

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE -II,
CHERTHALA**

Present: Smt. Aminakutty. P.M., Judicial First Class Magistrate -II,

Dated, this the 31th day of March,2026.

C.C.No. 487 of 2022

Complainant : State of Kerala represented by the Sub Inspector of Police, Arthunkal Police Station in crime No.926/18

(By APP, Cherthala-II)

Accused : A1.Prasanth, Age 32/18 yrs. S/o.Madhavan
Kochuveli Veedu, Ward-16,
Muhamma Panchayath, Muhamma P O.
(By Adv. Sri. K S Shine mon)

A2. Muraleedharan, age 52/18,
S/o Kesavan, Irupathilchira Veettil,
Pullankari P O, Chambakulam
(By Adv. Sri. C A Arunchand)

Offence : u/s. 117(e) of K P Act

Plea : Not guilty

Finding : Not found guilty

Order or sentence : Accused is acquitted u/s 248(1) of Cr. P.C .

DESCRIPTION OF THE ACCUSED

Sl. No.	Name of police station & Crime No.	Name	Father's name	Calli ng	Residence	Age
1	ArthunkalCr . 926/18	Prasanth	Madhavan	--	Kochuveli Veedu, Ward-16, Muhamma Panchayath, Muhamma P O	32/18

Date of

Offence	Report of complaint	Apprehension	Release on bail	Commencement of trial
24.08.2018	23.10.2010	23.01.2020	23.01.2020	26.07.2022

Close of trial	Sentence or order	Explanation for delay
27.03.2026	31.03.2026	-

This case having been heard finally on this day and the court delivered the following:-

J U D G M E N T

This case is charge sheeted by the Sub Inspector of Police, Arthunkal Police station in crime No. 926 of 2018, for the offences punishable under section 117(e) of Kerala Police Act (herein after in short as K P Act) respectively.

2. The prosecution case, in brief, is as follows: On 24.08.2018 at 14.30 hours, the accused persons created a commotion at the flood relief camp functioning at St. Michael's College, situated within Cherthala South Panchayath, Ward No. 12, on the Alappuzha-Cherthala National Highway near 11th Mile Junction. CW1, who was on duty at the camp, enquired about the disturbances caused by the accused. The accused persons, who were not inmates of the relief camp, were asked by CW1 to vacate the premises. The accused persons, instead of complying the order, threatened CW1 by asking him what he would do if they refused to leave, thereby obstructing CW1 in the lawful discharge of his official duty. By such acts, the accused persons committed the offence punishable under Section 117(e) of the Kerala Police Act.

3. On appearance of the 2nd accused, copies of all relevant documents relied on by the prosecution were furnished to him u/s 207 of Cr. P.C and he pleaded

guilty. He was sentenced to pay fine and case against the other accused was split up and refiled as the present case, CC 487/2022. A1 entered appearance and he was released on bail. A2 did not appear and case against him split up. The accused herein (A1) is defended by the counsel appointed by him. Particulars of offences u/s 117(e) of K P Act, were read over and explained to the accused to which he pleaded not guilty.

4. In order to prove the prosecution case, PW1 to PW 8 were examined and Exts.P1 to P4 were marked. After the closure of prosecution evidence, the accused was questioned under section 313(1)(b) of the Code of Criminal Procedure, 1973 (herein after in short as Cr.PC). He denied all the incriminating circumstances appeared in evidence against him. Thereafter the accused was called upon to enter upon his defence. Dw1 was examined from the side of the accused.

5. On the basis of the rival contentions, the following points arose for consideration :-

1. The point to be decided in this case is whether, on 24.08.2018 at 14.30 hours, while CW1 was engaged in official duty at the flood relief camp functioning at St. Michael's College, situated in Cherthala South Panchayath, Ward No. 12, the accused persons caused obstruction to his lawful duty with the intention of preventing him from discharging his official duty, and thereby committed the offence as alleged.

2. If so, what is the order or sentence to be passed?

6. Heard both sides.

7. Point No. 1 :- In order to prove the prosecution case, PW1 to PW8 were examined and Exts.P1 to P4 were marked. PW1 deposed that, during the alleged incident on 24.08.2018, he was on duty at the flood relief camp functioning at St. Michael's College. He heard a commotion near the store supplying materials to the inmates of the camp and rushed to the spot. Three persons were creating noise alleging that they were not receiving materials. On enquiry, the supply officer informed him that only the inmates of the camp were entitled to receive materials and outsiders would not be supplied. The three persons, being outsiders, were informed accordingly. They quarreled with PW1, stating that their relatives residing in the camp were not receiving materials. When PW1 asked them to vacate the place, they quarreled further. On the arrival of other officers, the persons left the spot. PW1 thereafter filed a report before the Station House Officer stating that his duty was about to be obstructed. One of the persons was identified as Prashanth. The report was marked as Exhibit P1.

8. During cross-examination, PW1 admitted that he did not produce any document to prove that he was on duty at the camp. He stated that several persons had gathered in front of the store and he was unaware of their identities. He further admitted that, though he gave a report to the station, there was in fact no obstruction to his duty.

9. PW2, Assistant Professor at St. Michael's College, deposed that he was on duty at the flood relief camp in 2018 but was unaware of the incident. He turned hostile to the prosecution. PW3 did not witness the incident. PW4 was also unaware of the persons who created the commotion. He only heard about the incident and turned hostile to the prosecution.

10. PW5, Grade Sub-Inspector of Arthunkal Police Station, deposed that on 24.08.2018 at about 02.30 p.m., he was on duty at the flood relief camp at St. Michael's College along with SI Robin and Renjith. He heard a commotion in front of the store and found three persons quarreling with the SI and creating noise. On their arrival, the three persons rushed outside. He heard that they were not inmates of the camp. He was unaware of their identity. In cross-examination, he admitted that he did not produce any document to prove his duty at the camp.

11. PW6, a member of Cherthala Panchayath, Ward No. 6, was unaware of the incident. PW7, Civil Police Officer at Arthunkal Police Station, deposed that on 24.08.2018, he was on duty at the flood relief camp at St. Michael's College. At about 02.30 p.m., he heard a commotion near the storeroom. Several persons were gathered there and three persons were making noise. On seeing the officers, they rushed outside. On enquiry, it was informed that they were outsiders demanding materials which were not supplied. One of them was identified as Prashant. PW7 gave a statement to the

police and identified the accused before the Court. During cross-examination, PW7 reported that, about 10 to 30 persons were gathered at the spot. He was informed about the name of one of the persons present but did not give details of the identity of those who rushed away. He was unaware of the manner in which they quarreled with the Sub-Inspector.

12. PW8, who was serving as Sub-Inspector at Arthunkal Police Station on 24.08.2018, deposed that, on the basis of the report of PW1, he registered the FIR in this case. The FIR was marked as Exhibit P2. He thereafter prepared the scene mahazar, marking the place of occurrence at St. Michael's College, Cherthala South Panchayath, Ward No. 12. The scene mahazar was marked as Exhibit P3. He then conducted investigation, filed a report showing the name and address of the accused, which was marked as Exhibit P4, and served notice under Section 47 CrPC upon the accused. He completed the investigation and filed the final report.

13. In cross-examination, PW8 admitted that he filed the final report against three accused persons but did not verify whether they were inmates of the camp. He asserted that accused Nos. 2 and 3 were living in flood-affected areas. He further admitted that he did not receive any complaint from the officer in charge of the flood camp, did not record the statements of witnesses 2 to 5, and did not produce any document to prove that PW6 and PW7 were serving in the camp. He also admitted that the manner in which the accused quarreled with PW1 was not mentioned.

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16. DW1 deposed that during 2018 he was residing in a flood-affected area and, following the flood, was shifted to Alappuzha and thereafter to St. Michael's College camp along with his wife and granddaughter. After 3 or 4 days, there was scarcity of food. His son Jayesh, the second accused, went to the store for food. While he was talking there, some inmates raised their voices. When the matter worsened, his

son went outside and called his friend Prashant, who went to the DYSP Office to give a complaint. DW1 stated that the incident occurred on 24.08.2018 but denied that his son had raised his voice or created any commotion.

17. the allegation against the accused is that they obstructed the official duty of PW1. On an overall analysis of the evidence on record, it could be seen that the prosecution has failed to produce any document to establish that PW1 was on official duty at the relevant time of the incident, and that the accused obstructed PW1 in the discharge of his official duty so as to attract the offence under Section 117(e) of the Kerala Police Act. The identity of the accused persons has also not been proved. None of the witnesses examined on the side of the prosecution could explain the manner in which the duty of PW1 was allegedly obstructed. Any person who obstructs a police officer in the discharge of his official duty, or fails to comply with any lawful direction issued by such officer, commits an offence punishable under this section. A mere allegation that the accused persons did not obey the order of PW1 will not attract an offence under Section 117(e) of the Kerala Police Act. In the absence of cogent and reliable evidence, and as the prosecution has failed to prove the guilt of the accused beyond reasonable doubt, I am of the considered opinion that the accused is not guilty of the offences alleged and is accordingly entitled to be

acquitted. Accordingly, these points are found against the prosecution.

18. Point No. 2:- In view of my findings in Point No.1 the accused is found not guilty of the offences alleged against him and he is entitled to be acquitted.

19. In the result, the accused (A1) is found not guilty of the offences punishable under section 117(e) of K P Act and he is acquitted under section 248(1) of the Code of Criminal Procedure. He is set at liberty and the bail bond executed by the accused is cancelled. Case against A 2 is split up and refiled as CC 990 /22.

Directly dictated to Adalath AI, corrected and pronounced by me in open court on this the 31st day of March, 2025.

Sd/-
Aminakutty. P.M.
Judicial First Class Magistrate-II
Cherthala.

APPENDIX.

Witnesses examined for Prosecution:

- PW1 - Robinson, SI of Police,
- PW2 - Antony Kuriyakose,
- PW3 - Abin Albert
- PW4 - Rajesh
- PW5 - George
- PW6 - Jayamon
- PW7 - Renjith (CPO)

PW8 - Jibin Joseph (SI)

Exhibits marked for the Prosecution:

P1 - Report marked through PW1

P2 - FIR marked through PW1

P3 - Scene mahazar marked through PW8

P4 - Address report marked through PW8

Witnesses examined for the defence :-

DW1 -Chandra Mohan

Exhibits marked for the defence :- Nil

Material Objects:- Nil

Sd/-
Aminakutty.P.M.
Judicial First Class Magistrate -II,
Cherthala.

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Judicial First Class Magistrate -II,
Cherthala.