

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE****AMBALAPUZHA**

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 13th day of April, 2026

**C. C. No. 369/2022**

Complainant : State of Kerala represented by the Sub  
Inspector of police, Vanitha Police  
Station in Crime No. 13/2022.  
  
Rep. by A.P.P., Ambalapuzha

Accused : Safeena Ansal, aged 35/22 yrs, D/o. Ansal,  
Pallikkoottam veliveedu, Mevalloor,  
Punnapra PO, Punnapra Thekk P/W-7.  
  
Rep. by Adv. Satheesh Chandra

Offences : U/s.341, 353 of Indian Penal Code

Plea : Not guilty

Finding : Not guilty

Sentence or Order : Accused is acquitted u/s.255(1) of Cr.P.C.

**DESCRIPTION OF THE ACCUSED**

Sl. No.	Name of the Police Station and Crime No. of the offence	Name	Father's/ Mother's name	Occupation	Residence	Age
1.	Vanitha Police Station in Crime No. 13/2022	Safeena Ansal	Ansal		Pallikkoottam veliveedu, Mevalloor, Punnapra PO, Punnapra Thekk P/W-7.	35/22

DATES OF

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of Evidence
25.03.22	30.04.22	09.11.22	09.11.22	...	03.01.23	12.05.23

Close of trial	Sentence/Order	Service of Copy of Judgment or finding on account	Explanation of delay	Period of detention undergone during investigation, inquiry of trial for the purpose of section 428 Cr.P.C.
08.04.26	13.04.26	...	No delay	...

This case having been heard on 08.04.2026 and the court on 13.04.2026 delivered the following :

**J U D G M E N T**

1. This is a case instituted on a final report filed by the Sub Inspector of police, Vanitha Police Station in Crime No.13/2022, alleging commission of offences punishable u/s.341, 353 of Indian Penal Code against the accused.
2. Prosecution case in brief is that on 25.03.2022 at 10.00 a.m. the accused wrongfully restrained PW2 near the bathroom of Mevalur Pallikottam house who was entrusted with the responsibility for investigating the complaint regarding burning of plastics and disposal of waste as per the instructions of PW1. The accused obstructed PW2 from entering the compound of the said premises, hurled abusive words at her, and thereby deterred her from discharging the official duties. Thus, the accused is alleged to have committed the aforesaid offences.
3. On the appearance of the accused before the court, she was released on bail and copies of relevant prosecution records were furnished to her. After hearing both sides, particulars of offence u/s.341, 353 of IPC, read over and explained to accused to which she pleaded not guilty and claimed to be tried.

4. The prosecution examined PW1 to PW6 and Exts.P1 to P6 were marked. After closure of the prosecution evidence, the accused was examined u/s.313 (1) (b) CrPC with regard to the incriminating circumstances appearing against her. She denied all the allegations levelled against her and pleaded innocence. No witness was examined from the side of the defence.

5. Heard both sides.

6. The following points arose for consideration :

1. Whether the accused, wrongfully restrained PW2 and thereby committed an offence punishable under Section 341 of IPC ?
2. Whether the accused, assaulted or used criminal force against PW2, who was a public servant while she was discharging her official duty and thereby committed an offence punishable under Section 353 of IPC ?
3. What shall be the Sentence or Order ?

7. **Point nos.1 and 2** : For the sake of brevity and to avoid repetition, these points are considered together. The prosecution levelled against accused is that she, wrongfully restrained PW2 and deterred her from discharging her official duties, thereby resulting in the final report indicting the accused for the offence punishable u/s.341, 353 of IPC.

8. PW1 deposed that PW2 was entrusted with the responsibility of investigating the complaint dated 23.03.2022 filed by Mr. Kassim kunju against Smt.Ansila Ansil. While PW2 was discharging her duties, the aforementioned person obstructed her from entering the compound, recorded the events on a mobile camera, and hurled abusive words at PW2. Based on a complaint subsequently filed by PW2, a formal complaint was registered with the police and the same was marked as Exhibit P1. It was asserted by her that she only had

hearsay knowledge regarding the entire events and submitted that the name of the accused was later corrected by PW2 to be Safeena Ansil.

9. PW2 was the aggrieved in the alleged incident. She deposed in conformity with the evidence of PW1 and testified that the accused recorded her video and intimidated her stating that it will be published in social media. Later it was testified that she could not recollect the person who had committed the alleged acts, and thereby turned hostile to the case of the prosecution. She further stated that she had continued to discharge her duties on the said day and could not specifically recollect the abusive words alleged to have been hurled by the accused. She did, however, state that the accused pushed her outside the compound.

10. PW3 was the person who is alleged to have registered a complaint at the Panchayath which PW2 was authorised to investigate, which formed the foundation for the entire chain of events. But he turned hostile to the prosecution. Similarly PW4 also denied his signature in seizure mahazar. The official who had registered Exhibit P2 was examined as PW5. The case was subsequently transferred to the Vanitha Police Station for further investigation. He testified that the name of the accused in the FIR was specified to be Ansila Ansil. The complaint which formed the basis of the entire incident was not produced before this Court. Furthermore, the authorisation letter purportedly empowering PW2 to investigate the matter was also not produced in evidence.

11. PW6 was the Investigating Officer in the case. Exhibit P3 to Exhibit P6 were marked through her. She asserted that no documents to prove the fact of PW2 being in duty on the alleged day of occurrence were produced before the court. It was also submitted that the correction report regarding the name of the accused was produced before this court.

12. The entire prosecution case relies upon the testimony of PW2. Though she narrated the entire events, her inability to identify and implicate the accused is fatal to the prosecution. Even if every factual aspect of PW2's testimony is

accepted, the absence of an unequivocal identification of the accused renders it impossible to establish the nexus between the accused and the crime. Apart from this, the complaint filed by PW3 which set the entire chain of events in motion was not produced before this court. Even PW3 himself disowned from making such a complaint. When the existence of the complaint is viewed in doubt, the authorisation of PW2 to conduct an inquiry is not wholly reliable. Furthermore, a careful perusal of records indicate that PW1 only has hearsay knowledge regarding the events that transpired on 25.03.2022. She had no direct personal knowledge of the incident and therefore her testimony, cannot be considered as substantive evidence of the occurrence.

13. The learned counsel for the accused argued that the necessary ingredients to attract the offence u/s 353 IPC is not proved. To substantiate his contentions, reliance was placed on the relevant decisions of the Hon'ble High Court of Kerala in **Rilgin V. George and Another v. State of Kerala and Another** ( 2021 (4) KHC 223) and **Hariprasad and Another v. State of Kerala and Another** (2017 (1) KHC 851).

14. To sustain a charge under Section 353 IPC, the prosecution must establish not only the act of assault or use of criminal force, but also the fact that the person obstructed was a public servant acting in the discharge of her official duty at the material time. Prosecution does not have a case that criminal force was used against PW2. The only allegation raised against the accused was that she hurled abusive words at PW2 which led to deterring PW2 from discharge of her official duties. In the present case, the original complaint instituted by PW3 and the authorisation letter empowering PW2 to inquire upon the matter is not seen adduced before this court. This fact is even acknowledged by PW6. When the authority entrusted with PW2 is not corroborated through sufficient evidence, it cannot be said that PW2 was engaged in the discharge of any official duty. Hence the essential ingredients to prove the offence u/s 353 IPC is not proved beyond reasonable doubt. The Hon'ble High Court of Kerala in its landmark decision of **Devaki Amma v. State of Kerala** (1981 KHC 313) has even held that "*The*

*wording of S.353 IPC makes it clear that assault or use of criminal force to a public servant while he was doing his duty as such is a necessary ingredient of that offence”.*

15. Discrepancy also prevails in the name of the accused. The original FIR was filed against a person named 'Ansila Ansil'. It was subsequently corrected to 'Safeena Ansil' through a correction report. Though such corrections are permissible, a careful perusal of the testimony of PW1 indicates that the name of the accused as initially stated by PW2 was Ansila Ansil. As per her version, PW2 herself later corrected it to be Safeena Ansil. But with respect to the evidence of PW2 regarding the identity of the accused, she claimed total ignorance regarding the name of the accused. Identification of the accused person is crucial in establishing his guilt in any criminal prosecution. The Hon'ble Apex Court in **Tukesh Singh v. State of Chattisgarh (2025 KHC 6479)**, had held that identification of the accused in court, by the eye witnesses is of utmost importance and failure to identify the accused in court as the person seen committing the crime is fatal to prosecution case, as it fails to establish beyond reasonable doubt that the accused present in the court is the same person who committed the alleged offences. In the present case, the aggrieved herself failed in precisely identifying the accused. The burden lies on the prosecution to establish beyond reasonable doubt that the person arraigned before the court is indeed the offender. Here there is a total failure in proving this aspect.

16. A careful evaluation of the entire evidence reveals that the aggrieved PW2 could not identify the accused while PW1 only has a hearsay knowledge. Apart from this, the hostile evidence of PW3 and the absence of anything on record to prove that PW2 was indeed engaged in official duty renders the prosecution version unreliable. In the light of the evidentiary shortcomings and the settled legal position it is concluded that the prosecution has miserably failed to prove its case beyond reasonable doubt. The accused is therefore entitled to the benefit of doubt and is acquitted of all the charges alleged against her. Consequently, point nos.1 and 2 are found against the prosecution.

17. **Point no.3**: In view of the findings in point nos.1 and 2 it can be seen that the prosecution has failed to prove the charges levelled against the accused beyond reasonable doubt. Since, there is an element of doubt, the accused is entitled to the benefit of doubt. It follows that the accused is not guilty.

18. In the result, accused is found not guilty of the offence punishable u/s.341, 353 of IPC and she is acquitted u/s.255(1) of Cr.P.C. The accused is set at liberty and the bail bond executed by her stands cancelled. Material object shall be disposed off after the appeal period is over, as per rules.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court, on this, the 13th day of April, 2026).

Judicial Magistrate of First Class  
Ambalapuzha

### **APPENDIX**

#### **Witnesses for the Prosecution :**

PW1 : Biji S

PW2 : Honeymol

PW3 : Kasim Kunju

PW4 : Jagannathan

PW5 : Navas

PW6 : Kunjumol P K

Exhibits for the Prosecution :

- P1 : First information statement marked through PW1 on 12.05.2023
- P2 : FIR marked through PW5 on 08.02.2024
- P3 : FIR(VNPS) marked through PW6 on 04.06.2025
- P4 : Scene Mahazar. marked through PW6 on 04.06.2025
- P5 : Bail bond marked through PW6 on 04.06.2025
- P6 : Address report(A2) marked through PW6 on 04.06.2025.

Witnesses for Defence : NIL

Exhibits for Defence : NIL

Court Witnesses/Exhibits : NIL

Material objects marked : NIL

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