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an insult to their



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The section requires the proof of destroying, damaging or defiling either any place of worship, or any object which is held sacred by any class of persons.

The intention of the doer of such act must be to insult the religion of any class of persons, or there must be knowledge on his part that such act is likely to be considered as an insult to their religion by any class of persons.

Whoever The word ' whoever' has a wide connotation and means not only a person who worships in the place, but also one who does not do so. Defiles

The word ' defiles' means not only such acts as would make a place of worship unclean as a material object, but also extends to such acts as would turn such an object ritually impure.

It refers to inanimate objects only like temples, churches etc. and has no concern with animate objects. Any class of persons The expression ' any class of persons' shows the existence of more persons than one, and this existence must be in the form of a class.

A class must be discernible to a classification, and even two persons would be enough to form a class. A complainant and his family, in this view, cannot be termed a class of persons. Decided cases In S. Veerabadram v. E.

V. Ramaswami Naicker, the accused was the leader of a sect professing to be religious reformers who were against idol worshipping. They propagated their views through published articles and speeches etc.

During the course of one such public speech, the accused broke an idol of Lord Ganesh in full public view. While holding the accused guilty under this section the Supreme Court observed that triviality of actual monetary value of the object in such matters is of no consequence, and also it is not always

necessary that the object must actually have been worshipped. The object of the section is to make people respect the religious susceptibilities of persons of different religious beliefs, and the courts must very carefully weigh all circumstances before arriving at a judgment. In *Joseph v.*

State, some Hindus had been using a place as a place of worship even though the lessor had not leased the same to be used as temple or a place of worship. The Kerala High Court held that it was not a place of worship within the meaning of this section even though the lessees had been using the same as such and had been allowing others to do likewise because property rights of the lessor could not be prejudiced in any way. Similarly, in *Bechan Jha v. Emp*, a hut on an agricultural land was being used as a mosque without the permission of the landlord. The Patna High Court decried any attempt by which a place was being sought to be converted into a place of worship under section 295 of the Code.

Performing sexual intercourse within the enclosure of the tomb of a Mohammadan fakir by a Hindu with a woman secretly at night is not an offence under this section but under section 297 of the Code. Running a nursery school and a charitable dispensary within the church premises by a Christian who was thought fit to be a Pastor of a church in a Bishop Conference cannot be punished under this section because neither was there an intention to insult a religion on the part of the accused nor could he be said to know that his act was likely to cause insult to religion. Demolishing a wall and throwing away an idol being worshipped by the complainant and his family was not punishable under this section as the complainant and his family could not be held to be any class of persons under section 297 of the <https://assignbuster.com/the-be-considered-as-an-insult-to-their/>

Code. Tearing of the sacred thread worn by a person, ' Ahir' by caste, who was not supposed to wear it, was held not to be an offence either under this section or under section 295-A of the Code. The offence under section 295 of the Code is cognizable, non-bailable and non- compoundable, and is triable by any magistrate.