:45 hours from Dubai with 25 Kgs. of gold. He was later on released on



bail on 27.06.2019. The Preventive Detention Order of Mr. Prakash Thampi under COFEPOSA Act was set aside by a Division Bench of this Court on 17.03.2020. The investigation did not reveal that the above said gold smuggling case was in any way related to the accident which resulted in the death of Balabhaskar.

viii) Mr. Prakash Thampi had withdrawn Rs.25,000/- from his account at Federal Bank through the ATM counter of South Indian Bank at Pothencode at 19:58 hours on 24.09.2018 for the payment of the hospital bill of his wife, who had undergone Ayurvedic treatment at Sushrutha Medical Centre, Pothencode. The above said ATM counter is at a distance of 7.65 Kms. from the accident spot. The withdrawal of the above amount has no connection with the accident which resulted in the death of Balabhaskar.

ix) Mr. Prakash Thampi opted to shift Mr.Balabhaskar to Ananthapuri Hospital, since the said hospital is one of the best neuro and trauma care center in Thiruvananthapuram where Dr.Marthandan Pillai, an expert Doctor in this field is the Chairman of that hospital. At the time when Mr. Prakash Thampi decided to shift Balabhaskar to the said hospital, he did not remember that Dr.Anoop Chandran, the



former husband of Balabhaskar's cousin was working as the Head of the Emergency Department of SUT Hospital, Pattom. Mr. Prakash Thampi was also aware that Balabhaskar and his cousin were not in good terms. The further investigation did not reveal any suspicious circumstances in the shifting of Balabhaskar to Ananthapuri Hospital instead of preferring the other hospitals near to Medical College Hospital.

x) During further investigation Dr.Anoop Chandran had stated that he was having no evidence to prove that Prakash Thampi was the last person to see Balabhaskar at Ananthapuri Hospital, on 01.10.2018, the day before Balabhaskar's death. At the time of declaration of death of Balabhaskar, Prakash Thampi was not there in that hospital.

xi) Mr. Prakash Thampi has stated during further investigation that he travelled all the way to Kollam with a Technician and another person to check the CCTV camera at juice shop where Balabhaskar had juice during the night of accident since Arjun K. Narayanan had changed his statement and contended that it was Balabhaskar who had driven the vehicle at the time of accident.



Moreover, Balabhaskar's father complained that they had done nothing to find out the truth, despite the Driver of Balabhaskar had changed his version. Mr. Prakash Thampi and the technician who went to the juice shop could not collect CCTV visuals due to technical issues.

xii) Mr. Arjun K. Narayanan, the Driver of Balabhaskar, was having criminal antecedents including attempt to commit theft from two ATM counters. Balabhaskar had taken Arjun with him to correct his behaviour and make him a good person. Since Balabhaskar and his wife were aware of the criminal antecedents of Arjun, there was nothing suspicious in that regard.

xiii) Arjun K. Narayanan, who was driving the vehicle at the time of accident without a seat belt, did not suffer more serious injuries than the injuries suffered by Mrs. Lakshmi Balabhaskar, who was travelling in the front seat with seat belts fastened, due to the support rendered by holding on to the steering wheel and relatively more strength of abdominal muscle mass in a male person. This aspect was revealed from the opinion of Dr.Gujaral, Chief Consultant (Forensic Medicine and Police Surgeon) Health Services, Palakkad.



xiv) Mrs. Santhi Alen who stated about Prakash Thampi taking thump impression of Balabhaskar from the hospital, had revealed that it was a hearsay knowledge she heard from Sheeba, the Secretary of Dr.Marthandan Pillai, that the mother and brother of Lakshmi Balabhaskar had taken the thump impressions of Balabhaskar while he was in ICU. On examination, Sheeba denied the above claim of Santhi Alen. None of the Nursing staff at the ICU had stated that anybody had taken the thump impression of Balabhaskar at the hospital.

xv) There was nothing unusual in the call received by Prakash Thampi through the old mobile phone of Balabhaskar from the mobile number of the SIM which earlier belonged to Akash Shaji, one of the accused in the DRI gold smuggling case. At the time of the above call at 10:30 p.m on 24.09.2018, Mr. Akash Shaji was not using the above mobile number. The said SIM card was being used by Prakash Thampi's college friend Anand working at Dubai. It was the above person by name Anand, who called Prakash Thampi on the night of 24.09.2018 to offer birthday greetings.



9. The course of procedure adopted by the Inspector of Police towards arriving at the aforesaid findings cannot be said to be one which behove the status of skill, tactics and expertise which are expected from a premier investigating agency like the CBI. It could be seen that the methods applied by the above investigating officer were with the sole objective of showing that there was nothing wrong in the investigation conducted at the first instance by his superior officer. The Inspector is seen to have obtained further statements from the witnesses concerned either denying their previous statements which were under the pointer of suspicion, or trying to evade confrontation by relying on inability to memorise. In either case, the Inspector is seen to have accepted what the above witnesses stated as gospel truth. In fact, the above course adopted by the Inspector was one repeating the fallacy pointed out by this Court at the concluding portion of paragraph No.15 of Annexure-A2 judgment which is extracted hereunder:

"The investigating agency has accepted the statements of the witnesses, who could be under a scanner of doubt and against whom suspicions were raised by the parents of the deceased, as gospel truth, without confronting them with the materials collected."



10. The act of the Inspector believing the explanation of Mr.Prakash Thampi on the entry in the relevant medical record of the Medical College Hospital about the shifting of Balabhaskar against medical advice, and the reason stated for keeping the mobile phone of Balabhaskar in the portable wooden pooja room of his house till it was recovered in a search conducted by the DRI after about eight months from the date of incident in a case relating to gold smuggling, are only a few of such instances of fallacy in further investigation. The failure of the Inspector to take the necessary steps for conducting the brain mapping and lie detector test, despite the willingness of the artist by name Kalabhavan Soby George, who made the disclosure that he had seen the accused involved in gold smuggling attacking the vehicle of Balabhaskar at the time of incident, is another instance of laxity committed in further investigation. It is pertinent to note that, the suspicion of the parents of Balabhaskar that Mr.Prakash Thampi's eagerness to collect the mobile phone of Balabhaskar from the police within hours after the incident, at a time when Balabhaskar was struggling for life, and his subsequent act of keeping the above mobile phone for several



months thereafter, were with the intention of tampering evidence, cannot be said to be unfounded. Absolutely no efforts were taken by the Inspector in the further investigation to adopt the professional dexterity of an investigating agency like the CBI to unravel the truth by working out on the above suspicious circumstances. That being so, the request of the parents of the deceased Musician to embark upon a further investigation by a competent officer, cannot be discarded even though the elapse of much time might have resulted in effacing of evidence. Accordingly, I find that the prayer in this Criminal Revision Petition deserves to be allowed.

In the result, the revision petition stands allowed as follows:

(i) The order dated 23.12.2025 of the Chief Judicial Magistrate, Thiruvananthapuram in Crl.M.P No.2307/2025 declining further investigation, is hereby set aside.

(ii) The second respondent is hereby directed to pass the necessary orders immediately, at any rate within the outer limit of a period of two weeks from the date of receipt of a copy of this order, entrusting the further investigation in F.I.R No. RC 034 2020 S 0003



2026:KER:77377

Crl.R.P No.214/2026

26

(RC 3(S)/2020/CBI/SCB/TVPM with an officer of proven integrity, not below the rank of Additional Superintendent of Police.

(iii) The Officer so entrusted with the investigation shall conduct the further investigation taking into account all the relevant facts and circumstances of the case and paying serious attention to the pertinent aspects pointed out in Annexure-A2 order of this Court.

(sd/-)

G. GIRISH, JUDGE

jsr/DST



2026:KER:77377

Crl.R.P No.214/2026

27

APPENDIX

PETITIONER ANNEXURES

ANNEXURE A1	TRUE COPY OF THE FINAL REPORT (CHARGE SHEET) DT. 27.1.2021 FILED BY THE 3RD RESPONDENT IN RC 034 2020 S 0003
ANNEXURE A2	TRUE COPY OF THE COMMON JUDGEMENT OF THIS HON'BLE COURT DT.5.10.2023 IN CRL RP NOS. 608/2022 AND 268/2023
ANNEXURE A3	TRUE COPY OF THE SUPPLEMENTARY FINAL REPORT DT.24.5.2024 IN RC 034 2020 S 0003 IN CC 23/2021
ANNEXURE A4	CERTIFIED COPY OF THE ORDER OF THE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM IN CRL M.P NO. 2307 OF 2025 IN CC 23/2021 DATED 23.12.2025