



2026:CGHC:13199



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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1088 of 2019

Smt. Anusuiya Bai W/o Sukhnandan Das Vaishnav Aged About 48 Years R/o Somnath Temple Village- Lakhna, P.S. Sarora, Tahsil and District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

... Petitioner

versus

Sukhnandan Das Vaishnav S/o Sarhadas Vaishnav Aged About 51 Years R/o Village Paneka, P.S.- Dashrangpur, Tehsil and District- Kavardha, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

... Respondent

For Petitioner	:	Mr. Satish Swarya, Advocate on behalf of the Mr. Yogesh Pandey, Advocate.
For Respondent	:	None.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

19.03.2026

1. The petitioner has filed the instant petition under Section 482 of CrPC for being aggrieved by the order dated 10.01.2029 passed by the learned Second Additional Judge, to the Court of First Additional Session Judge, Raipur, District - Raipur (C.G.) in dismissing the Criminal Revision No. 424/2018, arising out of the order passed by the learned Judicial Magistrate Class, Raipur (C.G.) in Criminal Case No. 1770/2016.
2. The prosecution story, in short, is that the petitioner filed a complaint case against the respondent under Section 200 of the Code of Criminal Procedure before the Court of Judicial Magistrate First Class, Raipur (C.G.), stating that the petitioner is the legally wedded wife of the



respondent and that their marriage was solemnized in accordance with Hindu rites and customs. Out of the said wedlock, they have one son namely Raghunandan, who is presently aged about 28 years. It is submitted that the respondent/accused deserted the petitioner without any reasonable cause and failed to perform his marital obligations. On 16.08.2015, the petitioner visited her in-laws' house to attend the last rites of her mother-in-law, where she came to know that the respondent had contracted a second marriage without her consent. It was further revealed that out of the said second marriage, the respondent has two children, namely Pankaj and Manish. Upon gaining knowledge of the second marriage, the petitioner sent a legal notice dated 07.09.2015 to the respondent. The respondent replied to the said notice vide reply dated 24.09.2015, wherein he admitted the fact of his second marriage. Thereafter, the petitioner lodged a written complaint before the concerned Police Station on 06.10.2015; however, the police refused to register an FIR against the respondent vide communication dated 20.11.2015.

- 3.** After refusal to register the FIR, the petitioner filed a complaint case under Section 200 of Cr.P.C. before the learned trial court. A copy of the complaint is filed herewith as Annexure P-5. Upon filing of the complaint, the learned trial court directed the police to conduct a preliminary inquiry. The police conducted the inquiry, recorded statements of various witnesses, and submitted its report before the trial Court. The learned trial Court also recorded pre-charge evidence of the petitioner as PW-1 and of Dhanvar as PW-2. Thereafter, the learned trial Court, vide order dated 11.07.2018, discharged the accused/respondent holding that although the complaint and witness statements alleged the second marriage, no prima facie case was made out against the respondent, as the petitioner had made only oral statements and had not produced sufficient material



evidence to establish the second marriage.

4. Being aggrieved by the order dated 11.07.2018, the petitioner preferred a Criminal Revision before the learned Sessions Court, Raipur (C.G.). However, the learned Sessions Court dismissed the revision vide order dated 10.01.2019, holding that the petitioner failed to establish a prima-facie case and did not adduce sufficient evidence to support the allegations. Hence, the present petition
5. Learned counsel for the applicant submits that the impugned orders passed by the trial Court are illegal, arbitrary and contrary to the settled principles of criminal jurisprudence. It is submitted that the learned Sessions Judge has erred in law and on facts in dismissing the revision application on the ground that the petitioner has not proved her case, which finding is wholly unsustainable at the stage of consideration of charge. Both the Courts have failed to appreciate that the respondent has admitted his second marriage in his reply to the legal notice, which itself constitutes a strong prima facie case against the accused. The said admission has not been properly considered by the trial Court. Both Courts have further failed to appreciate the well-settled principle of law that at the stage of framing of charge, the truth, veracity, and effect of the evidence proposed to be adduced by the prosecution are not required to be meticulously examined. The standard of proof required for conviction is not to be applied at the stage of Sections 227 and 228 of the Code of Criminal Procedure. At this stage, the Court is only required to evaluate the material available on record to determine whether the facts, taken at their face value, disclose the existence of all the ingredients constituting the alleged offence, and if so, a charge ought to be framed. Both the Courts have failed to appreciate that while framing charges under Section 227 Cr.P.C., the court is required to apply the “prima facie” standard. A



prima facie case is said to be made out when the material on record, taken as a whole, is sufficient to give rise to a strong suspicion regarding the involvement of the accused in the commission of the offence. Both the Courts have committed a grave error in conducting a detailed appreciation of evidence, which is impermissible at the stage of framing of charge. The law is well settled that if there exists a strong suspicion that the accused has committed an offence, the court is justified in framing charges. The Hon'ble Supreme Court has consistently held that even a strong suspicion founded on material on record is sufficient for framing of charge, and the court is not required to arrive at a definite conclusion regarding the guilt of the accused at this stage. [Refer: Central Bureau of Investigation, Hyderabad vs. K. Narayana Rao, (2012) AIR SCW 5139.] In the present case, the material available on record, including the admission of the respondent and the statements of witnesses, clearly discloses the commission of the alleged offence and raises a strong suspicion against the accused. Therefore, the discharge of the respondent is illegal and liable to be set aside.

6. I have heard learned counsel for the petitioner and perused the materials available on record.
7. From perusal of the documents available on record and from the order/judgment passed by the Trial Court as well as Revisional Court, it transpires that in the present case, the complainant, Ansuiya Bai (PW1), in her pre-charge evidence merely stated that her husband allegedly conducted a second marriage with Kiran, which she came to know about upon visiting her in-laws' house after her mother-in-law's death. Similarly, Dhanvar (PW2) testified that the accused conducted a second marriage but was unaware of the identity of the woman. Neither witness provided essential details such as the date, month, year, or place of the alleged



marriage. In the absence of such particulars, their evidence cannot be considered reliable or trustworthy. Furthermore, even if it is assumed that the accused is residing with another woman, the law under Section 7 of the Hindu Marriage Act requires proof of solemnization of marriage through Hindu rites and ceremonies, including the *Saptapadi*. No evidence was presented to establish that such ceremonies were performed. Therefore, the complainant failed to demonstrate a *prima-facie* case of a second marriage by the accused. Consequently, the learned trial Court did not commit any error in passing the impugned order, and the revision petition is dismissed. No exceptional circumstances exists to exercise inherent powers under Section 482 Cr.P.C. Therefore, the instant petition is devoid of merits and is liable to be dismissed.

8. Taking into consideration the facts and circumstances of the case, and from perusal of the impugned judgment passed by the learned Trial Court as well as Revisional Court, I am of the view that both the Sub-ordinates Courts have not committed any illegality or infirmity or jurisdictional error in passing the impugned order warranting interference by this Court.
9. Accordingly, the instant petition under Section 482 Cr.P.C. is devoid of merits, liable to be and is hereby **dismissed**.
10. A copy of this order be sent to the concerned trial Court for necessary compliance and follow up action, if any.

Sd/-
(Ramesh Sinha)
Chief Justice