



Presented on : 18-11-2021
Registered on : 18-11-2021
Decided on : 25-06-2026
Duration: 4 years, 7 months, 7 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE &
J.M.F.C., LINGASUGUR.**

Dated this 25th day of June, 2026.

Present: Sri. Ambanna K.

B.Com, L.L.B. [Spl].

Civil Judge & J.M.F.C, Lingasugur.

CC.NO.8002/2021.

Complainant :

Pushpa W/o Ramesh,
Age: 26 years, Occ: Household,
R/o. Chittapur,
Tq: Lingasugur, Dist: Raichur.

(By Sri. S.M.P/H.R., Advocate, Lingasugur.)

-Vs-

Accused

Ramesh S/o Hanumantappa Togari.
Age: 37 years, Occ: Agriculture.
R/o. Chittapur,
Tq: Lingasugur, Dist: Raichur.

(By Sri M.K., Advocate.)



J U D G M E N T

The complainant has filed this private complaint U/s 200 of Cr.P.C alleging that the accused persons have committed the offence punishable Under Section.494 R/W/Sec.109 of Indian Penal Code.

2. The brief facts of the complaint's case is as follows:

It is submitted in the complaint that, accused No.1 Ramesh is the husband of complainant, accused No.2 is the second wife of accused No.1, accused No.3 is the father and accused No.4 is the mother and accused No.5 and 6 are sisters of the accused No.1. accused No.9 and 10 are parents of the accused No.2. accused No.11 to 21 are their relatives. It is further stated that on 25-11-2017 the accused No.1 got second marriage with accused No.2 at Sri Jadi Shankarlingeshwara Temple, at Navali. On 24-11-2017 the said information was received by the complainant and thereafter, the complainant and her father and others have went to the Sri Jadi Shankarlingeshwara Temple on 24-11-2017 at 11.00 Am the accused No.1 to 21 have been performing the second marriage of the accused No.1 and 2. when they reached to the temple at that time the accused No.1 already tied Mangalasutra to accused No.2. It is further stated that, at the instigation of the some other person, the accused No.3 and 4 have give new cloths to the bride and groom. They distributed the Aksatha among the gathered peoples. Accused No.15 and 16 were arranged the meal to the people. The accused No.17 and 18 have arranged water to the people and accused No.19 and 20 have given cloths to the peoples. Accused No.21 is distributed the



pan to the peoples. It is further stated that, the CW.3 and 4 have disappointed and returned home. The accused No.1 have got illegally second marriage with accused No.2 during the life time of the complainant. Therefore the complainant has constrained to file this private Complaint against the accused persons for the aforesaid offences.

3. On the basis of private complaint filed by CW.1 Smt. Pushpa, a case was registered in PCR No.20/2019. After recording of sworn statement of the complainant and witnesses, this court took the cognizance for the offences punishable under sections 494 of IPC as against the accused No.1 only. Accordingly the summons to accused No.1 was issued. In pursuance of summons the accused No.1 appeared through their counsel before the court and got released on bail. Thereafter the case has been posted for EBC, the complainant and witnesses laid their evidence before charge. The complainant and her witnesses have lead the evidence as per PW.1 and 2. Copies of the complaint and documents were furnished to the accused No.1 as per section 207 of Cr.P.C.

4. As there are sufficient grounds to frame charge, this court framed necessary charges and read over to accused No.1 in the language best known to him. For which the accused pleaded not guilty and claims to be tried. Then the case was posted for prosecution evidence. The complainant lead evidence and supporting witness as PW.1 and 2. The statement of the accused u/s 313 of Cr.P.C. was recorded and read over and explained the circumstances incriminating against him in the prosecution evidence. For which the accused No.1 has denied as false and



have not chosen to lead any defence evidence. Thereafter the case has been posted for arguments.

5. Heard the arguments on both sides and perused the materials available on record.

9. The points which arises for determination are as follows:

1. Whether the prosecution proves beyond all reasonable doubt that, the accused No.1 during the life time of first wife by name Pushpa got married with one Yallavva for second marriage and thereby accused No.1 has committed the offence punishable under section 494 of IPC ?

2. What order ?

6. My answer to the above points are:

Point No.1: In the Negative.

Point No.2: As per the final order for the following:

REASONS.

7. **Point No.1** In order to prove the guilt of the accused, the prosecution has examined 2 witnesses as PW.1 and 2. Wherein CW.1 Smt. Pushpa is examined as PW.1 has deposed before the court that, her marriage solemnized on 27-05-2011 at the residence of accused No.1 at Chittapur. Thereafter they lead happy marital life for 3 years, out of their wedlock the a female child was born. Thereafter the accused No.1 having habit of consuming alcohol and gambling and started to give mental and physical cruelty to the complainant. Further it is stated that, the accused No.1, 4 and 5 have driven the complainant from their



house. As such she has been residing at her parental home. That being the fact, on 25-11-2017 one Basappa S/o Ramanna , Sangappa S/o Basappa, Eashappa S/o Shivappa, Nagappa S/o Gaddeppa have told her that the accused No.1 got second marriage with accused No.2 at Jadi Shankalingeshwara Navali, and they explained the performance of the said marriage. For which she filed private complaint against her husband. During the cross-examination she has admitted that Basappa S/o Ramanna Birdar is her father-in-law. Nagappa is her father. In this case the Basappa has cited as a witness. Further she stated that, they went to the Lingasugur police station during 6.00 am to 11.00, but the police have not registered the case. Further they have not tried to take the photographs of the marriage. Further she has stated that, the bride and grooms have taken into the temple. Further she has stated that, she has objected Yallamma to not to get marriage of her husband. Further it is admitted that, she filed complaint in the year 2019. but, she did not file any case since 2017-2019. further she denied that, on 25-11-2017 the accused No.1 did not get any second marriage with anybody. Further she denied that, she filed false complainant in to harass the accused.

8. In spite of sufficient opportunity given to the PW.2, he has not tendered for cross-examination. Hence the evidence of PW.2 has been discarded.

9. It is to be noted that, except oral evidence of the PW.1 no documentary evidence produced by the complainant to corroborate her allegation. Moreover, the complainant has cited four witnesses in the complaint, but no body have come before



the court to depose on behalf of the complainant. Though the said witnesses have intimated the complainant about the second marriage, but what would prevented them to come before the court to say the truth, which is not explained. On the other hand, the accused persons have denied all the allegations made by the complainant. In respect of allegation of second marriage is concerned, even the admission of a second marriage by the accused is not sufficient to warrant a conviction under [Section 494](#) I.P.C. It must be proved by the prosecution that the performance of the essential ceremonies. In a case reported in **AIR 1979 SC 712** , the Court held that the word "solemnized" means in connection with a marriage, to celebrate the marriage with proper ceremonies and in due form. The Court held that it, therefore, follows that unless the marriage is celebrated or performed with proper ceremonies and in due form it cannot be said to be solemnized. It is, therefore, essential, for the purpose of [Section 17](#) of the Act that the marriage to which [Section 494](#) IPC applies on account of the provisions of this Act should have been celebrated with proper ceremonies and in due form. In a decision reported in **AIR 1971 S.C. 1153 Priyabala Ghosh v. Suresh Chandra Ghosh**, the Court held that the alleged second marriage if not a valid one according to the law applicable to the parties, it will not be void by reason of its taking place during the life of the husband or the wife of the person marrying so as to attracts [Section 494](#) I.P.C. Again in order to hold that. the second marriage has been solemnized so as to attracts [Section 17](#) of the Hindu Marriage Act. , it is essential that the second marriage should have been celebrated with proper ceremonies and in due form. In this decision the



Supreme Court further held that even the admission of a second marriage by the accused is not sufficient to warrant a conviction under [Section 494](#) I.P.C. It must be proved by the prosecution that the performance of the essential ceremonies. It is, therefore, essential, for the purpose of [Section 17](#) of the Act that the marriage to which [Section 494](#) IPC applies on account of the provisions of this Act should have been celebrated with proper ceremonies and in due form. A Special Bench of the Apex Court, while dealing with a case under the [Divorce Act, 1869](#) observed "that to prove a marriage, even though a bigamous one, there must be some evidence on record to show that some sort of recognized formalities of ceremonies requisite for a valid marriage were performed, even though the marriage so performed be otherwise illegal or invalid for being bigamous, notwithstanding such forms or ceremonies. Here in this case the prosecution has not produced any photographs of Accused No.1 and 2 or any other documents to substantiate the allegations made in the complaint. Moreover the complainant has not made any efforts to adduce supporting witness evidence to corroborate her evidence, which creates serious doubt about the second marriage. It is fundamental principals of criminal jurisprudence that, the prosecution has to prove its case beyond all reasonable doubt. On perusal of the entire material available on record, it is not sufficient to hold the guilt of the bigamous marriage by the accused. It should be proved by cogent, oral and documentary evidence. Therefore, the complainant has utterly failed to prove the offence under section 494 of IPC. **Accordingly, point No.1 is answered in the Negative.**



10. Point No.2:- In view of the above discussion, the complainant has not proved the ingredients of the Sec.494 of IPC with cogent and convincing evidence. Accordingly, I proceed to pass the following ;

ORDER

In exercise the powers conferred Under Sec.248(1) Cr.P.C. accused No.1 is acquitted of the offence punishable U/sec.494 of Indian Penal Code.

The bail bonds and surety bonds of the accused No.1 shall be continued for a period of 6 months as per section 437(A) of Cr.P.C.

(Dictated to the stenographer directly on the computer, corrected and then pronounced by me in the open court on this 25th day of June, 2026)

**(AMBANNA.K)
Prl., Civil Judge & JMFC.,
Lingasugur.**

ANNEXURE

WITNESS EXAMINED FOR THE PROSECUTION.

PW-1 : Pushpa.

DOCUMENTS MARKED FOR THE PROSECUTION.

NIL



WITNESS EXAMINED ON BEHALF OF ACCUSED.

NIL

3. DOCUMENT MARKED ON BEHALF OF THE ACCUSED.

NIL.

**Prl., Civil Judge & JMFC.,
Lingasugur.**