



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1920 OF 2022

Akbar Uddin s/o Sultan Salahuddin Owaisi
age 52 years, occ. MLA
r/o Banjara Hill, Road No. 12
House No. 8-2-686/B/A/Hyderabad (Telangana) .. Applicant

versus

1. The State of Maharashtra
2. Rajasingh T. Naval Singh Lodh
age 45 years, occ. MLA
r/o 13-5-158/41,
Kshatriya Nagar, Tappachabutra
Amalpur, Hyderabad (Telangana) .. Respondents

Mr. N. S. Ghanekar, along with Mr. S. S. Subhedar, Advocates for the Applicant.
Ms. R. P. Gour, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 6th AUGUST, 2026.

JUDGMENT :

1. This application under Section 482 of Code of Criminal Procedure seeks quashment of proceeding in RCC No. 17/2021 pending before learned JMFC, Ardhapur, District Nanded, for offences punishable under Section 295A and 298 of Indian Penal Code and order dated 15.11.2021 of taking cognizance and issuance of summons against the Applicant.

2. It is the contention of learned Counsel for the Applicant that Respondent No. 2 filed private complaint against the Applicant before the Chief Metropolitan Magistrate, Hyderabad in respect of offence under Sections 295A and 298 of Indian Penal Code claiming that on 03.01.2013, while he was browsing internet YouTube, he came across a video in which the Applicant was addressing public meeting. According to Respondent No. 2, accused has used derogative words against his community and Lord Shriram. The Chief Metropolitan Magistrate, Hyderabad passed order under Section 156(3) of Code of Criminal Procedure and after registration of crime with Mangalghat Police Station, the same came to be transferred to Ardhapur police station, District Nanded, Maharashtra, for investigation. Investigation into Crime No. 68/2013 was completed with filing of charge-sheet on 15.03.2021. Pursuant to the filing of said charge-sheet, criminal proceeding was registered as RCC No. 17/2021. The learned Magistrate passed order on 15.11.2021 issuing summons to the Applicant/accused. Thus, according to the Applicant, cognizance of this crime has been taken on 15.11.2021.

3. Applicant seeks quashment of the First Information Report, charge-sheet and order of issuance of process against him on the

ground that the offence under Section 298 of Indian Penal Code is punishable with imprisonment of one year and the offence under Section 295A is punishable with imprisonment which may extend to 3 years, and as per Section 468 of Code of Criminal Procedure, the maximum period of limitation for taking cognizance by the Court is three years from the date of alleged commission of crime. It is his submission that since cognizance has been taken on 15.11.2021, i.e. beyond three years, the proceeding cannot survive. He further claims that the allegations against him do not disclose any deliberate act committed by him with malicious intention to outrage the religious feelings of any person. It is his claim that the allegations do not show that the Applicant insulted or attempted to insult the religion or religious beliefs of any class. It is also claimed that outrage of religious sentiments of any citizen with respect of online content is a subjective judgment. On these amongst other contentions, the reliefs as recorded hereinabove are sought.

4. Learned Counsel for the Applicant, at the outset, submits that the proceedings are barred by limitation in view of provisions of Section 468 of Code of Criminal Procedure which mandates cognizance of offence to be taken within a period of three years in

case the punishment is upto three years and one year in case punishment is upto one year as applicable in this case for offences under Sections 295A and 298 respectively of Indian Penal Code. In order to support his submissions, he drew attention of the Court to the fact that the alleged statement has been made on 08.12.2011 in a speech addressing public rally however, First Information Report came to be lodged in the year 2013 and the order of cognizance has been taken on 15.11.2021. Thus, it is his submission that the proceedings including First Information Report and order of taking cognizance cannot sustain.

5. On merits, it is his submission that the alleged statements made by the Applicant are required to be taken into consideration in the backdrop of the subject on which he was speaking. According to him, the subject of the speech was the judgment of Allahabad High Court in Ram Janmabhoomi case. It is his submission that the Applicant was deliberating the issues which were raised/canvassed before the Allahabad High Court. It is his submission that in the said context, if any statement was made, it cannot be called as intentional, deliberate or malicious with an aim to hurt religious

feelings of any class of the society. To support his submissions, he placed reliance on following judgments :-

- (i) Harijinder Singh @ Zinda & Ors. vs. State of Punjab and Ors. [2025] 6 S.C.R. 168 (on the point of Section 295A)
- (ii) Ramji Lal Modi vs. The State of U.P. (1957) Supreme Court Reports 8 (challenge to constitutional validity of Section 295A)
- (iii) Pravasi Bhalai Sangathan vs. Union of India (UOI) and others (2014) AIR (SC) 1591
- (iv) Rajendra Sail vs. Madhya Pradesh High Court Bar Association and others, (2005) AIR (SC) 2473.
- (v) Sudheer Rikhari vs. State of Goa and others 2021 Supreme(Bom) 1025 (Section 295A -wherein in complaint no allegation of intentional outraging of religious feelings has made)
- (vi) Shri Dulal Ghosh vs. The State of Tripura & others AIRONLINE 2021 TRI 92 (petitioner claims twisting of his post and also claims no intention to hurt religious feelings)

6. Learned APP opposed the application by contending that once offence punishable under Sections 295A and 298 of Indian Penal Code is made out, there is no question of causing interference in the order of issuance of process or charge-sheet which was preceded by First Information Report. It is submitted that the Applicant being a member of Legislative Assembly was fully conscious of his statements

and impact thereof when he addressed a public rally. According to her, the statements made in the speech, as recorded in the complaint filed by Respondent No. 2, are *prima facie* sufficient to show that it was an intentional, deliberate and malicious act on the part of the Applicant which would hurt sentiments and religious beliefs of class of citizens. It is further argued that the right of speech and freedom of expression cannot be extended to such an extent that a person is permitted to hurt religious beliefs which constitutes an offence. She further argued that evidence collected during the course of investigation i.e. the audio/video of the speech given by the Applicant clearly indicates his intention by the manner in which those words were uttered. According to her the tone and throw reflect clear cut intention and malice of mocking the religious belief of Hindu community and to hurt the same. She sought to place reliance on this evidence collected during course of investigation. In respect of submission with regard to Section 298 of Indian Penal Code the period of limitation for lodging complaint would be one year, she refers to sub-section 3 of Section 468 which, according to her, deals with the situation wherein the period of limitation is to be determined in respect of more than one offence to be tried together. She submits that since offence under Section 298 is tried with

Section 295A of Indian Penal Code, cognizance has been taken within limitation. In response to the argument with regard to Section 468 of Code of Criminal Procedure, it is submitted that computation of period of limitation and the relevant date for that purpose would be the date of filing of complaint or date of intimation of criminal proceeding and not the date of order of issuance of summons to the accused. To support these submissions, reliance is placed on following judgments :-

- (i) Roma Ahuja vs. State and Another
AIR 2026 Supreme Court 1793
(on Section 468 of Cr.P.C.)
- (ii) Kamal Shivaji Pokarnekar vs. State of Maharashtra & others
(2019) 14 Supreme Court Cases 350
(on point of scope of quashment proceeding)
- (iii) Amish Devgan vs. Union of India and others
(2021) 1 Supreme Court Cases 1
(on hate speech)

7. At the outset, it needs to be recorded that for the purpose of considering the prayer for quashment of First Information Report, charge-sheet and order of issuance of process against Applicant, this Court would be guided by the guidelines laid down by Hon'ble Supreme Court in case of State of Haryana and others Vs. Bhajan Lal and others, **AIR 1992 SCC 335**. The relevant paragraph reads thus :-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code of the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is

maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

8. Similarly, in case of Kamal Shivaji Pokarnekar (supra), the Hon’ble Supreme Court while dealing with the law on the point of quashment of criminal proceeding has held as under :-

“5. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious, or offence of which cognizance has been taken by the Magistrate, it is open to the High Court to quash the same. It is not necessary that a meticulous analysis of the case should be done before the trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification for the High Court to interfere.”

Thus, acceptance of complaint/First Information Report as it is if makes out an offence, it would not be open for the Court to cause interference therein and quash the same at this stage. On the other hand, on accepting the case of prosecution as it is, if no case is made out, then the Court is duty bound to quash the proceeding. This

would follow also in case allegations are absurd or improbable or it is a case of abuse of process of law.

9. Before dealing with the factual aspect of the case, it would be relevant to take note of relevant provisions applicable to the instant case. The Applicant is charged for the offence punishable under Sections 295A and 298 of Indian Penal Code, which read thus :

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.

298. Uttering, words, etc., with deliberate intent to wound the religious feelings of any person.—

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes

any gesture in the sight of that person or places, any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Above provisions indicate that in order to constitute an offence under these provisions, the prosecution must show that there was any deliberate/intentional act on the part of the accused to outrage and would the religious feelings of any class by insulting religion or religious beliefs.

10. The terms 'deliberate' and 'malicious' are not defined by Indian Penal Code and as such, general definition of these terms is required to be considered. As per dictionary meaning, deliberate act is the one which is done for a purpose in planned and decided manner and not by chance. In other words, if any act is calculated, then it would be called as deliberate. The word 'malicious' is defined as an act done with a purpose to hurt, upset or harm another person. Thus, if an act is done to cause hurt, whether physical or emotional, or upset any person, would be called as an malicious action. Needless to say the intention of a person and as to whether the act was deliberate or otherwise would be required to be considered in the backdrop of the

overall facts and circumstances of the case. However, the words by themselves in isolation can not determine the same.

11. Needless to state that while deciding existence / occurrence of offence, more particularly, which is verbal in nature, the factual circumstances of the case are required to be considered in order to ascertain intent/malice etc. The Court, in the case like one in hand, has to see whether *prima facie* act attributed to the Applicant is intentional or unintentional i.e. unplanned or committed by mistake or is calculated and measured one. This Court would also required to see as to whether the statements made were intended or even attempted to insult the religious feelings. Whenever any words are spoken the tone of utterances also would indicate the intent to a great extent. It is said that the tone, pitch and throw of the words determine the underline intent of the speaker. Even innocuous words otherwise may become lethal to hurt emotions. Not to ignore as to how a listener perceives the speaker's real goal. The vocabulary itself is not the meaning of words but the way it is spoke, its tone which would carry emotions of person that would set true meaning of what is intended to be communicated. The intent always would be subtle and invisible layer, which could be gathered from the way

words are spoken. Of course, this aspect would be considered during trial. In this context, the submissions of learned APP become relevant to draw attention of the Court, to the tone and way of the utterances in question by Applicant so also response of the listeners.

12. Our constitution guarantees freedom of religion which includes right of a person to practice his religion, freedom of conscience and the right freely to profess, practise and propagate religion. It is open for the citizens to follow a religion of their choice which would obviously include right of not to follow any religion. Even an Atheist denying existence of God or a non believer is permitted to have his own opinion and it may not be treated as hurting religious sentiments of others. However, at the same time, he cannot be allowed to disrespect any religion and hurt the beliefs of the persons following such religion.

13. Often, religious feelings are nothing but faith, practices and value which are embeded into the minds of the people based upon the beliefs, holy scriptures and the history. Once the same is accepted, it is not necessary that every belief must pass the test of rationality or scientific proof. It is even in such case there would be

no reason to allow intentional and malicious hurting of religious feelings or sentiments of any class of persons.

14. Coming to the grounds of challenge, this Court at the first would like to deal with the ground raised by the Applicant with regard to the cognizance of the offence being taken beyond the period of limitation. In this regard, certain facts which are not in dispute are required to be considered, such as the Applicant does not dispute to have delivered the speech in question on 08.12.2011 and the contention of the complainant with regard to the contents of the said speech are also not in dispute. It is the case of the Applicant that since the alleged speech has been given on 08.12.2011 and as cognizance of the same has been taken by the concerned Magistrate on 15.11.2021, in view of Section 468 of Code of Criminal Procedure, the said cognizance has been taken beyond limitation and as such, criminal proceeding cannot sustain against the Applicant. It is pertinent to note that a complaint was made by the complainant in respect of the speech delivered on 08.12.2011 on 03.01.2013. Now, question arises as to whether the action against the Applicant instructed on the basis of said complaint under penal law is time barred.

15. It would be relevant to take note of the judgment in case of Ghanshyam Soni vs. State (Govt. of NCT of Delhi) and another, **2025 (SC) 676**, wherein the Hon'ble Supreme Court after considering entire law on the point, has made following observations :

*“15. It is a settled position of law that for the computation of the limitation period under Section 468 CrPC the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance. The dicta laid down in the case of **Bharat Damodar Kale & Anr. v. State of Andhra Pradesh** makes it unequivocally clear that the Magistrate is well within his powers to take cognizance of a complaint filed within a period of three years from the date of the commission of offence as mandated under section 468 CrPC. The relevant portion is reproduced as under :-*

“50. The Code imposes an obligation on the aggrieved party to take recourse to appropriate forum within the period provided by law and once he takes such action, it would be wholly unreasonable and inequitable if he is told that his grievance would not be ventilated as the court had not taken an action within the period of limitation. Such interpretation of law, instead of promoting

justice would lead to perpetuate injustice and defeat the primary object of procedural law.

*51. The matter can be looked at from different angle also. Once it is accepted (and there is no dispute about it) that it is not within the domain of the complainant or prosecuting agency to take cognizance of an offence or to issue process and the only thing the former can do is to file a complaint or initiate proceedings in accordance with law, if that action of initiation of proceedings has been taken within the period of limitation, the complainant is not responsible for any delay on the part of the court of Magistrate in issuing process or taking cognizance of an offence. Now, if he is sought to be penalized because of the omission, default or inaction on the part of the court or Magistrate, the provision of law may have to be tested on the touchstone of Article 14 of the Constitution. It can possibly be urged that such a provision is totally arbitrary, irrational and unreasonable. It is settled law that a court of law would interpret a provision which would help sustaining the validity of law by applying the doctrine of reasonable construction rather than making it vulnerable and unconstitutional by adopting rule of *litera legis*. Connecting the provision of limitation in Section 468 of the Code*

with issuing of process or taking of cognizance by the court may make it unsustainable and ultra vires Article 14 of the Constitution.

52. In view of the above, we hold that for the purpose of computing the period of limitation, the relevant date must be considered as the date of filing of compliant or initiating criminal proceedings and not the date of taking cognizance by a Magistrate of issuance of process by a court. We, therefore, overrule all decisions in which it has been held that the crucial date for computing the period of limitation is taking of cognizance by the Magistrate/court and not of filing of complaint or initiation of criminal proceedings.

53. In the instant case, the complaint was filed within a period of three days from the date of alleged offence. The complaint, therefore, must be held to be filed within the period of limitation even though cognizance was taken by the learned Magistrate after a period of one year. Since the criminal proceedings have been quashed by the High Court, the order deserves to be set aside and is accordingly set aside by directing the Magistrate to proceed with the case and pass an appropriate order in accordance with law, as expeditiously as possible.”

The law on the point thus is clear to say that the period of limitation would be calculated on the basis of the date of offence and the complaint or First Information Report lodged in that regard and not order of issuance of process. The offence punishable under Section 295A attracts maximum sentence of three years and as such, period of limitation would be three years in view of Section 468 of Code of Criminal Procedure. Section 468(3) contemplates the situation in which there are more than one offences sought to be tried in one trial and in case of two offences, if one offence is within limitation irrespective of the fact whether cognizance of second offence is within limitation or not, both offences would be treated within limitation and as such, even in the present case, offence under Section 298 can be proceeded with as its cognizance has been taken along with offence under Section 295A and that too within period of three years. The objection raised by Applicant in this regard, therefore, fails.

16. It would be fruitful to take note of the judgment of the Hon'ble Supreme Court in case of Ramji Lal Modi (supra) in which constitutional validity of Section 295A was challenged and decided.

The Hon'ble Supreme Court, while upholding constitutional validity of the said provision, has made following observations :-

“..... We are unable, in view of the language used in the impugned section, to accede to this argument. In the first place cl. (2) of Art. 19 protects a law imposing reasonable restrictions on the exercise of the right to freedom of speech and expression “in the interests of” public order, which is much wider than “for maintenance of” public order. If, therefore, certain activities have a tendency to cause public disorder, a law penalising such activities as an offence cannot but be held to be a law imposing reasonable restrictions “in the interests of public order” although in some cases those activities may not actually lead to a breach of public order. In the next place s. 295A does not penalise any and every act of insult to or attempt to insult the religion or the religious beliefs of a class of citizens but it penalises only those acts of insults to or those varieties of attempts to insult the religion or the religious beliefs of a class of citizens, which are perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class. Insults to religion offered unwittingly or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class do not come within the section. It only punishes the aggravated form of insult to religion when it is perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class. The calculated tendency of this aggravated

form of insult is clearly to disrupt the public order and the section, which penalises such activities, is well within the protection of cl.(2) of Art. 19 as being a law imposing reasonable restrictions on the exercise of the right to freedom of speech and expression guaranteed by Art. 19(1) (a). Having regard to the ingredients of the offence created by the impugned section, there cannot, in our opinion, be any possibility of this law being applied for purposes not sanctioned by the Constitution. In other words, the language employed in the section is not wide enough to cover restrictions both within and without the limits of constitutionality permissible legislative action affecting the fundamental right guaranteed by Art. 19(1)(a) and consequently, the question of severability does not arise and the decisions relied upon by learned counsel for the petitioner have no application to this case.

For the reasons stated above, the impugned section falls well within the protection of cl. (2) of Art. 19 and this application must, therefore, be dismissed.”

This judgment, therefore, clearly indicates that Section 295A does not penalise any and every act of insult or attempt to insult the religion or religious beliefs of the class of citizens but it penalises only those acts of insult or those varieties of attempt to insult the religion or religious beliefs which are perpetrated with deliberate and malicious intention of outraging the religious feelings of that class.

Exception thereto would be insult to the religion offered unwittingly or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class. This judgment, therefore, clearly lays down the guidelines as to what a Court is required to see for the purpose of quashment of proceeding involving offence outraging religious beliefs.

17. Here in this case, admittedly, the Applicant who is member of Legislative Assembly in State of Andhra Pradesh was addressing an election rally at Nanded. During the speech he wrecked up issue with regard to the decision of Allahabad High court in Ram Janmabhoomi case. In the initial part of the speech, as it appears from its text, references were made with regard to the issues involved in the proceedings before the Allahabad High Court and also about various claims made by different persons at different places with regard to the birth place of Lord Shriram. The Applicant, however, then referred certain statements (as mentioned in bracketed portion of page No. 22 annexed to the application), which this Court does not wish to record in this order in order to avoid unwanted publicity thereto, *prima facie* indicates intention to mock the religious figures; Lord Shirram and his mother. Even otherwise, any such statement

would be derogating to any woman and her child. In case, when such statement is made in respect of Lord Shriram, who is worshiped in this country, on the face of it, it would wound and hurt religious sentiments/feelings of the class of persons who are his believers/followers.

18. Needless to say that any prudent/reasonable person, leave apart, a member of Legislative Assembly, who is supposed to be more responsible than citizens, would not make any such statement fully knowing the fact that he is likely to hurt religious feelings of any person or class of persons. In spite of the same statement is made and more particularly in the sequence of events as occurred during the speech, *prima facie*, it could be said that in a planned and pre-determined manner it was said so. On the face of it, there is nothing to indicate that it was made hurriedly or carelessly, on the contrary, it appears to be a measured statement. Apart from the fact that the manner and the tone in which those statements are made, the statements themselves are sufficient to outrage the religious beliefs of a class of people. Pertinently, those statements do not take the issues and objections raised before Allahabad High Court in the proceeding of Ram Janmabhoomi any forward. They are in form of

mocking and apparently not instantaneous and, therefore, *prima facie*, there is substance in the complaint made by the complainant with regard to his religious feelings being outraged by the statements made by the Applicant. Since, the Applicant invites these observations for deciding the proceeding of quashment, they are made on *prima facie* consideration of record. Needless to say that the Trial Court would not get influenced by the same while deciding trial on merit.

19. In view of settled position of law with regard to the quashment of criminal proceeding, if the offence is made out against any person, and contents of the First Information Report or evidence collected during the course of investigation are sufficient to indicate his involvement therein, question of quashment of such proceeding would not arise.

20. Even otherwise, freedom of speech is not an unfettered right of any individual and it is always subject to the reasonable restrictions. Constitutional validity of provisions of Section 295A being upheld by the Hon'ble Supreme Court indicates that no one is permitted to outrage/insult the religious feelings of any class of persons and once

it is found that such act is neither unwitting nor careless or without any deliberate or malicious intention of outraging the feelings, invocation of provisions of Section 295A against such person would be justified. In such cases it could not be said that such person is required to undergo unnecessary rigours of the trial. Undeniably, constitutional structure promotes tolerance and values like liberty, fraternity. However, tolerance cannot be misconstrued/ misunderstood to there being a license to intentionally hurt the religious feelings of others.

21. Coming to the judgments cited on behalf of both the sides, judgment in case of Harjinder Singh (supra) indicates that in the facts of the case, the intention of the accused to outrage religious sentiments and feelings was absent. The Division Bench of this Court in case of Sudheer Rikhari (supra) observed in paragraph No. 29 that in the complaint even there are no allegation of deliberate or malicious intention to outrage religious feelings of any class of persons. Similarly, in case of Dulal Ghosh (supra), it was the case of the petitioner therein that his post has been deliberately twisted and mis-interpreted. He, infact, specifically claims therein that he had no intention to demean holy book Geeta. In the instant case, there is no

dispute about the fact that the Applicant during the speech has uttered apparently outrageous statements hurting religious sentiments of the class of persons. Pertinently, even in the application no specific plea is raised that Applicant had no intent to hurt religious sentiments of a class of persons. Thus, for want of similarity of facts, the said judgments have no application to the present case. In the facts of the case, this cannot be called that complaint is absurd or inherently improbable. Not to mention that no case is sought to be made out that complaint is out of vengeance or with ulterior motive to wreak personal vengeance / grudge. Thus, the case in hand does not satisfy the requirements/guidelines laid down in case of Bhajanlal (supra).

22. Before parting it needs to be recorded that Learned APP, during the course of arguments, made submission to the effect that the speech in question is still available on YouTube (a social media platform). If it is true that the speech of the Applicant is available on YouTube inspite of the fact that the competent Court has taken cognizance of the charge-sheet against the Applicant and has issued process against him, it is a matter of serious concern. Needless to say that once cognizance is taken by the competent Court in respect

of the contents of any speech, its availability on the public platform would only lead to perpetuating and continuation with the insult of the religious feelings of a class of persons of which cognizance has already been taken. This Court for want of appropriate parties to the present proceeding, is unable to issue any direction. However, it hopes and trusts that the Government would take appropriate steps in that regard forthwith.

23. Application, since sans merit, deserves to be dismissed and accordingly stands dismissed.

(R. M. JOSHI, J.)

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