

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
PAYYANNUR**

Present: Kum. Lakshmipriya. T. K.,
Judicial First Class Magistrate.

Tuesday, the 31st day of March, 2026/10th day of Chaithra, 1948

CALENDER CASE NO.953/18

Complainant : The SHO, Pazhayangady Police Station,
Crime No.1536/16

(By APP Grade – I, Payyannur)

Accused : Valsala P P, W/o KunhIRaman, Aged 44/16,
Puthiyapurayil (H), Nr. Vettakkorumakan
Temple, Peringome amsom desom.

(By Adv. Sri. P P Sandeepkumar)

Offence : U/s 117(d) of KP Act

Plea : Not Guilty.

Finding : Not Guilty.

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

DESCRIPTION OF ACCUSED

Sl. No.	Name of the P.S.& No. Cr. of offence	Name	Father's Name	Occupation	Residence	Age
1.	Pazhayangady PS, Cr.no. 1536/16	Valsala P P	KunhIRaman	Peringome	44/16

Date of:

1. Occurrence	: 13.09.2016
2. Complaint	: 17.10.2016
3. Apprehension	: 23.11.2018
4. Release on bail	: 23.11.2018

5. Commitment	: ...
6. Commencement of trial	: 30.06.2022
7. Commencement of evidence	: 23.12.2024
8. Close of trial	: 26.03.2026
9. Sentence or order	: 31.03.2026
10. Service copy of judgment	: Copy is ready
11. Explanation for delay	: No delay
12. Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 CrPC	: ...

This case came up for consideration during today's proceedings and the court delivered the following: -

J U D G M E N T

This is a case instituted upon police report filed by Sub Inspector of police Pazhayangady PS in Cr. No. 1536/2016 for the offences punishable u/s 117(d) of KP Act.

2. **Prosecution case in brief is as follows:** Accused deliberately made a false statement before the police station against CW1 & CW2 on 17.10.2016 and taken a case against them and mislead the investigation of the case. Thereby the accused is said to have been committed the above said offence.

3. The court took cognizance of the offences and issued process against accused. On appearance of accused, copies of all relevant prosecution records are furnished to her. After hearing both sides, charge u/s 117(d) of KP Act was framed and read over and explained to accused to which she pleaded not guilty and claimed to be tried.

4. On the side of prosecution PW1 to PW6 were examined and Exts. P1 to P9 were marked. Thereafter prosecution evidence closed. After closing the prosecution evidence, accused was questioned u/s 313(1)(b) of Cr.PC. Accused denied all the incriminating circumstances that appeared in evidence against her. Thereafter the accused is called upon to enter her evidence, but no defence evidence was adduced on behalf of the accused.

5. Heard both sides.

6. Point arise for consideration:

1) Whether the accused deliberately made a false statement to a police officer with intent to mislead the police in material particulars in investigation or due performance of police duty and thereby committed the offence punishable u/s 117(d) of KP Act?

2) If the offence is proved, what is the order as to sentence?

7. **Point No. 1:** These points are considered together for the sake of brevity and convenience. Prosecution has examined 6 witnesses and Ext.P1 to P9 marked. CW7 is examined as PW1 who deposed that while she was working as a CPO at Pazhayangady PS on 17.10.2016 at 17.30 hours, she recorded the FI Statement of one Valsala P P, D/o Kunhircaman which is marked as Ext.P1. She further testified that, according to Ext.P1, the defacto complainant stated that on 13.09.2016 at around 11:45 a.m., upon reaching Eripuram, she called Manoj over the phone. Manoj arrived there in a car and informed her that his friends were gathered in the quarters behind Dileep's

shop, asking her to come along to discuss certain issues. When she went there, Manoj wrongfully restrained her and embraced her and pushed him and escaped from there.

8. PW2 is the ASI of Pazhayangadi PS who deposed that on 18.01.2016 he has taken over the investigation of the case and proceeded to the place of occurrence and prepared scene mahazar in the presence of witnesses and the scene mahazar is marked as Ext.P2. He further deposed that he has questioned the defacto complainant ie the accused in this case and she changed the time of the incident. Hence he filed a report before the court for correcting the time of incident. The correction report is marked as Ext.P3. The report adding section 354A(i)(ii) of IPC is marked as Ext.P4. On verifying CDR of accused and complainant it is found that on 29.09.2016 the phone number 9562517574 of Valsala was in Vadakara and the witness number 8347175879 was in Eripuram. It is found that on 13.09.2016 the complainant and accused didn't talk and from CDR records and tower location, it is revealed that from 8:10 to 21:49, the accused herein was in vadakara. Further on 21/9/16 from 00.47 hours to 21.08 hours also the accused was in Vadakara as per the tower location. Further investigation was conducted by CW10.

9. PW3 is the attestor of Ext.P2 scene mahazar who deposed that CW1 did not work his firm and he witnessed the preparation of scene mahazar at a tyre shop at Eripuram and he signed in the scene mahazar as a witness.

10. PW4 is the police official of Pazhayangady PS who deposed that on 17.10.2016 at 17.30 hours while he was on GD charge duty he has registered crime No.1536/16 u/s 341,354,506(1) r/w 34 of IPC as per Ext.P1 FIS of Valsala P P recorded by WCPO Shyla and the FIR is marked as Ext.P5 and he identified Ext.P1.

11. PW5 is the SI of Pazhayangadi PS who deposed that on 22.04.2017, as part of the investigation of the case factual report was submitted before the District Police Chief by former investigating officer and he has submitted a report before CJM court for recording the 164 statement of the complainant. Further investigation was conducted by CW11.

12. PW6 is the SI of Pazhayangadi PS who deposed that on 01.08.2018 he taken over the investigation and he has submitted a report before the court for deleting the accused from array of accused as the former investigating officer was proved the complaint is false. The report is marked as Ext.P6 and the report for adding the investigating officer in the complainant side is marked as Ext.P7. The name and address report of the accused and adding the complainant in accused array is marked as Ext.P8. The section altering report is marked as Ext.P9 and he has given notice to the accused and he has filed charge sheet against the accused.

13. I have gone through the entire evidence and records before the court. The prosecution case is that the accused is alleged to have deliberately made a false statement before the police station on 17.10.2016, thereby

initiating a case against them and misleading the investigation. In doing so, the accused is said to have committed the aforementioned offence. In crime no. 1536/16 though the police initially registered an FIR against the accused, as later on the investigation they found that the accused deliberately made this false statement in order to wreck vengeance against the accused in that case and the police after finding the truth a case u/s 117(d) of KP Act was initiated.

14. The learned counsel for the accused vehemently contended that the accused is wholly innocent and has been unnecessarily dragged into this proceeding. According to the defence, the prosecution has initiated this case without producing sufficient and reliable proof. Although the prosecution alleges that the accused committed an offence punishable under Section 117(d) of the Kerala Police Act, the most crucial materials—namely the Call Detail Records (CDR) and tower location data—have not been produced before this Court. In their absence, the allegation that the accused deliberately misled the police remains unsubstantiated. The only circumstance relied upon by the prosecution is that the accused altered the time and date in her subsequent statement. The defence argued that such a discrepancy, by itself, cannot establish deliberate falsehood or criminal intent, and therefore no guilt can be fastened upon the accused.

15. On the other hand, the learned Additional Public Prosecutor submitted that the prosecution has succeeded in proving the case beyond

reasonable doubt. It was argued that the investigating officer has categorically deposed about the factual report and the sequence of events, which clearly demonstrate that the accused attempted to mislead the investigation. The prosecution maintained that the cumulative effect of the witnesses' testimonies and the documentary evidence is sufficient to establish the offence under Section 117(d) of the Kerala Police Act.

16. On a careful perusal of the records, it is evident that PW1 was the officer who initially recorded the statement of the accused, and PW4 registered the FIR based on that statement. According to the version given before the police station, the accused alleged that certain persons had misbehaved with her. However, during the course of investigation, it was revealed that the accused was in Vadakara at the relevant time, contrary to the place and time alleged in her statement.

17. Significantly, in the cross-examination of PW5 and PW6, they categorically admitted that the factual report prepared during investigation was not produced before this Court. That factual report, by its very nature, was expected to contain a clear set of facts and findings of the investigating officer regarding the alleged offence under Section 117(d) of the Kerala Police Act. The absence of such a crucial document weakens the prosecution case considerably. PW5 further admitted that the documents and witness statements relied upon for preparing the factual report were also not produced before this Court. He stated that the 164 statement of the accused was also

verified. In that statement and in the FI statement given by the accused, it is not mentioned that she had called anyone using her phone number. Thus, it remains unclear from which phone the alleged call was made. This omission is material, because the prosecution relies heavily on call records to establish the falsity of the accused's statement. Without proving the specific phone number used by the accused, the foundation of the prosecution's case becomes shaky.

18. From the evidence of PW5, it is clear that the very documents and witness statements relied upon by the investigating officer to conclude that the accused committed the offence under Section 117(d) KP Act have not been produced before this Court. In fact, the prosecution has failed to prove the phone number allegedly used by the accused to contact another person. In such circumstances, the reliance placed on PW2's testimony that CDR and tower location showed the accused was in another place at the relevant time cannot be accepted at face value. Unless the basic link—namely, the phone number attributed to the accused—is proved, the CDR and tower location evidence loses its evidentiary value. Therefore, the prosecution has failed to establish beyond reasonable doubt that the accused deliberately made a false statement with intent to mislead the police.

19. In this juncture it is pertinent to note the case of *Annamma Mathew v. Kaithara Mathew Xavier and Another* (2021 (2) KLT 512), in which our Hon'ble High Court of Kerala held that the basic ingredient to be satisfied for disclosing an offence as per Sec.117 (d) of the Kerala Police Act is that the

prosecution should have a definite case that the accused person should have deliberately made a false statement to a Police Officer, and further should have deliberately made a false statement to the police officer knowing fully well that the said statement is false and that it should be coupled with the ingredient that the accused should necessarily have the intention to mislead the police in material particulars in their investigation or due performance of police duty. As held in the decision cited supra, merely because the accused has given FIS, and has given further statement correcting the date and time of the incident which led to the registration of a crime by itself will not fulfill the ingredients of Sec.117 (d) of the Kerala Police Act unless the prosecution proves that the accused has deliberately made a false statement to the police officer knowing fully well that the said statement is false. Thus important piece of evidence to prove the intention of the accused is the call record details and tower location details of the accused at the relevant point of time but the prosecution failed to produce that documents.

20. Thus merely because police take the view that the allegations raised in the statement are false, does not necessarily mean that the accused has made any statement deliberately and knowing fully well that the statement is false. The police should have cogent and précised materials to make out a specific case that not only the accused has deliberately made a false statement to a police officer but that she has made such a false statement deliberately and that too knowing fully well that the statement is false. As held

in the decision cited supra, the degree of proof to satisfy the said requirement that the statement is not only false, but has been made deliberately, knowing fully well that it is false, is indeed but substantial and significant.

21. As stated above, nothing is on record to show that the accused had given statement police falsely and deliberately. Thus, the prosecution has failed to show that the accused had made statement deliberately and that too knowing fully well that the statement is false. Therefore, the prosecution has miserably failed to prove the offence levelled against the accused beyond reasonable doubt by adducing cogent evidence.

22. In the light of the above findings and discussions, I am satisfied that the prosecution has not succeeded in proving beyond reasonable doubt that the accused had committed any offence as alleged by the prosecution. I do not find any clear and cogent materials from the evidence of PW2, PW5 and PW6 to hold the accused guilty of the charge under S. 117 (d) of the Kerala Police Act. Hence, the accused is entitled to benefit of doubt. The prosecution has failed to prove the offence punishable U/s 117 (d) of the Kerala Police Act against the accused. Hence, this point is found against the prosecution.

23. **Point No.2:** In view of my finding on point No. 1, accused is found not guilty of the offences punishable u/s 117(d) of KP Act.

In the result,

Accused is acquitted u/s 248(1) of CrPC of the offences punishable

u/s 117(d) of KP Act and her bail bond stands cancelled and she is set at liberty.

(Dictated to Confidential Assistant, transcribed and typed her, corrected and pronounced by me, in open court this on the 31st day of March, 2026.)

Sd/-
Judicial First Class Magistrate,
Payyannur.

APPENDIX:

WITNESSES FOR THE PROSECUTION :

PW1	Shyla	Police Witness
PW2	Dinesan	Investigating Officer
PW3	Unnikrishnan	Scene mahazar Witness
PW4	Damodaran	Police witness
PW5	Sajeev P B	Police witness
PW6	Binu Mohan	Investigating Officer

EXHIBITS FOR THE PROSECUTION :

Ext.P1/PW2	FIS dtd. 17.10.16
Ext.P2/PW2	Scene mahazar dtd. 21.10.16
Ext.P3/PW2	Report for adding occurrence date dtd. Nil.
Ext.P4/PW2	Section adding report dtd. 21.10.16
Ext.P5/PW4	FIR dtd. 17.10.16
Ext.P6/PW4	Accused deleting report dtd.
Ext.P7/PW6	Report for adding Investigating Officer as complainant dtd. Nil.

Ext.P8/PW6 Name and address report of accused and Report for adding the complainant in an accused array dtd. Nil.

Ext.P9/PW6 Section 117(d) of KP Act adding Report dtd. Nil.

MATERIAL OBJECTS MARKED : Nil.

WITNESSES FOR THE DEFENCE : Nil

EXHIBITS FOR THE DEFENCE : Nil.

MATERIAL OBJECTS MARKED : Nil

Sd/-
Judicial First Class Magistrate,
Payyannur.

//True copy//

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Payyannur.