

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 1636 OF 2014  
(@ SLP (CrI.) No. 6251 of 2010)

MEENAKASHI

Appellant(s)

VERSUS

K.SELVAMANI

Respondent(s)

WITH  
CRIMINAL APPEAL NOS. 1637-38 OF 2014  
(@ SLP (CRL.) Nos. 6255-6256 of 2010)

SLP (CRL.) No. 6278 of 2010

O R D E R

CRIMINAL APPEAL NO. 1636 OF 2014  
(@ SLP (CrI.) No. 6251 of 2010)

Leave granted.

We have heard learned counsel for the parties.

The appellant is aggrieved by an order dated 15.12.2009 passed by the Madurai Bench of the Madras High Court in Criminal O.P. (M.D.) No. 6613 of 2007.

The allegation made by the appellant against the respondent is that he has committed bigamy.

The respondent preferred a petition under Section 482 CrPC challenging the prosecution launched at the instance of the appellant.

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Meenakshi Kohli  
Date: 2014.08.11  
12:42:00 IST

While allowing the petition filed by the respondent,

the High Court held that the prosecutrix has to prove that the Reason:

second marriage was duly performed with religious rites and

essential ceremonies for the offence of bigamy.

This aspect has to be proved by the appellant only during the trial and cannot be proved at the stage of dealing with a petition under Section 482 CrPC filed by the respondent.

Under the circumstances, we are of the opinion that the High Court has actually put the cart before the horse. Therefore, the impugned order is required to be set aside, which we do. Accordingly, the matter is remanded to the trial Court to proceed from the stage at which the matter was pending.

The appeal is allowed.

CRIMINAL APPEAL NOS. 1637-38 OF 2014  
(@ SLP (Crl.) Nos. 6255-6256 of 2010)

Leave granted.

We have heard learned counsel for the parties.

The appellant is aggrieved by the order dated 21.12.2009 passed by the Madurai Bench of the Madras High Court in Crl. O.P. Nos. 11824 and 11825 of 2009.

The allegation made by the appellant is that the respondents Hemalatha and Lakshmi had got married to the appellant's husband during the subsistence of the marriage between the appellant and her husband.

The respondents challenged the proceedings initiated at the instance of the appellant by filing a petition under Section 482 CrPC. While disposing of the petition, the High Court observed, in our opinion erroneously, that the prosecutrix has to prove that the second marriage was duly performed with religious rites and essential ceremonies for the offence of bigamy.

In our opinion, the High Court has put the cart before the horse inasmuch as it is for the appellant to prove before the trial Court that the offence of bigamy has been made out.

Under the circumstances, we are of the opinion that the judgment and order passed by the High Court deserves to be set aside, which we do.

The matter is remanded to the trial Court to continue the proceedings from the stage at which they were pending.

The appeal is allowed.

SLP (Crl.) No. 6278 of 2010

We find no merit in this petition, which is accordingly

