



2026:AHC:71115

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5019 of 2025

Madan Gopal Sinha

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s) : Satish Chandra Sinha
Counsel for Opposite Party(s) : G.A.

Court No. - 86

HON'BLE SUBHASH CHANDRA SHARMA, J.

1. Heard learned counsel for the revisionist, learned A.G.A. for the State and perused the record.

2. This criminal revision has been preferred against the judgment and order dated 10.06.2025 passed by learned Additional Civil Judge (Junior Division), Judicial Magistrate, Ghazipur in Criminal Case No. 1911 of 2017 (State Versus Yashu Ji Maharaj) under Section 153B, 295A I.P.C. arising out of Case Crime No. 272 of 2004, Police Station Karanda, District Ghazipur whereby the application No. 22B under Section 239 Cr. P.C. has been rejected.

3. It is argued by the learned counsel for the revisionist that in this case a Case Crime No. 272 of 2004, under Section 153B, 295A I.P.C was got registered at police Station Karanda, District Ghazipur by the informant with the allegation that a book, namely, 'Tankar' Sawdhan Aage Yaha Visphotak" in which there were insulting words against the religion of Islam and it was published with a view to disturb the religion in the society. He further submitted that during the course of investigation, no proper investigation was made by the investigating officer. The name of present revisionist was written as editor on the book and only on that basis, he was implicated falsely in the present case. The book was got published by Yashu Ji Maharaj. There is no any material on record to show that the present revisionist was editor of the book, but only on the basis of mention of his name as editor he was charge sheeted and learned trial court took cognizance of the offence. The application for discharge was moved by the revisionist before the learned trial court, which was decided by order dated 10.06.2025 without considering the nature of offence and material collected during the course of investigation. The learned trial court has committed error while passing the order in question, therefore, request to set aside the order and to allow the revision.

4. Learned A.G.A. has opposed the prayer as aforesaid and contended that several books were published and recovered by the police and present revisionist was editor in those books said to be printed at the instance of accused Yashu Ji Maharaj from the

publication, namely Sanjay Pustak Bhandar. He further submitted that the contents of the books were against the religion of Islam and were likely outrage religious feeling of any class by insulting its religion or religious belief. In this way, the offence under Section 153B and 295A I.P.C. are made out. Learned trial court has considered the provisions of relevant law and material available on record and then passed the order in question dated 10.06.2025.

5. For ready reference **Section 153B and 295A I.P.C.** are extracted below:-

153B. Imputations, assertions prejudicial to national integration.-- (1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise,--

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied, or deprived of their rights as citizens of India, or

(c) makes or publishes and assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

S. 295A Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.—

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

6. From the perusal of record and order passed by the learned trial court dated 10.06.2025, it transpires that the revisionist was editor of the book, namely, 'Tankar'

Sawdhan Aage Yaha Visphotak". It was published from Sanjay Book Bhandar, Golghar, District Varanasi and its editor was Dr. Madan Gopal Sinha (revisionist). After lodging of the first information report books were recovered by the investigating officer. There is mention of this fact in the case diary. In those books there were insulting statement regarding 'Kuran'. At the stage of framing of the charges, only prima facie case is to be seen but the material on record can not be subjected to scrutiny as during trial. Learned trial court while passing the order in question has perused the record and material collected during the course of investigation and the provisions as contained under Section 153B and 295A of I.P.C. Prima facie case was found to be established, as a result application for discharged moved by the revisionist was dismissed vide order dated 10.06.2025. There appears no illegality or impropriety in the order passed by the learned trial court but the revision being devoid of merit, is *dismissed*

April 2, 2026
T.S.

(Subhash Chandra Sharma,J.)