

## **In the Hon'ble JM-3 Court, Lucknow**

**W/S Case No- 82468/2025**

Offence u/s 152, 196(1), 197(1), 353(2) BNS, Thana  
Gomtinagar, Lucknow  
Amitabh Thakur vs Ms Anjana Om Kashyap

### **Argument on territorial maintainability**

Your Honour,

The above named complainant/applicant most respectfully begs to submit as under

1. That on 18/08/2025, during the first hearing of this Complaint, the Hon'ble Court directed the applicant to establish the maintainability of this Complaint, as regards its territorial jurisdiction.
2. That section 198 BNSS says- "Place of inquiry or trial. (a) When it is uncertain in which of several local areas an offence was committed; or (b) where an offence is committed partly in one local area and partly in another; or (c) where an offence is a continuing one, and continues to be committed in more local areas than one; or (d) where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas", while section 199 says- "Offence triable where act is done or consequence ensues. When an act is an offence by reason of anything which has been done and of a consequence which has ensued, the offence may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued."
3. That thus where an offence gets committed/spread in more local areas than one, it may be inquired into or tried by a Court having jurisdiction over any of such local areas. In a crime like this, the offence is a hugely spread one, where the broadcasts and the Internet posts originally initiated in one place but the crime takes place again and again wherever and whenever the broadcast gets relayed and seen or the Internet post recurs and is seen. Thus the offence of this nature involving some form of Broadcast and/or Internet posts is by nature a continuing offence, so that not only the place of making the original Broadcast or posting the Internet post is a place of occurrence, but every place where the Broadcast gets relayed and the post resurfaces and is seen also becomes a place of occurrence. In short, here the offence goes on happening/recurring again and again at every such place. It is like a movie which might have been made in one place or a book or poster which might have been printed at one place, but every place where the movie is shown or every place where the book or poster is read/seen, also becomes a place of offence as regards any criminal offence associated with the given movie or the given Book. In short, an offence like this is a continuing one, and goes on spreading from place to place.
4. That here the original Broadcast might have been made at one place or the Internet post might have been posted at one place but the consequence ensues at every place where the Broadcast or the Internet Post is seen or is visible, including in Gomtinagar area, so that the Gomtinagar naturally becomes the place of incidence, and it comes to acquire territorial jurisdiction in such offences, the moment someone in Gomtinagar watches the Broadcast or looks at the Internet Post.
5. That it need not be said that there are thousands of examples of FIRs and Complaint cases of this nature getting heard in areas quite far away from the place where the original Broadcast was made or where the Internet post was posted. Such things have been happening in huge measure in various Thana and in various Hon'ble Courts of Uttar Pradesh, in all districts, including Uttar Pradesh.
6. That there are umpteen examples of this and they have all stood the test of territorial jurisdiction. As a recent and rather well-publicized example, the applicant would like to quote the facts related with the Defamation case against Sri Rahil



Gandhi, Leader of Opposition, as they emerge from Rahul Gandhi vs State Of U.P. (Application u/s 482 No 4623 of 2025, challenging validity of an order dated 11/02/2025 passed by the Hon'ble ACJM, Court No.27, Lucknow in Misc. Case No.109161 of 2023, Police Station Sushant Golf City, District Lucknow titled "Udai Shankar Srivastava v. Rahul Gandhi", summoning Sri Gandhi to face trial for the offence under Section 500 IPC- "3. The applicant, who has held the office of a Member of the Indian Parliament several times, stated on 16.12.2022 during his 'Bharat Jodo Yatra' in presence of media persons and a large gathering of public regarding a face-off that took place between the Indian Army and the Chinese Army at the border of India in Arunachal Pradesh on 09.12.2022 that "People will ask about Bharat Jodo Yatra, here and there, Ashok Gahlot and Sachin Pilot and whatnot. But they will not ask a single question about China capturing 2000 square kilometers of Indian territory, killing 20 Indian soldiers and thrashing our soldiers in Arunachal Pradesh. But the Indian press doesn't ask a question to them about this. Isn't it true? The nation is watching all this. Don't pretend that people don't know." 4. A news item was published in this regard on a news portal - opindia.com under the heading "Chinese troops are thrashing Indian Army soldiers in Arunachal Pradesh: Rahul Gandhi on Tawang clash" wherein it is published that on 16th December 2022, Congress leader Rahul Gandhi said that Chinese troops are thrashing Indian army soldiers along the line of actual control (LAC)." This matter was brought by Sri Udai Shankar Srivastava before the Hon'ble ACJM Court No 27 Lucknow, which was not only duly entertained by the Hon'ble Court but summons were also issued to Sri Gandhi, who challenged it before the Hon'ble High Court, with little success.

7. That in another example, Sri Vijay Mishra from Sultanpur brought a Criminal case against Sri Rahul Gandhi before the Hon'ble ACJM MPMLA Court Sultanpur in connection with a 2018 case over Sri Gandhi allegedly using derogatory remarks against Union Home Minister Sri Amit Shah in a conference in Bangluru in Karnataka, which was read by Sri Vijay Mishra in Sultanpur, and he got affected/aggrieved by it. This case was registered as Criminal Misc. Case No 1943/2018, where the Hon'ble Magistrate issued summons to Sri Gandhi as an accused on 27/11/2023, which is currently under consideration before the Hon'ble Sultanpur Court.
8. That in a third case, Sri Satyaki Savarkar, a grandnephew of Veer Savarkar has filed a defamation case against Sri Rahul Gandhi for his soeech given in London (UK), which was published in Pune as well, and the matter is being heard by the Hon'ble Special Magistrate, MPMLA, Pune, who has issued notice to Sri Gandhi.
9. That these 03 examples are only among hundred of such examples, where cases have been taken by the Hon'ble Courts in territories completely different from the original place of alleged crime, if the nature of offence is such that it can get transmitted, broadcast or spread through some Published words or Internet or tjrough Broadcast etc. This is for the simple reason that each of the subsquent places also becomes a place of occurence of the given offence.
10. That if this were not the case, it would not have been possible for a Complaint Case to heard in Lucknow about a statement made in Arunachal Pradesh or in Sultanpur about a statement made in Bangluru or in Pune about a statement allegedly made in London. In the same vein, since here though the original act of broadcast or making of the Internet Post might have happened in Delhi, Noida or around, but it has come to Lucknow as well, through the above mentioned means, where the applicant also saw/read/heard/watched them, and in this process, the applicant's residence situated in gomtinagar, Lucknow also became a place of incidence.
11. That summing it up, all the above facts make it apparent that Gomtianagar is also a place of incidence of the given offence, and in light of section 198 and 199 BNSS.
12. That accordingly the matter falls completely within the territorial jurisdiction of this Hon'ble Court and hence it may kindly be heard on merit.

Lucknow  
Dated- 28/08/2025

(Amitabh Thakur)  
Applicant  
# 09415534526



## **In the Hon'ble JM-3 Court, Lucknow**

**Complaint No- /2025**

Offence u/s 196(1), 197(1), 353(2) BNS, Thana  
Gomtinagar, Lucknow

Amitabh Thakur s/o Sri T N Thakur r/o 5/426, Viram Khand, Lucknow-226010 #  
9415534526

Applicant

Vs

Ms Anjana Om Kashyap, News Anchor, Aaj Tak Channel, TV Today Network Ltd., India  
Today Mediaplex, FC 8, Sector 16 A, Film City, Noida - 201301 Phone: +91 - 0120 - 4807100  
Fax: +91 - 0120 - 4807172

Respondent

### **Complaint Case under relevant provisions of BNSS**

Your Honour,

The above named complainant/applicant most respectfully begs to submit as under

1. That on 14/08/2025, Aaj Tak news channel broadcast a program with topic "भारत विभाजन का मकसद पूरा क्यों नहीं हुआ?" by Ms Anjana Om Kashyap on program Black And White.
2. That the Full program is available at <https://www.youtube.com/watch?v=q17x4GXqvNw> Black And White Full Episode: भारत विभाजन का मकसद पूरा क्यों नहीं हुआ? | Anjana Om Kashyap
3. That it is also available in part on <https://x.com/aajtak/status/1956022113501868244> at X account of AajTak @aajtak with following comments- "4 करोड़ मुसलमानों में से सिर्फ 96 लाख पाकिस्तान गए! भारत विभाजन का मकसद पूरा क्यों नहीं हुआ? #BlackAndWhiteOnAajTak #India #Partition #Pakistan | @anjanaomkashyap 9:26 PM · Aug 14, 2025 · 305.5K Views" and at Youtube link <https://www.youtube.com/watch?v=b7kATaZNAbl> Black And White: India-Pakistan विभाजन, दर्द, अधूरा मकसद और अनसुनी कहानियां #shorts #indiapakistan.
4. That the Program itself has been titled and has been presented with topic "भारत विभाजन का मकसद पूरा क्यों नहीं हुआ?".
5. That there among other things, the following statements have also been made- "यह विभाजन धर्म के आधार पर हुआ लेकिन मैं आपको बड़ी स्क्रीन पर दिखाती हूं कि जिस मकसद से ये विभाजन किया गया था वह मकसद कभी पूरा ही नहीं हुआ. इसका मकसद क्या था और क्या वह मकसद पूरा हुआ? कुल 96 लाख मुसलमान पाकिस्तान गए और 83 लाख हिंदू भारत आए. उस वक्त भारत में मुसलमान की आबादी लगभग 4 करोड़ थी लेकिन इसके बावजूद सिर्फ 96 लाख मुसलमान पाकिस्तान गए."
6. That it also said- "29 लाख हिन्दू पूर्वी पाकिस्तान से भारत आये, 54 लाख हिन्दू पश्चिमी पाकिस्तान से भारत आये. 65 लाख मुस्लमान पश्चिमी पाकिस्तान में गए और 7 लाख मुस्लमान पूर्वी पाकिस्तान में गए. यह बटवारा तो हिंदू और मुसलमान के नाम पर हुआ था लेकिन सच यह है कि भारत से पाकिस्तान जाने वाले मुसलमान आबादी के अनुपात में बहुत कम थे और पाकिस्तान और बांग्लादेश से भारत आने वाले हिंदू ज्यादा थे."
7. That it is obvious that this program is completely unwarranted and made in extremely poor taste, whose sole purpose seems to divide the people of the two major communities. When it is a well-known fact that many Muslims did not go to Pakistan and stayed in India, then using the words "भारत विभाजन का मकसद पूरा क्यों नहीं हुआ" clearly means that the program is inciting the people to think in that direction and to create an atmosphere blatantly hostile to a religious community. Asking a question like when the partition was on basis religion, why did the Muslims



not go to Pakistan and instead remained in India, is like questioning the Muslims about why they are here, and making the intolerant persons of the other community start thinking in the same manner, feeling sulked and agitated about it and even trying to get it done now, as if making a historical correction.

8. That thus, other than being completely irrelevant and unwarranted, the entire program is extremely provocative, dangerous and hysterical in nature, where the sole purpose that seems to emerge is to rake up a sensitive historical event/issue in a manner that is bound to create ripples, hostilities and fear, whose natural repercussion can be open violence between the communities, for different perceived notions.
9. That thus while the entire Nation has been trying for years to move on the part of National integration and togetherness, while forgetting the most severe violence of history, here this Program is trying to rake it up in the most irresponsible, inappropriate and incorrect manner.
10. That what is even more objectionable is the fact that the program is also historically incorrect because it is known to one and all that while the people who strove for Pakistan called it a Nation of the Muslims, the people and leaders of India decided even at that time that India would not be a uni-religion Nation but would be the Nation of all religions.
11. That thus, unlike Pakistan, which got created with an open declaration of being a Nation of and for Muslims, India proudly declared it to be a Nation of all religions, and its leaders and people strive very hard to maintain this atmosphere.
12. That is why the people and leaders of India never once asked on their own the Muslims to go to Pakistan or to leave India and whoever went there went on his sweet will, while the leaders went on making it their official, cultural, political, ethical and social status that India was the land of one and all religions.
13. That even the Constitution of India fully imbibed this thought and declared so at every stage, making it a multi-cultural and multi-religious Nation, a fact which the applicant and billions of people of this great Nation feel proud of.
14. That hence the statement that India was also made in a manner to have only Hindus and all the Muslims had to go to Pakistan, is prima-facie factually incorrect, mischievous, dangerous and massively objectionable.
15. That many other errors also bring forth the mischief and dirtiness of the given program. That thus while at one place, Ms Anjana Om Kashyap claims that 96 lakh Muslims went to then combined Pakistan and 83 lakh Hindus came to India, a few minutes later she changes the data to state/claim that 83 lakh Hindus (29 lakh from East Pakistan and 54 lakh from West Pakistan) came to India, only 72 lakh (7 lakh to East and 65 lakh to west Pakistan) Muslims went to Pakistan, and to thereby conclude that more Hindus came to India than Muslims went from India. Thus, even in the same program, the number of persons who went from one Nation to other gets changed, within a few minutes, possibly to suit some inherent purpose.
16. That thousands of reactions have come to this program on social media X, most of which prove the points stated by the applicant in above Para.
17. That a majority of these reactions, which have come from persons of all communities, can be clubbed as being completely Aghast, Utter disgust, Huge condemnation and Seeking strong legal action
18. That there are others, to whom this program was possibly aimed for, who have made comments Spewing venom, Talking of need for historic correction or Calling for mass extermination .
19. That all the above facts make it clear that the given program is not factually and historically correct. There are clear, visible and apparent distortion of historical facts. These distortions seem to have been made to suit a given agenda. There are factual incorrectness even in the program itself, again possibly to suit the varying sub-agenda. The program is hugely venomous, destructive, dangerous and divisive. It is completely against National integration and presents facts in a way to inflame the masses in different ways. The purpose of the program is clearly nefarious.
20. That it is pretty obvious that the program per se, and more particularly its topic, its focal point and the above statements come as being a clear-cut criminal case, as defined in section 196 BNS (Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony), 197 BNS (Imputations, assertions prejudicial to national



integration) and 353(2) BNS (Statements conducing to public mischief), because it is clearly spewing venom against a particular religious community and is trying to rake up an issue which is bound to induce and increase the fissures and divisions between the two principal religious communities.

21. That the applicant had presented an application to SHO Gomtinagar with a prayer to kindly get an FIR registered.
22. That thus the applicant can also opt for getting an FIR registered through Police, but since he has all the required evidences with him, hence he deems it appropriate to present this Complaint case instead of going for registration of FIR, more so because there is every possibility of the Police being under influence of the Respondents because of various factors.
23. That hence he finds it more appropriate to present a Complaint case in this matter instead of going through the FIR registration process.
24. That in view of the above facts, the applicant makes the following humble prayer-

#### PRAYER

In view of the above facts and circumstances, the complainant most humbly prays that-

- a. This Hon'ble Court may kindly take Cognizance of this Complaint and may kindly take all the subsequent steps and actions in accordance with the provisions of law so as to punish and penalize the Opposite Party, Ms Anjana Om Kashyap, for the various acts of criminal malfeasance committed by her, as per the facts and evidences related with the given case.
- b. Any other relief that this Hon'ble Court may kindly deem fit in the interest of justice.

Lucknow  
Dated- 18/08/2025

(Amitabh Thakur)  
Applicant  
# 09415534526