

## COMMENTS

*Act consciously and deliberately with or without intention to damage and destroy the honour, respect and greatness of a person in the eye of public in general or to satisfy one's own feelings. Provision of the section attracted. 1994 MLD 15. Prosecution having failed to prove the charge against the accused person beyond any shadow of doubt. Judgment of conviction set aside. 2003 YLR 2114.*

**[295-C. Use of derogatory remark etc., in respect of the Holy Prophet.** Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.]<sup>31</sup>

## COMMENTS

*To constitute offence u/S. 295-C, PPC number of witnesses were not required and it was not necessary that such abusive language against Holy Prophet (peace be upon him) should be made loudly in public or in a meeting or at some specific place, but statement of single witness that some body had made utterance for the contempt of Holy Prophet (peace be upon him) even inside the house was sufficient to award death penalty to such contemnor. 2005 YLR 985 Words "or imprisonment for life" have lost their efficacy w.e.f. 30.4.1991--"Defile"--Means to corrupt purity or perfection of, to debase; to make ceremonially unclean; to pollute; to sully, to violate the sacredness or sanctity of; to desecrate, profane; to sully the honour of, and to dishonour. PLD 1994 Lah. 485. Preaching against the order of Almighty Allah, said pamphlets not covered from the alleged accused or at his instance. Religious rivalry prevailing in the locality. Imperative upon prosecution to establish beyond any shadow of doubt the printing and publishing of the alleged pamphlets. Name of printing press or publisher not known. Accused not to be saddled with responsibility of getting said pamphlets printed or published from anywhere. 2003 YLR 2000*

**Doubt.** -- Must be reasonable and not imaginary. Evidence for conviction must undergo the test of Tazkia-ul-Shahood. PLD 2002 S.C. 1048. Nothing available on record to suggest even remotely that the derogatory remarks were made by the accused as a result of a argument, a controversy, a discussion or a wrangle. Such accept sufficient to demolish the prosecution case. PLD 2002 S.C. 1048

**296. Disturbing religious assembly.** Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.