

**IN THE COURT OF THE SESSION, THALASSERY**  
Present: Smt. Titty George, Additional Sessions Judge-II, Thalassery  
Monday, the 16<sup>th</sup> day of March, 2026, 25<sup>th</sup> Phalguna, 1947.

**Crl.M P No.7418/25, 7415/25 and 01/26 in SC.515/2025**  
(Cr.No. 1149/2024 of Kannur Town Police station)

**Petitioner/ De Facto Complainant:-**

Manjusha.K, Aged 49 years, W/o. Naveen Babu,  
Karuvalil House, Malayalapuzha, Thazham.P.O,  
Pathanamthitta District, PIN-689666

**Vs**

**Respondent No.1/Complainant:-**

State of Kerala, represented by public Prosecutor,  
Thalassery.

**Respondent No.2/Accused:-**

P.P.Divya, D/o.A.P.Chandran, Aged 41 years,  
Thejus, P.O. Irinavu, Kannur Taluk, Kanur District,  
PIN-670301.

These petitions are coming on the 28<sup>th</sup> day of February, 2026 for hearing before me in the presence of S/Sri. John S Ralph and P.M.Sajitha, Advocates for the petitioner/de facto complainant; and of Sri. K.Ajith Kumar, Public Prosecutor for the respondent No.1/state; Sri.K.Viswan, Advocate Respondent No.2/Accused; in all petitions, and the court passed the following:-

**COMMON ORDER**

The petitioner in all the above petitions is the wife of the deceased in the case, late Mr. Naveen Babu, former ADM of Kannur District. Of the above numbered petitions, Crl.MPs 7415/2025, and 7418/2025 are filed seeking to direct further investigation u/s.193(3) BNSS, while Crl.MP 1/2026 is filed seeking direction to the investigating agency to produce certain documents.

2. The prosecution allegation in the above-numbered Sessions Case is as follows:- In connection with the transfer of Kannur ADM Naveen Babu to

Pathanamthitta, a farewell function was organised under the leadership of the Kannur Collectorate Staff Council at the Kannur Collectorate Conference Hall on 14.10.2024 at 3pm. The accused, who was then the President of the Kannur District Panchayath, upon learning that ADM Naveen Babu had granted approval to CW43 to start a petrol pump which she herself had been unable to arrange despite her intervention, harboured resentment and a spirit of retaliation. Consequently, she attended the farewell meeting without any invitation, after deliberately arranging media personnel in advance, with the intention of committing an offence. There, in the presence of the District Collector (the superior officer of the ADM), subordinates, and others, the accused raised serious allegations of corruption against ADM Naveen Babu, claiming that he had accepted a bribe in connection with the NOC for the newly constructed BPCL petrol pump at Chengalai Cheramkunnu, based solely on what CW43 had said and thereby left Mr. Naveen Babu to media trial and thus the accused knowingly subjected him to severe mental distress and even threatened in a menacing tone that the consequences would be evident within two days. These allegations were propagated through the 22nd witness, the Bureau Chief of Kannur Vision News Channel, and further disseminated via social media accounts. As a result of the fear and humiliation caused, and considering the fact that the accused held the high office of District Panchayat President and a prominent political position, ADM Naveen Babu believed that his future official life would be subjected to relentless persecution. Having served without blemish until then, he feared that the accused would continue to harass him, and under the conviction that “there is no other way but death,” ADM Naveen Babu K. committed suicide sometime between 4:56 am and 8:00 am on 15.10.2024, by hanging himself in his quarters at Puzhathi Amsom, Pallikkunnu. Hence, the accused committed the offence punishable under Section 108 of the Bharatiya Nyaya Sanhita.

3. Of the two petitions filed seeking further investigation, CMP 7418/25 was originally filed before the Judicial First Class Magistrate Court, Kannur as CMP 5907/25. From there, the case was committed to the Sessions Court, and in accordance with the mandate of the second proviso to Section 232 of the BNSS, the

petition was forwarded along with the committal and was renumbered. While this petition was pending before this Court, the petitioner again filed CMP 7415/25 seeking the same relief of further investigation. While these petitions were pending, the petitioner filed the above third petition u/s.94 of the BNSS seeking direction to the investigating officer to produce certain documents before the court.

### **CMP 7418/2025**

4. The averments in the petition are as follows:- The applicant has come before the court seeking further investigation because of the serious flaws in the investigation of the case. Further investigation is sought by the petitioner on the following reasons:

(i) From the initial stage of the investigation, the defence was trying to project a false case to the effect that the deceased had accepted a bribe from CW43 and that the accused was justified in making the comments that lead to the death of the deceased. In the final report though it is specifically stated that there is no proof for the said allegation made by CW43, the investigation has not done anything to show that the said allegation of the witness is untrue and a proper investigation can disprove the allegation made by CW43. Also, the enquiry conducted by Smt. A Geetha IAS (CW72), the Joint Commissioner, Land Revenue Trivandrum in her report based on the statement of PW43, Prasanthan and CW16, the District Collector, stated that the deceased never accepted any bribe from CW43 Prasanthan. But the prosecution has suppressed the statements of those witnesses given by them during the enquiry. If the said witnesses are supporting the defence on the aspect of accepting bribe, the prosecution should be able to cross examine them on the strength of their previous statement. Hence the production of their earlier statement is highly necessary;

(ii) The statement of CW43 recorded on 06.11.2024 shows that he was claiming that he was earning 20 lakh from his job abroad. This will not tally with his allegation that for bribing the deceased, he had to take a gold loan from a bank.

The said witness wanted to project a case that from the loan he availed, he has paid Rs.98500/- to the deceased. A person having 20 lakh savings from his business abroad will not go for a loan of 1 lakh for giving the bribe. Hence, it is apparent that the said case of the witness is an absolute falsehood. In order to prove that his statement is wrong and was made to mislead the police, the investigating agency should have produced his bank statements to prove both these facts, viz, his funds amounting to 20 lakh rupees and his gold loan;

(iii) CW43 Prasanthan, in his statement further mentioned that on 11.10 2024 he had prepared a complaint and sent it to his brother Biju Kandakkai and that the same was given to the Chief Minister on 12.10.2024. If that be so, that was the best evidence to show that the deceased has accepted the bribe from CW43. The said complaint is suppressed;

(iv) The investigating officer has produced CCTV visuals allegedly showing the presence of CW43 Prasanthan near the residence of the deceased. The visuals are edited and hence will not show the time when the person is going back from the place and the identity of the persons seen in the visuals are also not mentioned. Had the entire visuals were produced, it would negativate the claim of CW43 Prasanthan regarding meeting the deceased for giving him bribe;

(v) CW43 Prasanthan had given two statements before the police. Though at the time of the hearing of the anticipatory bail application it was argued that CW43 had gone to Vigilance Office for lodging a complaint, he had not stated about it in his statements. Still the investigating officer collected the CCTV visuals of Vigilance and Anti Corruption Bureau Kannur Unit for the sole purpose of giving the defence an advantage to raise a case that he had already gone to the Vigilance Office for making the complaint. But the statement of none of the Officers of Vigilance was recorded. Thus the production of CCTV visuals without the statements of those officers is only to help the defence;

(vi) The report to the Govt. submitted by CW72 Geetha IAS would show that there was no allegation of bribery from the District Collector, CW16. But at the instance of the accused who was having regular contact and acquaintance with the District Collector, a manipulated statement of CW16 was managed by the prosecution in order to cover up the connection of the accused with CW16. The Investigating agency has suppressed the contents of the mobile phone of the accused, though the same was taken into custody only on 29.11.2024 and the chat of 14th and 15th alone were retrieved.

(vii) The nexus between Prasanth and the accused is not at all investigated by the police.

(viii) The brother of the deceased, Adv. Praveen Babu has preferred a complaint in writing before the police at the earliest point in time. The said complaint given by the brother of the deceased before the police is not even mentioned in the final report and not at all investigated and was totally discarded.

(ix) In order to prove electronic evidence, the chain of custody of the material is to be strictly proved. One of the documents in proving the chain of custody of an electronic gadget is the Forwarding Note. The Forwarding Notes prepared by the Investigating officer for sending materials for collecting scientific evidence are not dated. This was purposely done to help the accused by showing that there was no proof for the chain.

(x) In all the cases, proper certification under section 63 of BSA is a mandatory requirement for the proof of an electronic evidence. The certifications in the case are incomplete and are not in tune with the statutory requirements;

(xi) It is mentioned in the final report that the CDR of all the concerned will be produced before the court later which shows that they were not even collected by the investigating officer when he prepared the final report. CDR of CW43 Prasanthan, CW16 the District Collector and the accused are essential for the just decision of the case since the conspiracy among these persons are alleged by the

defacto complainant at the earliest point of time. Nevertheless it is mentioned in Page 60 of the final report that the certified copies of those evidence is not even received from the authorities and that the same will be produced later. In other words, the final report is submitted without verifying the crucial aspects of the case. A scrutiny of those details will show the involvement of these persons in the case.

(xii) The accused was using her phone till 29.11.2024, the date of her arrest. In the meantime, she was regularly contacting the District collector (CW16) and Prasanthan (CW43) to create evidence to make it appear that the deceased had accepted a bribe. The chats and call history among them will reveal the same. Nevertheless the investigating officer has applied for the retrieval of the chats from the mobile of the accused on 14th and 15th October 2024 alone. In the final report (page 60) it is mentioned that the scientific evidence relating to the phone of the accused has not yet been received.

5. The above-mentioned defects in investigation are very serious in nature and the same can be cured only through a further investigation into the aspects mentioned above. In the circumstances, it is prayed that the Court may be pleased to order further investigation into the matter for addressing the above defects in investigation and to collect more materials in the above case.

### **Crl.MP 7415/2025**

6. In addition to the grounds shown in CMP 7418/2025, the petitioner has sought further investigation in the case on the following additional grounds.

(i) The Tahsildar, Taliparamba conducted a direct site inspection and submitted a report to the District Collector along with a partnership deed. But this document is now missing. So direction should be given to produce the missing Partnership Deed and inquiry into its disappearance;

(ii) The CDR of Shri. Prasanth T.V. produced by the investigating agency contains a suspicious gap of 9 days. Call data records are available only up to 06.10.2024 and later resumed from 15.10.2024. This period (07.10.2024 to

14.10.2024) is crucial to the investigation and absence of CDR for these specific days cannot be a mere coincidence. So direction should be given to obtain complete CDR of Prasanth;

(iii) Assistant Commissioner of Police, Shri. Rathnakumar who was entrusted with the supervision of SIT submitted a charge sheet immediately prior to his retirement and upon retirement, he contested as CPM candidate in the Municipality election. So there is clear indication as to the biased manner in which SIT was formed for investigating the matter. Also between Shri. Binu Mohan who was serving as a Vigilance Officer during 2024 and the accused, there were frequent calls and this connection between them compromised the integrity of the investigation. Hence, an independent inquiry into the role of ACP Ratnakumar and Binu Mohan is to be directed.

### **CrI.MP 1/2026**

7. More or less on the same infirmities above stated it is alleged that the intention of the investigating officer is to suppress material evidence and thereby to help the defence, to project the deceased as a corrupt person and thereby to justify the acts of the accused that led to his death. Hence, the petitioner seeks for direction to the investigating officer to produce the following documents for the just decision of the case:

i) The enquiry report from the Vigilance and Anti-Corruption Bureau that found the allegation of corruption made by Prasanthan is untrue;

ii) The CDR from 01.01.2024 to 15.11.2024 of the phone No. 8281040013 of the accused;

iii) The CDR from 01.01.2024 to 15.11.2024 of the phone No.9947419446 used by the accused;

iv) The partnership deed submitted by Prasanthan for getting the licence for petrol pump, which is mentioned in the report of Tahsildar Thaliparamba dated 30.03.2024;

v) The complaint filed by Prasanthan to the office of the Chief Minister of Kerala on 12.10. 2024 alleging demand of bribe;

vi) All the bank accounts statements of Prasanthan.

8. The Inspector of Police, Kannur Town police station filed the report stating that WP (CrI) No.1297/24 and WA No. 193/25 were filed by the petitioner, wife of the deceased, before Hon'ble High Court seeking an order to entrust the investigation with CBI. Hon'ble High Court after detailed consideration has dismissed the applications finding that the investigation of the case was proceeding in the correct path and had issued specific directions to intimate the progress of the investigation to the petitioner and Kannur Range DIG, and also to inform the petitioner on completion of the investigation. Also, with a further direction that the draft charge has to be submitted only after verification by the DIG. The appeal preferred by the petitioner against the said judgment as WA No.193/2025 was also dismissed after due consideration by the Division Bench of the Hon'ble High Court. Subsequently, on completion of the investigation, complying with all the directions of the Hon'ble High Court, a final report was submitted before the Court by the Inspector Sreejith Koderi. CDR of Prasanth T.V in respect of mobile Nos. 9074909381 (for the period 05.10.2024 to 15.10.2024) and 9497301361 (05.10.2024 to 17.10.2024), the certified copy of customer application form and 63 BSA certificate issued by respective alternate State Nodal Officers were produced before Court. It is also reported that during the investigation Note file of Kannur Collectorate related to permission for petrol pump was taken into custody and that in the report of Taliparamba Tahsildar submitted before District Collector as enclosures included letter No.14/24 dated 19.02.2024 of Chuzhali Village Officer, Topo sketch, Adangal extract and it was noticed that a partnership deed was not included in the file and the lease deed executed between CW43 and the owner of

the said land was also produced before court. It is also stated that the Special Investigation Team had complied with all the directions of Hon'ble High Court and has submitted a final report before the Court and in the circumstance the petition for further investigation has to be dismissed.

9. Heard both sides. Perused the case records and the Case Diary (CD) produced by the Public Prosecutor.

10. The Public Prosecutor submitted that the Hon'ble High Court had considered the matter in detail in WP (Crl) No.1297/24 and later in WA No. 193/25 and had given guidelines for investigation of the case and complying with all the directions given by the Hon'ble High Court, the final report was filed before court. It is pointed out that the case of the petitioner that the accused was the benami of Prasanthan TV who applied for NOC is a new case put up by the petitioner and the matters on which further investigation is sought is outside the purview of the case and such a wide investigation is not warranted in the case. It is also reported that the petitioner has filed the petition before Judicial First Class Magistrate Court-I, Kannur for collection of CDR of CW43, CW16, and that of the accused as well as CCTV footage of relevant places including Kannur Railway station platform, Muneeswaran Kovil junction and the premises of the official residence of the deceased and as per the order of the Judicial First Class Magistrate, CCTV visuals and CDRs along with 63 BSA certificate were produced before court and hence the allegation that edited visuals and CDR are produced before court is false. The Public Prosecutor submitted that the mobile phone of the accused was seized at the time of her arrest and is already forwarded to FSL Thiruvananthapuram for analysis and as the investigation team has complied with all the directions of Hon'ble High Court, a further investigation is not at all necessary in the case and prayed for dismissal of the petition.

11. Though the accused has no legal right to be heard in the petition, the defence counsel pointed out that there are precedents before the Hon'ble High Court where the accused was also heard in the matter of further investigation and

submitted that the accused has no objection in allowing both petitions, but the accused has strong objection against the false allegation of benami transactions made against the accused in the petition.

12. The following points arise for determination:-

(i) Whether further investigation is needed in the case as sought for by the petitioner in the above two petitions, and if so, to what extent?

(ii) Whether the Investigating Officer is to be ordered to produce the documents sought for by the petitioner in the third petition?

(iii) What is the order to be passed?

13. **Point No. (i)** :- The offence alleged against the accused is under Section 108 of the Bharatiya Nyaya Sanhita. To constitute such an offence, the prosecution must establish, first, that a person has committed suicide, and secondly, that the suicide was abetted by the accused. It is now judicially well-settled that abetment of suicide under Section 108 BNS (corresponding to Section 306 IPC) requires a positive act of instigation or intentional aiding, accompanied by a clear mens rea.

14. Against this legal backdrop, the prayers - one for further investigation and the other for directing the investigating officer to produce documents- must be examined and resolved.

15. The counsel for the petitioner submitted that the defence side was trying hard to project a false case that the deceased had accepted bribe from Prasanthan T.V (CW43). The first contention raised by the petitioner is that the investigating officer failed to collect the statements of CW16 and CW43, which they had given to Smt. Geetha IAS (CW72), deputed by the Government to enquire into the allegation of bribery involved in the case. According to the petitioner, those statements are necessary at the trial to contradict the witnesses if they turn hostile to the prosecution.

16. The above contention is devoid of merit because CW43, Prasanthan, in his statement to the police, specifically stated that he had paid ₹98,500/- as bribe to the deceased. From the report of CW72 also it can be seen that he had given a similar statement. In that circumstance, there is no reason for CW43 to vary his version as apprehended by the petitioner.

17. According to the petitioner, in the statement of CW16, District Collector, in the enquiry before CW72, he never had a case that the deceased confessed or admitted any fault on his part. But from his statement to the police, it is seen that CW16 had stated that when the deceased met him after the send off, the deceased conveyed that he had committed some mistake. Only when a witness deposes some fact which he had omitted to state before the police, it can be considered as an omission. So, with respect to an omission in the statement in the enquiry before CW72, the witness cannot be contradicted by the prosecution. Hence, the grievance of the petitioner that the investigating officer ought to have procured the statements given by CW16 and CW43 before CW72 is without any merit.

18. The next grievance of the petitioner is that the investigating officer did not collect the bank account statements of CW43 to show that he had 20 lakhs in his account and had availed gold loan. Considering the facts of the prosecution case, whether CW43 had Rs. 20 lakh in his bank account is not at all relevant in the adjudication of the case against the accused. But, there is some substance in the contention regarding the account relating to gold loan because in the final report it is stated that CW43 had withdrawn Rs.1,00,000/- from his bank account No.57778 in Koyyam Service Co-operative Bank. But, such a statement is not collected and produced before the Court. Moreover, in the statement of CW43 before the investigating officer, it is seen that he had stated that on 05.10.2024, he was in possession of money by pledging gold at Valakkai Service Co-operative Bank. So, prima facie there is some factual contradiction of this fact as stated in the final

report by the investigating officer and that stated by CW43. In that circumstance, the investigating officer shall conduct further investigation on this aspect, and shall collect the statement of account of CW43 at Koyyam Service Co-operative Bank which the investigating officer had stated in the final report. The investigating officer shall also investigate whether CW43 had pledged gold ornaments in Valakai Service Co-operative Bank as stated by CW43, and if he had availed such a gold loan, the investigating officer shall collect the records of that transaction from the bank.

19. The petitioner has raised an allegation that the CCTV visuals showing the presence of CW43 on 6.10.24 near the official residence of the deceased are edited. If it is so, the evidentiary value is questionable. In that circumstance, the investigating officer shall produce the unedited version of the above stated visuals and shall resort to available scientific steps to ascertain the presence of PW43 in those visuals as claimed by him.

20. The investigating officer has produced the CCTV visuals collected from the Vigilance and Anti Corruption Bureau, Kannur Unit to show that CW43 had gone there on 14.10.24 as called from that office. Though CW 58 to CW60 were cited to prove the said seizure, no investigation has been made as to whether the Vigilance had received any such complaint forwarded from the office of the Chief Minister and whether CW43 had been summoned to the office by any vigilance officer on the basis of any such complaint. The investigating officer ought to have questioned the officers of the Vigilance and Anti Corruption Bureau, Kannur Unit to verify the above matter. So the investigating officer shall question and record the statement of the officers concerned to ascertain whether any such complaint had been forwarded to their office and whether CW43 had been summoned to their office for an enquiry.

21. Another allegation is that the investigating officer did not retrieve the chat of the accused with CW16 and CW43. Considering the prosecution allegations in the case against the accused, there is no need to retrieve the chat between CW16 and the accused and also between the accused and CW43, if any. So also the alleged nexus between the accused and CW43 is beyond the scope of investigation considering the allegations against the accused in the case.

22. It is alleged that a complaint in writing was preferred by the brother of the deceased before police and the same was not produced in court. The petitioner has not stated about the contents of the petition. Moreover, the petitioner has no case that the brother of the deceased had filed the petition based on any direct knowledge as to the incident. FIR in the case had been registered on the basis of the information of CW1, the official driver of the deceased. In that circumstance, what the investigating officer could do is to record his statement u/s.180 BNSS. The statement of the said brother is already recorded by police and he is cited as CW3 in the case. Therefore, production of the alleged complaint is not at all warranted.

23. The next infirmity pointed out by the counsel for the petitioner is that the Forwarding Notes produced before the court were undated so as to help the accused. It is true that the Forwarding Notes produced before court are undated. But, the date on which those Forwarding Notes were received in court can be seen from the records. In that circumstance, the date on which the Forwarding Notes were prepared is not significant.

24. Next contention is regarding certification for electronic evidence. It is contended that the certificates produced in court u/s. 63 BSA are incomplete and not in tune with the statutory requirements. Several such certificates are seen produced before court. It is not clear from the petition which of those certificates are incomplete and not in tune with the statutory requirements. In such a circumstance, this court is not in a position to give a direction as prayed for.

25. Lastly, in CMP 7418/25, the petitioner finds fault with the investigating officer for a hurried filing of the final report without taking the CDR of CW16 and CW43. According to the petitioner, till the arrest of the accused on 29.11.24, she had been contacting CW16 and CW43 to create evidence and to make it appear that the deceased had accepted bribe and therefore the chats and call history among them will reveal the same. From the records before court it can be seen that CDR of CW16 for the period 05.10.24 to 15.10.24 and CDR of CW43 for the period 05.10.24 to 17.10.24 with the certification under S.63 BSA is already produced before the court. But, considering the prosecution case against the accused and in the absence of any allegation that the accused conspired with CW16 and CW43 in committing the offence u/s. 108 BNS, the CDR of CW16 and CW43 for any other dates are not at all relevant to the fact in issue in this case. Hence, a direction is not warranted for further investigation on those aspects.

26. In CMP 7415/25, according to the petitioner, in the report of the Thaliparamba Thasildar dated 30.3.2024 before the District Collector (reflected as Ext. No.18 in the report of Geetha IAS), a partnership deed was produced before the authorities by Prasanthan to obtain petrol pump license. The contention of the petitioner is that the report of the investigating officer that said partnership deed was missing is an attempt to conceal the fact that Prasanthan is only a benami and that the accused had direct involvement in the licence application. An investigation on the missing partnership document is outside the scope of the case and has nothing to do with the offence of abetment of suicide alleged to have been committed by the accused. Hence, no investigation as to the missing partnership is warranted in this case.

27. The petitioner finds fault with the investigation as the investigating officer did not collect the CDR of CW43 from 7.10.24 to 14.10.24 which according to the petitioner is crucial in the case. The CDR of CW43 with certificate u/s. 63BSA produced before court is for the period from 5.10.24 to 17.10.24. But on

verification of the said CDR, there is no material to find that the officer who furnished the CDR had removed any data from 7.10.24 to 14.10.24. Hence, a direction for further investigation is not needed on this aspect.

28. In CMP 7415/18, the petitioner lastly seeks further investigation into the connection between the accused and ACP Rathanakumar and also with Binu Mohan, earlier a Vigilance officer and presently, the SHO of Kannur Town Police Station. According to the petitioner, ACP Rethnakumar was entrusted with the supervision of the SIT investigation and he submitted the charge sheet immediately before his retirement and thereafter contested as a CPM candidate in the Municipality election. According to the petitioner, there was clear indication of bias in the investigation. It is also alleged that CDR reveals numerous calls between Sri Binu Mohan and the accused from 5.10.24 to 14.10.24 and this extensive communication between them during the material period raise serious questions of possible leakage of confidential information and collusion during the investigation. The matter sought for further investigation is outside the scope of the case and has nothing to do with the offence of abetment of suicide alleged to have been committed by the accused. Hence, a direction as sought for is not at all necessary. Point No.1 is found accordingly.

29. **Point No.2:** As already stated above, the petitioner has sought for production of 6 documents by the investigating officer. Of them, item No.1 is an enquiry report from Vigilance and Anti Corruption Bureau, Kannur Unit which found the allegation of corruption against the deceased made by Prasanthan (CW43) is untrue. It is not discernible from the petition as well as the records available before court that whether such an enquiry had been conducted or not. Moreover, even if such a report is there, its production is of no avail either to the prosecution or defence because the court has to take an independent decision on every fact in issue in the case. So the prayer for production of the enquiry report sought for by the petitioner is not allowable.

30. Item Nos. 4 to 6 sought to be produced are already discussed in paragraph Nos.18, 20 and 26 and hence no further discussion is necessary on these aspects.

31. Item Nos. 2 and 3 sought to be produced are the CDRs of the accused from 1.1.24 to 15.11.24 pertaining to Mobile phone Nos. 8281040013 and 9947419446. According to the petitioner even though the CDR in respect of the said phone numbers is preserved as per the order of Judicial First Class Magistrate-I, Kannur, only a part of the CDR for the period 5.10.24 to 15.10.24 was produced before court. On perusal of the case records it is seen that CDR pertaining to phone No.9947419446 of the accused for the period 5.10.24 to 15.10.24 is produced before court. Prosecution has no explanation for non production of the call details for the remaining period. The Public Prosecutor submitted that SIM No. 8281040013 was used as the official phone of the accused and as the said phone will be kept in the office of the accused after office hours, the said CDR has no relevancy in the case. Reluctance of the prosecution to produce CDR of the accused on the ground that it is an official phone is not sustainable. Considering the facts of the case, production of CDR of the official phone of the accused is highly necessary in the case. From the report of CW72, it can be seen that the processing of the applications of CW43 for the NOC commenced from 16.1.2024 only. So the prosecution has to produce the CDR of the accused in respect of both phone numbers of the accused (pertaining to Mobile phone Nos. 8281040013 and 9947419446) for the period from 16.1.2024 to 15.11.24. Hence, Point No.2 is found accordingly.

32. **Point No.3 :** On the basis of the findings on point Nos.1 and 2, a roving investigation into the matters sought by the petitioner is not at all necessary and therefore the petitions CMP 7418/25 & CMP 1/26 are allowed in part. CMP 7415/25 is dismissed.

**In the result**, the investigating officer is ordered to conduct further investigation on the following aspects:

i) The Investigating Officer shall conduct further investigation on the aspect of gold loan availed by CW43 Prasanthan, and shall collect the statement of account of CW43 at Koyyam Service Co-operative Bank which the investigating officer had stated in the final report. The investigating officer shall also investigate whether CW43 had pledged gold ornaments in Valakai Service Co-operative Bank as stated by CW43, and if he had availed gold loan as stated by CW43, the investigating officer shall collect the records of that transaction from the bank;

ii) The investigating officer shall produce the unedited version of the CCTV visuals on 6.10.24 near the official residence of the deceased and shall resort to available scientific steps to ascertain the presence of PW43 in those visuals as claimed by him.

iii) The investigating officer shall question officers of the Vigilance and Anti Corruption Bureau, Kannur Unit and record the statement of the officers concerned.

iv) The investigating officer shall produce the CDR of the accused in respect of both phone numbers of the accused (pertaining to Mobile phone Nos. 8281040013 and 9947419446) for the period from 16.1.2024 to 15.11.24.

(Prepared and pronounced by me in open court on this the 16th day of March, 2026)

Sd/-  
ADDITIONAL SESSIONS JUDGE- II

Fair/Copy of Order in CMP.7418/2025,  
7415/2025 and 01/2026 in  
SC.515/2025, Dated; 16-03-2026