

IN THE COURT OF DISTRICT MUNSIF, SHENKOTTAI

Present:- **Thiru.K.N.Guru,B.A.,B.L.,**
District Munsif, Shenkottai,
Principal District Munsif, (FAC)
Sivagiri.

Thursday, the 30th day of July 2026

CC No.203/2018

(CNR No.TNTS11-000983-2026)

1.	Name of the Police Station and Crime Number of the Offence)	State Rep. by its Sub Inspector of Police, Puliyarai P.S. Cr.No.98/2017
2.	Name of the accused	1. Arumugaraj, (Died) S/o.Ayyadurai, Thadco Nagar, Puliyarai.
3.	Father's Name of the accused	
4.	Occupation of accused	
5.	Residence of accused.	
6.	Age of the accused.	2. Kannan, S/o.Ayyadurai, Thadco Nagar, Puliyarai.
		3. Hariharan, (Age 60) S/o.Chellam, Thadco Nagar, Puliyarai.
		4. Murugesan, (Age 43) S/o.Ayyadurai, Thadco Nagar, Puliyarai.
7.	Date of Occurrence	24.05.2017

8.	Date of Complaint	24.05.2017
9.	Apprehension of accused	-
10.	The accused is Release on Bail	1 to 3 Accused – AB A3 & A4 Released on Station Bail.
11.	Commitment	N/A
12.	Commencement of Trial	22.01.2026
13.	Closure of Trial	23.07.2026
14.	Sentence or Order Date	30.07.2026
15.	Date of Service of copy of Judgment or finding on Accused	30.07.2026
16.	Explanation of Delay	To examine the Witness.

This case having been coming up for final hearing before me, in the presence of learned A.P.P. Grade-I for the State/Complainant and of Thiru.K.S.Muthu, learned counsel for the accused No.1 and 2 and upon hearing both sides and upon perusal of the entire records, this court delivers the following..

JUDGMENT

It is humbly submitted that on 24.05.2017 at approximately 04:00 hours, while the Sub-Inspector of Police, Puliyarai Police Station, was on night patrol duty within his jurisdictional limits near the Thatco Nagar Bus Stop, Accused Nos. 1 to 4 jointly obstructed and deterred him from discharging his official public duties. In

the presence of Witnesses 1 to 4, the accused persons abused the police officers in a public place using obscene and filthy language, specifically uttering, "ஏலே போலிஸ்னா பெரிய மயிரா என்று அசிங்கமாக பேசி, நான் அரசியலில் பெரிய ஆள் நேற்று எனது இருசக்கர வாகனத்தை குடியோதையில் வந்ததாக கேஸ் போட்டிருக்கீங்க நாங்க நினைச்சா உங்களை இங்கேயே காலி செய்துவிடுவோம்". Having thereby committed offenses punishable under Sections 294(b), 353, and 506(ii) of the Indian Penal Code, the Sub-Inspector of Police, Puliyarai Police Station, respectfully submits this Final Report for prosecution. The investigation was conducted and after the completion of the investigation of the case, on 31.05.2017 final report against all the accused were filed for the commission of offences U/S.2294(b), 353, and 506(ii) against all the accuseds.

2) Final Report, on consideration, was taken on file in C.C.No.203/2018 on 20.06.2018. On appearance, the accused Nos.1 to 4 is served with copies, free of cost, U/S.207 Cr.P.C; After granting sufficient time, the charge was framed against the accused nos.2 to 4 under Sections U/S.294(b), 353, and 506(ii) and the same was read over and explained in Tamil to the accused nos.2 to 4 in accordance with Section 240 of the CrPC. When questioned, the accused nos.2 to 4 denied the charges. The 2 to 4 accuseds however, pleaded not guilty and claimed to be tried.

Hence, the trial was ordered by this court. Meanwhile, the 1st Accused died on 25.10.2023 and his death was also recorded by this court on 22.01.2026.

3) **Witness :-**

On the side of the prosecution, Witnesses P.W.1 to P.W.6 were examined, and Documentary Evidence Ex.P-1 to Ex.P-3 were marked. The all accused have not let in any evidence on their side.

4) **Prosecution case arose from its witnesses in nutshell as follows:-**

4.1 **P.W.1 Alex Menan** deposed that he is presently working as a Sub-Inspector of Police at Kadayanallur Police Station. He identified the accused persons present before the court. He stated that while serving as a Special Sub-Inspector of Police at Puliয়ারai Police Station, on 24.05.2017 at about 04:00 hours, he led a night patrol team comprising himself, Trainee Sub-Inspector Lipic Paulraj, and Head Constable Raja Singh across Puliয়ারai Therkumedu, Puliয়ারai Bazaar, and Puliয়ারai Thatco Nagar. Upon reaching Thatco Nagar, the accused persons—Murugesan, Har-
iharan, Arumugaraj, and Kaniyappa—confronted the police party and hurled foul, abusive language, saying, *"Do you think you are big shots just because you are po-
lice? We command high political influence. Yesterday, you intercepted my two-
wheeler and booked a drunk driving case."* They further threatened, *"If we decide,*

we will finish you off right here." Immediately, accused Arumugaraj and Kaniyappa grabbed P.W.1 by his shirt collar. When Trainee Sub-Inspector Lipic Paulraj intervened, accused Arumugaraj grabbed his shirt collar as well. All the accused persons issued explicit death threats, stating that none of the officers would return home alive, thereby forcibly preventing them from discharging their public duties. As the police team attempted to surround and apprehend them, the accused fled the scene. P.W.1 submitted a Special Report to the Sub-Inspector of Police seeking legal action against the offenders. He identified his signature on the Special Report shown to him, which was marked as **Ex.P-1**. He confirmed that he was subsequently examined by the Sub-Inspector of Police.

4.2 **P.W.2 Raja Singh** deposed that he is currently serving as a Special Sub-Inspector of Police in the Highways Department, Tenkasi. He testified that on 24.05.2017 at around 04:00 hours, while serving as a Head Constable at Puliyarai Police Station, he was on night patrol along with Trainee Sub-Inspector Lipic Paulraj, led by Special Sub-Inspector Alex Menon. Near the Thatco Nagar Bus Stand, the accused persons—Murugesan, Hariharan, Arumugaraj, and Kannan @ Kaniyappa—confronted the police party, used filthy language, and shouted, "*Do you think you are big shots because you wear a police uniform? I hold significant political standing, yet you registered a drunk driving case against my vehicle.*" They

intimidated the officers, declaring that they would not reach home alive. When the team attempted to arrest the accused for criminal intimidation and obstruction of duty, the accused escaped. P.W.2 identified the accused present in court and affirmed that his statement was recorded by the Sub-Inspector of Police.

4.3 **P.W.3 Lipic Paulraj** deposed that he is currently working as a Sub-Inspector of Police at the District Crime Records Bureau, Kanniyakumari. He stated that in May 2017, while serving as a Trainee Sub-Inspector at Puliyarai Police Station, he was on night patrol with SSI Alex Menon and Head Constable Raja Singh. At about 04:00 hours on 24.05.2017, near Thatco Nagar Bus Stop, the accused persons—Murugesan, Arumugaraj, Kannan @ Kaniyappa, and Hariharan—intercepted them and hurled vulgar abuses, asserting, *"Despite knowing our political stature, how dare you stop our vehicle and register a DD (Drunken Driving) case? If we choose, we will eliminate you on the spot."* Chasing the officers with abusive epithets, accused Arumugaraj and Kannan @ Kaniyappa pulled the uniform of SSI Alex Menon. When P.W.3 stepped in to defend him, accused Arumugaraj grabbed P.W.3's uniform as well, threatening that no officer would make it back alive if they interfered with them. The accused managed to flee when the officers tried to detain them. Following the incident, SSI Alex Menon submitted a Special Report, and P.W.3 confirmed that his statement was duly recorded by the investigating officer.

4.4 **P.W.4 Kumar** deposed that he is a resident of Lallakudieruppu and works as a daily wage laborer. He identified his primary signature on the Observation Mahazar shown to him in court, which was marked as **Ex.P-2**. He testified that about six years ago, between 07:00 and 08:00 hours while he was heading to work, the police drew a site plan at the scene of occurrence and requested his signature as an attesting witness, which he provided. He confirmed being examined by the police.

4.5 **P.W.5 Ramasamy** deposed that he resides in Lallakudieruppu and earns his living as an auto-rickshaw driver. He identified his signature on the Observation Mahazar (**Ex.P-2**). He testified that about eight years ago, between 06:30 and 07:00 hours, while he was en route to Puliyarai near Thatco Nagar, police officers inspected the spot and prepared both the Observation Mahazar and the Rough Sketch. He along with P.W.4 Kumar attested the mahazar as witnesses. He confirmed that he was subsequently examined by the investigating officer.

4.6 **P.W.6 Vincent Anbarasi** deposed that she is presently serving as the Inspector of Police at Nagercoil All Women Police Station. She testified that on 24.05.2017, while serving as the Sub-Inspector of Police at Puliyarai Police Station, Special Sub-Inspector Alex Menon appeared at the station at 17:00 hours and lodged a complaint. Based on his complaint, she registered Crime No. 98/2017 under Sections

294(b), 353, and 506(ii) of the Indian Penal Code. She dispatched the First Information Report (FIR) to the Judicial Magistrate Court, Sengottai, while retaining a copy for investigation. Upon taking up the investigation, she proceeded to the scene of occurrence at 06:00 hours that same day, inspected the site in the presence of witnesses Kumar and Ramasamy, and prepared both the Observation Mahazar and Rough Sketch. The Rough Sketch was marked as **Ex.P-3**. She secured the signatures of the witness on the Observation Mahazar and recorded their individual statements. On the same day, she also examined witnesses Alex Menon, Lipic Paulraj, and Head Constable Raja Singh, recording their statements. At about 15:00 hours on the same day, she arrested Accused Hariharan and Murugesan near Thatco Nagar Pillaiyar Temple. After duly informing their relatives and strictly adhering to Supreme Court directives, she brought them to the station, subjected them to medical examination, recorded the entries in station logs, and enlarged them on station bail upon furnishing two sureties. On 31.05.2017, upon learning that Accused Arumugaraj and Kannan @ Kaniyappa had secured anticipatory bail from the Principal District and Sessions Court, Tirunelveli, she concluded the investigation and filed the Final Report against all the accused under Sections 294(b), 353, and 506(ii) IPC on that same date.

5. The incriminating evidence, let in by the prosecution, against the accused no.2 to 4, on record, was put forth to the accused nos.2 to 4 U/S. 313 Cr.P.C. and they denied it and said that it was a false case. However, they have no evidence on their side.

6. Heard on both sides.

7. The point for determination is whether Accused Nos. 2 to 4 are guilty under Sections 294(b), 353, and 506(ii) of the Indian Penal Code?

8. The point and discussion:-

i) This Court has carefully considered the arguments advanced on either side and meticulously perused the entire oral and documentary evidence available on record.

ii) The first question that arises for consideration is whether the prosecution has proved the offence punishable under Section 294(b) IPC beyond reasonable doubt.

iii) For this purpose, this Court has carefully analysed the evidence of P.W.1 Alex Menon, P.W.2 Raja Singh, P.W.3 Lipic Paulraj and P.W.4 Kumar. P.W.1 to P.W.3 have consistently deposed that the accused uttered the words "போலீஸுனா என்ன பெரிய மயிரா?" and other abusive expressions against the police personnel. This Court is of the opinion that the expression is undoubtedly abusive and was

allegedly uttered in a public place.

iv) However, the mere utterance of abusive or obscene words in a public place is not by itself sufficient to attract Section 294(b) IPC. One of the indispensable ingredients of the offence is that such utterance must have caused **annoyance to others**. The prosecution has not adduced any evidence to establish this essential ingredient. On the contrary, the prosecution witnesses themselves have admitted that there were no members of the general public present at the place of occurrence at the relevant point of time. Consequently, there is absolutely no material to show that the alleged obscene utterances caused annoyance to any member of the public. In the absence of proof of this statutory requirement, the offence under Section 294(b) IPC is not made out. Accordingly, this Court holds that the prosecution has failed to prove the offence punishable under Section 294(b) IPC beyond reasonable doubt.

The next question that arises for consideration is whether the prosecution has established the offence punishable under Section 506(ii) IPC.

v) To constitute the offence of criminal intimidation under Section 506(ii) IPC, the prosecution must prove that the accused intentionally issued a threat of injury to the body, reputation or property of the victim, or to the body or reputation of a person in whom the victim is interested, with the intention of causing alarm to the

victim or compelling him to do an act which he was not legally bound to do or to omit an act which he was legally entitled to do.

vi) Keeping the above legal requirements in view, this Court has carefully scrutinised the evidence of P.W.1 to P.W.4. Though the prosecution alleges that the accused threatened the police officials by stating that they would finish them on the spot, none of the witnesses has deposed that such alleged threats created any alarm or apprehension in their minds. There is no evidence to show that any of the police personnel acted under fear or altered their conduct because of the alleged threats. Mere use of abusive or threatening words, without proof that the threat was intended to and did in fact create alarm in the mind of the victim, would not amount to criminal intimidation.

Vii) In this regard, this Court derives support from the decision of the Hon'ble Supreme Court in **Vijayakumar v. State of Tamil Nadu, Criminal Appeal No.2859 of 2025, decided on 22.05.2026**, wherein it was held that to constitute an offence under Section 506 IPC, the prosecution must establish that the accused intentionally issued a threat with the intention of causing alarm to the victim or compelling the victim to do or omit an act. The Hon'ble Supreme Court further held that mere utterance of threatening words is not sufficient and that the threat must be of such a nature as to create a genuine apprehension or alarm in the mind of the victim.

Applying the above principle to the facts of the present case, this Court is of the considered opinion that the prosecution has failed to establish the essential ingredient of "alarm" and, consequently, the offence punishable under Section 506(ii) IPC is not proved beyond reasonable doubt.

Viii) The final question that arises for consideration is whether the prosecution has proved the offence punishable under Section 353 IPC.

ix) To attract Section 353 IPC, the prosecution must establish that (i) the victim was a public servant; (ii) the accused assaulted or used criminal force against such public servant; and (iii) such assault or use of criminal force was intended to prevent or deter the public servant from discharging his official duties.

x) There is no dispute that P.W.1 is a public servant. However, the remaining ingredients have not been satisfactorily established by the prosecution.

xi) A meticulous scrutiny of the testimonies of P.W.1, P.W.2 and P.W.3 reveals material contradictions which go to the very root of the prosecution case. According to P.W.1, Accused Nos.1 and 2 pulled his shirt collar and, when P.W.3 intervened, they also pulled the shirt of P.W.3. P.W.2, however, has given an altogether different version by stating that the accused first pulled his own shirt and thereafter pulled the shirt of P.W.3. P.W.3, in turn, deposed that the accused first pulled the

uniform shirt of P.W.1 and that only Accused No.2 pulled his shirt when he intervened. Thus, each witness attributes the principal overt act to a different victim, resulting in three mutually inconsistent versions of the same occurrence.

Xii) These contradictions cannot be brushed aside as minor discrepancies attributable to lapse of memory. They relate to the very genesis of the prosecution case, namely, the identity of the victim of the alleged assault and the manner in which the occurrence unfolded. Acceptance of one version necessarily renders the other versions false. Such mutually destructive testimonies strike at the credibility of the prosecution case and create a serious doubt regarding the occurrence itself.

Xiii) The prosecution story is further rendered inherently improbable. According to the prosecution, four police personnel, who were admittedly on official night patrol duty, were confronted by four unarmed civilians. It is alleged that the accused physically assaulted the police personnel, prevented them from discharging their official duties, and thereafter escaped from the spot. It is difficult to accept, in the ordinary course of human conduct, that four trained police personnel, acting together in the discharge of official duty, would be completely overpowered by four unarmed civilians and yet fail to apprehend even a single accused at the place of occurrence. The prosecution has offered no satisfactory explanation for this highly improbable circumstance.

Xiv) Another circumstance creating serious doubt is that the prosecution has not produced any General Diary entry, patrol register, duty chart or any contemporaneous official record to establish that P.W.1, P.W.2 and P.W.3 were actually detailed for night patrol duty at the relevant time. In a prosecution under Section 353 IPC, where the allegation is that the public servant was obstructed while discharging his official duties, such contemporaneous official records assume considerable significance. Their non-production gives rise to an adverse inference against the prosecution.

xv) The prosecution case is further weakened by the absence of any specific overt act attributed to Accused Nos.3 and 4. The witnesses have made only vague and omnibus allegations against them. The allegation of physically pulling the shirts is principally directed against Accused Nos.1 and 2. Significantly, Accused No.1 has since died. Insofar as the surviving accused are concerned, the prosecution has failed to clearly establish their individual roles or any common intention to commit the alleged offences.

Xvi) This Court also finds that the depositions of P.W.1, P.W.2 and P.W.3 substantially reproduce the version contained in their statements recorded under Section 161 Cr.P.C. Their evidence lacks spontaneity and appears to be a mechanical repetition of the prosecution case. When such testimony is examined in the light

of the material contradictions and inherent improbabilities noticed above, it does not inspire the confidence of this Court.

Xvii) It is a settled principle of criminal jurisprudence that suspicion, however strong, cannot take the place of legal proof. The prosecution is required to prove its case beyond reasonable doubt by producing cogent, reliable and trustworthy evidence. In the present case, the cumulative effect of the material contradictions, inherent improbabilities, absence of corroborative official records, failure to attribute specific overt acts to the surviving accused, and failure to establish the essential ingredients of the offences alleged creates a serious and reasonable doubt regarding the prosecution case.

Xviii) Accordingly, this Court is of the considered opinion that the prosecution has failed to prove beyond reasonable doubt the offences punishable under Sections 294(b), 353 and 506(ii) IPC. The accused are therefore entitled to the benefit of doubt, and the point for determination is answered against the prosecution and in favour of the accused.

In the result, Accused Nos.2 to 4 are acquitted under Section 248(1) of the Code of Criminal Procedure of the offences punishable under Sections 294(b), 353 and 506(ii) IPC, as the prosecution has failed to prove the charges beyond

reasonable doubt.

The bail bonds, if any, executed by the accused shall stand cancelled. The sureties are discharged. Material Objects, if any, shall be dealt with in accordance with law after the expiry of the appeal period.

Dictated to the steno typist, typed by her, corrected and pronounced by me in the open court on this the day of **30th July 2026.**

District Munsif, Shenkottai.

Annexure:-

Witness on the prosecution side:

P.W.1	Thiru. Alex Menan	
P.W.2	Thiru. Raja Singh	
P.W.3	Thiru. Lipic Paulraj	
P.W.4	Thiru. Kumar	
P.W.5	Thiru. Ramasamy	
P.W.6	Tmt. Vincent Anbarasi	Sub Inspector of Police, Puliyarai P.S.

Exhibits marked on the prosecution side:-

Ex. P1	24.05.2017	Special Report
Ex. P2	24.05.2017	Observation Mahazar
Ex. P3	24.05.2017	Rough Sketch

Material objects produced on the side of prosecution - Nil

Defense side witness, documents and Material objects:- Nil

District Munsif, Shenkottai.

Note:-

- 1) Accused nos.2 to 4 are on bail at the time of trial.
- 2) All the witnesses have been examined not more than 3 hearings.
- 3) The result of the case was informed to the complainant.