

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I,
MUVATTUPUZHA**

Present:- Chithralekha Nair, Judicial First Class Magistrate -I
Tuesday, the 16th day of June, 2026/ 26th day of Jayshta, 1948.

CMP No. 1/2026

in

CC No. 4/2024

Petitioners/accused No.1 &2 : 1. Ajayakumar @ Ajayan Manoor,
age 63/23, S/o Balakrishnan,
Koriyannoor House,
Mavelithondu Bhagam, Mannoor
Kara, Airapuram Village.
2. Rasheed A.A. @ Rasheed
Mattanchery, age 51/23,
S/o Abdul Khader,
Arackaparambil House,
Kombaramukku
Bhagam(Cherkuattu Parambu
Bhagam) Mattanchery Kara,
Mattanchery Village, now
residing at the house of M.J.
John, Methottiyil House,
Pattithanam Kara, Kanakkari
Village, Ettumanoor Taluk,
Kottayam District.
(By Advocate B Anil)

Respondent : State of Kerala, represented by the
Sub Inspector of Police,
Muvattupuzha Police Station in crime
No.1325/2023.
(By Sri. Jayaraj M.B., APP)

Order : Both accused are discharged under section 262 of BNSS

ORDER

1. This is a petition filed by the counsel for the accused under section 262 of BNSS for discharging them from the case.

2. The allegation against accused under section 2 (2) of the Criminal Law Amendment Act, 1961 read with section 34 of the Indian Penal Code.

3. **The prosecution case, in brief, is as follows:-** The accused persons in furtherance of their common intention to publish and image of map of India in flawed manner without including Kashmir in its entirety, had published the same on the front page of the magazine name “കോറസ് ജനങ്ങളുടെ ശബ്ദം” to which the accused persons were the members of the editorial board in May, 2024 and thereby committed the offences above-mentioned.

4. The averments in the petition are as follows:- The Act of 1961 is replaced by the Criminal Law Amendment Act, 1990 and the offence mentioned in the previous Act is not an offence as per the new Act. The materials placed on records by the prosecution are not good enough to warrant a conviction. By virtue of section 2(3) of the Criminal Law Amendment Act, 1961 cognizance of offence under section 2(2) of the Act cannot be taken except on the complaint made by the government. In this case, the complaint is filed by police officer without getting sanction from the authorized officer. Moreover, the term “publish” under section 2(2) of the Act is also note worthy. Here, the alleged materials/

magazines were only kept in private custody and not published. Considering all these aspects the accused is liable to be discharged.

5. Heard the learned counsel for the accused and the heard the learned Assistant Public Prosecutor. Perused the prosecution records in detail.

6. The only point that arise for consideration is whether the petition is liable to be allowed.

7. **The point:-** Section 2(2) of the Criminal Law of Amendment Act, 1961 states that “whoever publishes a map of India, which is not in conformity with the map of the India as published by the Survey of India, shall be punishable with imprisonment which may be extend to six months or with fine or with both”.

8. On bare reading of the provision, it is evident that the “publishing” is an essential ingredient to constitute the offence under section 2 (2) of the Act. On perusal of the prosecution records including the statements of witnesses recorded by the police under section 161 of the Code of Criminal Procedure, this Court is satisfied that the magazine containing the alleged maps was seized from the house of the accused No.1, that is from private custody. There was no prima facie evidence to substantiate in the prosecution story that the flawed maps without showing complete image of Kashmir which is not in conformity with the map of India as published by the Survey of India, were published. Furthermore, the prosecution did not also produced any material to show that such magazines were attempted to be published or sold. Hence, this Court finds that the essential ingredient of “publishing” to constitute an

offence under section 2(2) of the Criminal Law Amendment Act, 1961 is not prima facie attracted. Therefore, this Court finds that the accused persons are entitled to be discharged of the offences above-mentioned.

In the result,

The accused persons are discharged under section 262 of BNSS of the offences under section 2(2) of the Criminal Law Amendment Act, 1961 read with section 34 of IPC.

(Pronounced by me in open Court on this the 16th day of June, 2026)

Sd/-

Judicial First Class Magistrate-I,
Muvattupuzha.

|| True Copy ||

Judicial First Class Magistrate-I,
Muvattupuzha.