

HIGH COURT OF ANDHRA PRADESH

MAIN CASE:CrI.P.No.5573 OF 2024

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
01.	12.08.2024	<u>BVLNC, J</u> Heard learned counsel for the petitioners. Learned Assistant Public Prosecutor takes notice for the State and seeks time to get instructions. Issue notice to respondent No.2. Learned counsel for the petitioners is permitted to take out personal notice to respondent No.2 through registered post with acknowledgment due and file proof of service into the Registry within a period of six (06) weeks. List the matter after six (06) weeks. <u>BVLNC, J</u> <u>I.A.No.01 of 2024</u> Learned Assistant Public Prosecutor representing the State would submit that the offence involved in the case is punishable under Section 494 I.P.C. The petitioner No.1 is the wife of A1 in the case and allegation is that the petitioner married accused No.1 while the defacto-complainant is in subsistence. He would submit that as per the settled law, the	Contd..

second wife cannot be prosecuted for the offence punishable under Section 494 I.P.C. In support of his arguments, he relied on the judgment of this Court in **2024 SCC online AP 459**. He would further submit that the allegation against the petitioner Nos.2 to 10 herein is that they attended the alleged second marriage. Except that, there is no allegation that they facilitated the alleged second marriage and therefore, in the absence of such allegations, they cannot be prosecuted for the offence punishable under Section 494 I.P.C. In support of his contentions, he relied on the judgment of Hon'ble Apex Court in **(1992) 3 Supreme Court Cases 317**.

Considering the above facts and circumstances and in view of the judgment of the Hon'ble Apex Court in *Chand Dhawan (SMT) Vs. Jawaharlal and Others* reported in **(1992) 3 SCC 317** and the judgment of this Court in *B.Prameela Vs. State of Andhra Pradesh and another* reported in **2024 SCC Online AP 459**, there shall be interim stay of all further proceedings in C.C.No1895 of 2019 on the file of learned Judicial Magistrate of First Class-cum-Special Mobile Court, Nellore, against the petitioners herein/A2 to A11, for a period of eight (08) weeks.

Pmk

BVLNC, J

