

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, ADIMALY

Present: Sri. Ayyappalal, Judicial Magistrate of the First Class, Adimaly

Monday the 8^h day of June 2026 /25th day of Jyaishta, 1948.

C.C. 707/2016

Complainant	:	State represented by the Sub Inspector of Police, Vellathooval Police Station in Cr.No.565/16
		(By A.P.P. Gr.II, Adimaly)
Accused	:	1.Santhosh C/o Kumaran, Yirulliyankkal House, Upparkkarayil, Bisonvalley Village, Devilkulam Taluk, Idukki, Kerala.
		(By Adv. Benny Mathew)
Offence		U/Ss294 (b), 506(1),353, 225(B) IPC
Finding	:	Not guilty
Sentence or Order	:	acquitted under Section 255(1) of the Cr.P.C. for the offences punishable under Sections 224, 353, and 506(i) of the Indian Penal Code .

Description of the accused

Name	Age	Father's name	Occupation	Residence	Taluk
Ajith	21/2018	C/o Shajan,	Agriculture	Kulathura	Udubanchola

Date of

Occurrence	Complaint	Apprehension/ Appearance	Release on bail	Commement	Commencement of trial	Commencement of evidence	Closure of trial	Sentence or order	Service of copy of judgment or finding on accused	Period of detention for the purpose of S.428 of Cr.P.C.	Explanation of delay
30.09.2016	30.09.2016	20/02/2018	20/02/2018	..	12/04/2019	09/12/2021	07/02/2025	08/06/2026	08/06/2026	..	No delay

The case having been finally heard on 08/06/2026 the court passed the following,

**JUDGMENT
IN
C.C. 707/16**

- 1.This is a case instituted on a police report filed by the Sub Inspector of Police, Vellathooval Police Station, in Crime No. 0565/2016, alleging that the accused had committed the offences punishable under Sections 224, 353, and 506(i) of the Indian Penal Code.
- 2.The prosecution case in nutshell is as follows:— While the accused was in lawful police custody at the Vellathooval Police Station, on 30/09/2016 at approximately 09:00 PM, the de facto complainant (police officer) was sitting in a chair at the station attempting to complete the paperwork for registering an FIR. At that time, the accused suddenly stood up, directed filthy and abusive words at the officer, and criminally intimidated him by threatening that he would stab and kill the officer if he ever stepped outside the station. The accused further disrupted public duty by knocking away the pen and papers the officer was using to work, thereby creating an obstruction to his official duties, in an attempt to escape from lawful police custody. Thus, the accused is alleged to have committed the aforementioned offences.
- 3.On receipt of the summons, the accused appeared before the Court. Copies of all relevant records were furnished to him. After hearing both sides, charge for the offences under Sections 224, 353, and 506(i) of IPC were framed, read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.

4.The case was posted for prosecution evidence. On the prosecution side, PW1 to PW9 were examined and Exhibits P1 to P7 series were marked. After the witnesses for the prosecution had been examined, the accused person was examined u/s. 313 (1) (b) of the Code of Criminal Procedure, 1973 regarding the incriminating circumstances appearing in the evidence against him. He denied the allegations levelled against him and pleaded innocence. No defence evidence was adduced.

5.Heard both sides.

6.After hearing both sides and perusing the records, the following points have come up for determination:

- 1. Whether the accused intentionally offered resistance or illegal obstruction to his lawful confinement or custody, and thereby committed an offence punishable under Section 224 of the IPC?
- 2. Whether the accused assaulted or used criminal force against the de facto complainant, a public servant, while he was executing his official duty, with intent to prevent or deter him from discharging the same, and thereby committed an offence punishable under Section 353 of the IPC?
- 3. Whether the accused criminally intimidated the de facto complainant by threatening to cause his death, thereby committing an offence punishable under Section 506(i) of the IPC?
- 4. Sentence or Order?

7. Points Nos. 1 to 3:— For the sake of convenience and to avoid repetition, these points are considered together. The offences alleged against the accused are punishable under Sections 224, 353, and 506(i) of the IPC. The prosecution case is that on 30/09/2016 at 09:00 PM, the accused turned aggressive inside the Vellathooval Police Station, issued death threats to the desk officer, forcefully flung the station registers and writing tools to halt the documentation work, and actively tried to break free from his legal custody. The prosecution primarily relies on the oral evidence of PW1 to PW9 and the documentary evidence marked as Exhibits P1 to P7 series to substantiate the charges against the accused.

8. PW1 Eldose deposed that on 30.09.2016 he was on Station Watch duty at Vellathooval Police Station. At about 9.00 p.m., the Sub Inspector, Sivalal, brought the accused, Santhosh, to the police station after arresting him for consuming liquor in public. The accused was seated on a bench inside the station. While the Sub Inspector had gone to the room of the police officers for registering the case, the accused threatened him by saying, "Nee purathekk irangi varumallo, thayoli, ninne njan kuthi keerum" (you will come outside, I will stab and cut you). Thereafter, the accused entered the room behind the Sub Inspector and threw away the pen, papers and other records with which the Sub Inspector was preparing the case, thereby obstructing the discharge of his official duties. PW1 further stated that when the accused attempted to run away from the

police station, he and other police personnel restrained and apprehended him.

9.PW2 S. Sivalal, the then Sub Inspector of Vellathooval Police Station, deposed that on 30.09.2016 at about 8.15 p.m. he found the accused consuming liquor publicly at the Audit area of Anachal. He arrested the accused at about 8.25 p.m. and brought him to the police station at around 9.00 p.m. While he was taking steps to register a case under Section 15C of the Abkari Act, the accused addressed him as "Thayoli", causing him mental annoyance, and threatened that he would stab him when he came outside. PW2 stated that the accused then scattered the papers prepared for registration of the case, thereby obstructing the discharge of his official duty. He further stated that the accused escaped from lawful custody and attempted to run away, but was apprehended by other police personnel. PW2 prepared Ext.P1 report and registered Ext.P2 FIR under Sections 294(b), 353, 506(i) and 225B IPC. According to him, the subsequent investigation was conducted by Vincent.

10.PW3 Sumesh, who was working as a Civil Police Officer at Vellathooval Police Station on the date of occurrence, corroborated the version of PW1 and PW2. He stated that the accused had been brought to the police station after being found consuming liquor in the Audit area. While the accused was seated on a bench outside and the Sub Inspector was inside preparing the FIR, the accused rose from the bench, entered the room and threatened the Sub Inspector by saying, "Eda thayoli, nee purathekk irangumallo, ninne njan kuthi keerum." He

further stated that the accused threw away the papers in front of the Sub Inspector and attempted to run out of the police station, whereupon he and the other police personnel restrained him.

11.PW4 Saju Paulose deposed that he was the General Diary Charge Officer on the relevant day. According to him, after the accused had been brought to the station in connection with a case under Section 15C of the Abkari Act, he was seated on a bench in the corridor of the station. While the Sub Inspector was preparing the records for registration of the case in the Head Constable's room, the accused came inside, abused the Sub Inspector, snatched away the papers he was writing on and attempted to escape from police custody. PW4 stated that the accused was prevented from escaping by the other police officers. He identified Ext.P3 as the relevant document produced before court.

12.PW5 and PW7 deposed that on 01.10.2016 they signed Ext.P3 scene mahazar as attesting witnesses.

13.PW6 and PW8 deposed that on 01.10.2016 they signed Ext.P4 seizure mahazar as witnesses. They stated that the paper taken into custody by the police in connection with the incident was the document referred to therein.

14.PW9, the investigating officer, deposed that on 01.10.2016 he investigated the case and prepared Ext.P3 scene mahazar at the place of occurrence. According to him, the place of occurrence was the room in Vellathooval Police Station where the Head Constable's board was kept. He further stated that Ext.P4

seizure mahazar was prepared when the damaged paper was taken into custody and that the recovered paper was marked as Ext.P3(a). He also prepared Ext.P5 Form No.15, Ext.P6 address report, and subsequently arrested the accused. He identified Exts.P7, P7(a) and P7(b) as the arrest memo, inspection memo and arrest notice, respectively. He further stated that he could identify the accused and that the accused was present in court. Citing all the above evidence, the prosecution seeks the conviction of the accused.

15.The learned counsel for the accused vehemently argued that the prosecution has completely failed to establish the ingredients necessary to attract the penal provisions under Sections 224, 353, and 506(i) of the IPC. It was contended that the entire case is a colourful fabrication borne out of an institutional grudge, lacking any independent corroboration or procedural legitimacy, and that the investigation is thoroughly ill-founded.

16.A primary and devastating infirmity highlighted by the defence is the absolute lack of any statutory documentation to establish that the accused was in "lawful confinement or custody" at the relevant time, which is the foundational threshold required to attract Section 224 IPC. While PW1, PW2, and PW3 asserted that the accused had been arrested under Section 15C of the Abkari Act for public consumption of liquor, the prosecution failed to produce the arrest memo, inspection memo, or the First Information Report relating to the alleged Abkari offence before this Court. In the absence of primary electronic or documentary evidence proving a valid legal arrest, the prosecution cannot

claim that the accused attempted to escape from "lawful" police custody.

17.The defence counsel further pointed out a glaring and highly suspicious discrepancy regarding the physical evidence marked as Ext.P3(a)—the paper allegedly snatched and thrown away by the accused while the Sub Inspector was documenting the case. Upon a close perusal of Ext.P3(a), it is found to be a completely handwritten draft. As rightly accentuated by the defense, during the relevant period of 2016, all police stations in the State had mandated computer systems for entering entries and registering FIRs. This systemic reality is directly exposed by the fact that the actual FIR in the present crime (Ext.P2), registered on the very same day at the same police station, is a digitized, computer-generated document rather than a handwritten one. The production of a handwritten page as the purported official record under preparation creates an inescapable suspicion that Ext.P3(a) is a fake document, manufactured subsequently solely for the purpose of propping up this case.

18.Furthermore, the entire narrative built by the prosecution completely lacks neutral or independent corroboration. The alleged incident took place inside the Vellathooval Police Station, a public office where members of the general public are routinely present. Yet, the prosecution chose not to cite or examine a single independent public witness to attest to the alleged rowdy behavior or escape attempt of the accused. The only witnesses who supported the narrative are PW1, PW2, PW3, and PW4, all of whom are police officers and direct colleagues or subordinates

of the de facto complainant (PW2). While the testimony of police personnel cannot be brushed aside on the sole ground of their official status, the complete absence of neutral witnesses, coupled with the systemic anomalies regarding the handwritten document and the undocumented initial custody, makes it unsafe to rely entirely on interested official testimonies.

19. In criminal jurisprudence, as articulated by the Hon'ble Supreme Court in **Sarwan Singh Rattan Singh v. State of Punjab [AIR 1957 SC 637]**, the distance between "may be true" and "must be true" is long, and the entirety of this distance must be covered by legal, reliable, and unimpeachable evidence. The material gaps regarding the lawful nature of the custody, the questionable authenticity of the seized paper, and the lack of independent verification leave the prosecution's story well short of that standard. The essential ingredients of Sections 224, 353, and 506(i) IPC have not been established beyond a reasonable doubt, and the accused is fully entitled to the benefit of the doubt.

20. **Point No. 4:-** In view of the findings recorded above, the accused person is found not guilty of the offences alleged against him.

In the result, the accused is acquitted under Section 255(1) of the Cr.P.C. for the offences punishable under Sections 224, 353, and 506(i) of the Indian Penal Code. His bail bond shall stand cancelled and he is set at liberty forthwith.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open Court on this the 8th day of June 2026.

Sd/-

Judicial Magistrate of the First Class, Adimaly

APPENDIX

A- prosecution witnesses

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness
1.	Elthose S/o Mathai	witness, dated. 09/12/2021
2	S Sivadas	witness, dated.24/01/2024
3.	Sumesh S/o Ayyappan	witness, dated. 24/01/2024
4	Saju Paulose S/o T M Paulose	witness, dated. 13/03/2024
5.	AbdulKhani K M S/o Maitheen	PoliceWitness dated 18/07/2024
6	Shinto Thomas S/o Thomas	witness, dated. 18/0/2024
7	Suresh Babu S/o Chellappan	witness, dated. 02/08/2024
8	Suresh Kumar S/o Prabhakaram	witness, dated. 02/05/2024
9	Vincent S/o N T Joseph	witness, dated. 07/02/2025

B- Defence witnesses

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness
		Nil

C- Court witness

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness
		Nil

List of Prosecution/Defence/Court Exhibits

A- Prosecution Exhibits

Sl. No.	Ext.No.	Description fis,fir
1.	Ext.P1/PW1	FIS Statement, dated. 30/09/2016
2.	Ext.P2/PW2	FIR Statement dated 03/10/2016
3	Ext.P3/PW3	Paper dated 30.09.2016
4	Ext.P4/PW6	Sezier Mahazer dated 01/10/2016
5	Ext.P5/PW9	Form 15 adted 01/10/2016
6	Ext.P6/PW9	Address Report dated 01/10/2016
7	Ext.P7/PW9	Arrest Memo dated 01/10/2016
8	Ext.P7 (a)PW9	Inspection Memo dated 01/10/2016
9	Ext.P7 (b)/PW9	Arrest Notice Dated 01/10/2016

B- Defence Exhibits

Sl. No.	Ext.No.	Description
		Nil

C-Court Exhibits

Sl. No.	Ext.No.	Description
		Nil

D-Material Objects

Sl. No.	Material objects	Description
1		

Sd/-
Judicial Magistrate of the First Class, Adimaly