

The gestures or
placing of objects in
such



The section requires either saying something, or making any sound which a person can hear, or making any gesture which one can see, or placing any object which one can see.

This must be done with the deliberate intention of wounding the religious feelings of that person. The law permits healthy discussions about religious matters. But in the guise to such discussions, deliberate intention to wound the religious feelings of others cannot be allowed. The section widens its ambit by including utterances or making of sounds or gestures or placing of objects in such circumstances as have been stated in the provision.

It is important to note that knowledge of any kind has been given no importance whatsoever under this section, and in all cases the requisite deliberate intention on the part of the accused has to be established. An intention is deliberate when it is not conceived on sudden impulse but is pre-meditated. Slaughtering a bullock in the open despite protests by the Hindus, killing a cow for a wedding feast, and sacrificing a cow during 'Bakrid' and carrying its flesh openly within the sight of Hindus, have been held punishable under this section. The Gujarat High Court has held that writing an inflammatory article under the caption 'Why Acharya Rajneesh leaves Pune' in a weekly 'Asspass' is not punishable under section 298 of the Code as the act does not fall within the language of the section.

Throwing a shoe in a place where Hindus were about to start eating but they went away without touching the food was held to be not punishable under this section. Parading a cow with garlands openly, and then sacrificing the same and carrying the carcass openly on a cot with horns and legs protruding, is punishable under this section as the required deliberate

intention can easily be inferred from the act itself. The offence under this section is non-cognizable, bailable and compoundable, and is triable by any magistrate.