# IPC Section 173: Preventing service of summons or other proceeding, or preventing publication thereof.

## IPC Section 173: Preventing Service of Summons or Other Proceeding, or Preventing Publication Thereof - A Detailed Explanation  
  
Section 173 of the Indian Penal Code (IPC) deals with the offense of actively obstructing the service or publication of a summons, notice, or other legal process. Unlike Section 172, which focuses on the individual absconding to avoid service, Section 173 targets those who actively interfere with the delivery or dissemination of legal processes, hindering the proper functioning of the justice system.  
  
\*\*The Text of Section 173:\*\*  
  
Section 173 states:  
  
"Whoever in any way prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally competent, as such, to issue or serve such summons, notice or order, or prevents the lawful affixing to any place of any such summons, notice or order,  
  
or intentionally prevents the lawful service or the affixing of the same, or intentionally prevents the publication thereof,  
  
shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;  
  
or, if the summons, notice or order is to attend in person or by agent, or to produce a document or other thing in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;  
  
or, if the summons or notice or order requires attendance before a Court of Justice in a proceeding relating to an offense, or is to produce a document or other thing in such proceeding, with imprisonment of either description for a term which may extend to two years, or with fine, or with both."  
  
\*\*Breaking Down the Section:\*\*  
  
1. \*\*Preventing Service:\*\* This section criminalizes any act that obstructs the service of a summons, notice, or order on oneself or any other person. This includes physically preventing the delivery of the document, misleading the process server, or employing any other tactic to thwart the service.  
  
2. \*\*Preventing Lawful Affixing:\*\* The section also covers preventing the lawful affixing of a summons, notice, or order to a designated place. This typically occurs when the person to be served cannot be found, and the process server affixes the document to their residence or another designated location. Removing or defacing such a lawfully affixed document would fall under this provision.  
  
3. \*\*Intentional Prevention of Service or Publication:\*\* The section specifically highlights the importance of intent. Accidental or unintentional interference with the service process is not covered. The prosecution must prove that the individual acted intentionally to prevent service or publication.  
  
4. \*\*Preventing Publication:\*\* This provision extends to preventing the lawful publication of a summons, notice, or order. This is relevant in cases where public notification is required, such as proceedings involving property or public interest matters. Interfering with the publication process in newspapers or other designated platforms would constitute an offense.  
  
5. \*\*Three Tiers of Offenses and Punishments:\*\* Similar to Section 172, Section 173 also defines three tiers of offenses with escalating penalties based on the nature of the legal process being obstructed:  
  
 \* \*\*First Tier:\*\* Preventing the service or publication of any summons, notice, or order is punishable with simple imprisonment up to one month, a fine up to five hundred rupees, or both.  
  
 \* \*\*Second Tier:\*\* Preventing the service or publication of a summons, notice, or order requiring personal or agent attendance or document/thing production in a Court of Justice is punishable with simple imprisonment up to six months, a fine up to one thousand rupees, or both.  
  
 \* \*\*Third Tier:\*\* Preventing the service or publication of a summons, notice, or order requiring court attendance in a proceeding related to an offense, or to produce a document or thing in such a proceeding, carries the highest penalty: imprisonment (either simple or rigorous) up to two years, a fine, or both.  
  
  
\*\*Significance of Section 173:\*\*  
  
Section 173 is crucial for maintaining the integrity of the legal system by:  
  
\* \*\*Ensuring Effective Service of Legal Processes:\*\* It protects the mechanism of service and ensures that legal documents reach the intended recipients, enabling the smooth functioning of judicial proceedings.  
  
\* \*\*Preventing Obstruction of Justice:\*\* By criminalizing interference with service, the section prevents individuals from obstructing the course of justice and frustrating legal proceedings.  
  
\* \*\*Upholding the Authority of Courts:\*\* The section reinforces the authority of courts and other legal institutions by ensuring that their processes are not interfered with.  
  
\* \*\*Protecting the Rights of Other Parties:\*\* Preventing service can significantly prejudice the rights and interests of other parties involved. Section 173 protects these rights by ensuring that legal processes can be effectively served.  
  
  
\*\*Relationship with other Sections:\*\*  
  
Section 173 is closely related to Section 172 (absconding to avoid service) and other provisions of the IPC dealing with offenses against public justice. These sections collectively aim to protect the integrity of the legal system and prevent interference with the administration of justice.  
  
\*\*Challenges and Interpretation:\*\*  
  
Applying Section 173 requires careful assessment of the specific facts and circumstances of each case. Proving intent is crucial, and mere accidental interference with service would not constitute an offense. The prosecution must demonstrate a deliberate act aimed at preventing service or publication.  
  
  
\*\*Conclusion:\*\*  
  
Section 173 of the IPC plays a critical role in ensuring the smooth functioning of the legal system by criminalizing the act of preventing the service or publication of legal processes. It complements Section 172 and other related provisions by targeting those who actively obstruct the delivery or dissemination of summons, notices, and orders. The tiered penalty system reflects the varying degrees of interference and obstruction of justice. By protecting the mechanism of service and upholding the authority of courts, Section 173 contributes significantly to the effective administration of justice and the protection of individual rights.