

**Manjula Vs. Mani and Others**

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**Court :** Chennai

**Decided On :** Aug-11-1997

**Reported in :** 1998CriLJ1476

**Judge :** S.M. Sidickk, J.

**Appeal No. :** Criminal Appeal No. 467 of 1988

**Appellant :** Manjula

**Respondent :** Mani and Others

**Advocate for Def. :** Sampathkumar Associates

**Advocate for Pet/Ap. :** M.S. Srinivasan, Adv. for; S. Baskaran, Adv.

**Judgement :**

1. The appellant is the complainant and the respondents are the accused 1 to 8 before the lower Court. This appeal is preferred by the Appellant/Complainant against the order of acquittal of the learned Chief Judicial Magistrate at Chengalpattu passed on 14-4-1988 in C.C. No. 391 of 1986.

2. The Appellant/Complainant filed a complaint before the lower Court stating as follows :-

The Appellant/Complainant is the legally wedded wife of the 1st Respondent/1st Accused. The marriage between them was solemnised on 9-9-1984 at

Kattuppakkam Village within the limits of Uthiramerur police station in Chengalpattu District. The Appellant/Complainant and the 1st Respondent/1st Accused were living happily at Kattuppakkam Village for about a year. The 2nd accused is the daughter of the 3rd accused and the 4th accused. The 5th accused is the brother of the 2nd accused. The 8th accused is the relative of the accused 1 and 2 and they are residents of Kattuppakkam Village. The 6th and 7th accused are the relatives of the 3rd accused. The 1st respondent/1st Accused began to illtreat the Appellant/Complainant a year after the marriage that took place on 9-9-1984. The 1st accused was neglecting and avoiding the company of the Appellant/Complainant. The efforts of the Appellant/Complainant for mediation also failed. The Appellant/Complainant learnt from the witnesses viz., Rajagopal, Poongavanam and Nataraja Gounder that the 1st accused married the 2nd accused on 22-9-1985 at Sakthi koil in Athur near Thozhupedu. The 1st accused and the 2nd accused exchanged the garlands and then the 1st accused tied the 'Thali' around the neck of the 2nd accused in the presence of deity of Sakthi koil. The accused 3 to 8 actually assisted the solemnisation of their marriage and the connected functions at the time of their marriage. The 1st accused did not return to the village after his second marriage. All the accused had the knowledge that the first marriage of the Appellant/Complainant with the 1st accused is still subsisting. The Appellant/Complainant learnt that the aforesaid second marriage was later registered at the Sub-Registrar Office at Acharapakkam on 23-12-1985. The parents of the complainant obtained an extract from the Sub-Registrar's Office at Acharapakkam regarding the registration of the second marriage between the 1st and the 2nd accused. On 29-5-1986, the 1st accused and the 2nd accused along with the accused 3 to 5 came to live in the house of the 1st accused. When the appellant/complainant questioned the same, the 1st accused came to assault her. The relatives of the complainant tried for settlement and it was of no avail. Thus the 1st accused and the 2nd accused have committed an offence of bigamy under Section 494 of IPC and the accused 3 to 8 have committed the offence punishable under Section 494 read with Section 109 of IPC.

3. Copies of the complaint were furnished to all the accused. The learned Chief Judicial Magistrate at Chengalpattu framed the charge under Section 494 of I.P.C. as against the accused 1 and 2 and the charge under Section 494 read with

Section 109 of I.P.C. against the accused 3 to 8. When questioned in respect of the charges framed against them, the Respondent/Accused denied the same and claimed to be tried. In proof of the charges framed against the accused, the complainant examined P.Ws. 1 to 3 and filed the documents marked as Exs.P1 and P2.

4. When questioned under Section 313 of Cr.P.C. with reference to the incriminating circumstances appearing in the evidence on the side of the complainant, the Respondents/Accused denied their complicity in the crime. However the 1st Respondent/1st Accused would state in Tamil as follows :-

So also the 2nd Respondent/2nd Accused would state in the proceedings under Section 313 of Cr.P.C. in Tamil in the following words :-

Thus both the accused 1 and 2 would state that even though there was no marriage, they registered their marriage in the Office of the Sub-Registrar in view of the earlier intimacy between them. The Respondents/Accused did not choose to examine any witness on their side.

5. On consideration of the materials placed before him, the learned Chief Judicial Magistrate at Chengalpattu found all the accused not guilty of the offences with which they are charged and acquitted all the accused under Section 248(1) of Cr.P.C. Aggrieved against the order of acquittal, the Appellant/Complainant has come up in appeal.

6. After hearing the learned counsel for the Appellant/Complainant and the learned counsel for the Respondents/Accused, the point that arises for determination is as to whether the complainant has proved her case beyond all reasonable doubt and as to whether the Respondents 1 and 2 Accused 1 and 2 are guilty of the offence of bigamy under Section 494 of I.P.C. and as to whether the Respondents 3 to 8/Accused 3 to 8 are guilty of the offence under Section 494 read with Section 109 of I.P.C. and if so, what is the sentence to be imposed on the Respondents/Accused.

7. Point :- It is the case of the complainant that the 1st accused by name Mani married the 2nd accused by name Panchalai on 20-12-1985 at about 9-30 a.m. in the Sakthi koil at Athur while the 1st marriage between the appellant Manjula and the 1st accused Mani was subsisting, and later the accused 1 and 2 have registered their marriage on 23-12-1985 at the Sub-Registrar Office at Acharapakkam and thereby the accused 1 and 2 have committed the offence of bigamy punishable under Section 494 of I.P.C., and the accused 3 to 8 abetted the commission of the offence of bigamy between the accused 1 and 2 and thereby the accused 3 to 8 have committed an offence punishable under Section 494 read with Section 109 of I.P.C.

8. To prove the accusation made against the accused the Appellant/Complainant examined herself as P.W. 1 Manjula and one P.W. 2 Rajagopal, who is alleged to have seen the second marriage between the accused 1 and 2, and P.W. 3 Vedanayaki, who is the clerk in the Sub-Registrars Office at Acharapakkam and, who produced the extract from the Hindu Marriage Register from the Sub-Registrar's Office at Acharapakkam marked as Ex.P 2 in this case. P.W. 1 Manjula and P.W. 3 Vedanayaki had no personal knowledge about the second marriage that took place between the accused 1 and 2. So the only witness who had seen the occurrence of the second marriage between the accused 1 and 2 on 20-12-1985 at Athur is P.W. 2 Rajagopal. His evidence was disbelieved by the trial Court for three reasons as set out in the middle of Para 8 of the Judgment of the lower Court in the following words in Tamil :-

Thus the lower Court disbelieved the testimony of the only eye witness examined witness examined as P.W. 2 Rajagopal on the ground that he went towards south to purchase bull and there was no necessity for him to go to Athur where the second marriage between the accused 1 and 2 took place, and P.W. 2 Rajagopal was unable to say on which side the passage of the temple was situated and he is aged 78 years and he had undergone cataract operation and so it cannot be believed that he had witness the second marriage at a distance of 25 feet in a gathering of 100 persons assembled there at the time of the second marriage between the accused 1 and 2. Now let us consider and reappraise his evidence as to whether it can be believed or not notwithstanding the finding recorded by the

lower Court about the unreliability of the evidence of P.W. 2 Rajagopal.

9. The evidence of P.W. 2 Rajagopal given before the lower Court is extracted here in Tamil in extenso for better appreciation of his testimony. He stated in his chief-examination as well as in his cross-examination in Tamil as follows :-

10. Thus a careful reading of the entire evidence of P.W. 2 Rajagopal would show that about 11/2 years prior to his giving evidence he along with one Poongavanam went towards south for the purpose of purchase of bulls and the bulls were not available and so they came back to Kongarai Village and stayed there, and in the morning they proceeded to the village of Athur, and the distance between the village of Kongarai and Athur is 8 miles, and while at the village of Athur they came to know that marriage was taking place in Sakthi koil, and they went there and saw from a distance of 25 feet that the accused 1 and 2 with the garlands in their hands, and the accused 1 and 2 exchanged the garlands and thereafter the 1st accused tied the 'Thali' around the neck of the 2nd accused, and he did not ask them anything, and the he came back and informed the father of P.W. 1 Manjula as well as P.W. 1 Manjula. During his cross examination he stated that he could not purchase the bulls on that day but later on he purchased the bulls and there was no shandy at Athur, and his uncle's daughter was given in marriage in that village of Athur and he did not go to the house of his relative, and he is aged 78 years and he was able to see the persons in the Court, and he did not know the length and breadth of the temple and he did not know as to how many passages were there for the temple and he did not know how many deities were there in the temple, and there was no enmity between him and the accused, and on that day he did not go to them and he did not talk to them, and the said temple was Sakthi temple, and he did not know the year in which the marriage between the accused 1 and 2 took place, and he was not related to P.W. 1 Manjula but he was residing three houses away from the house of P.W. 1 Manjula, and he informed the father of P.W. 1 Manjula since he felt that he should inform the same P.W. 2 Rajagopal denied the suggestions that he was obliged to P.W. 1 Manjula, and his eye sight was poor, and he did not go to Athur on that day, and he was deposing falsey about the marriage of the accused 1 and 2 from his imagination.

11. A careful scrutiny of the evidence of P.W. 2 Rajagopal will show that his evidence is natural, cogent and convincing. Merely because he did not purchase the bulls on that day or he did not visit the house of his relatives at Athur, it cannot be said that he could not have gone to Athur Village. It is not even elicited from him that the village of Athur was situated at a far off place from his native village of Kattuppakkam. It seems from his evidence that himself and one Poongavanam stayed in the first instance at Kongarai and later they came to the village of Athur. There was no necessity for him also to stay at the village of Kongarai. It does not mean that he did not go to the village of Kongarai and later to the village of Athur. Nowhere in the testimony of P.W. 2 Rajagopal he has stated that there was a gathering of 100 persons assembled at the time of the marriage between the accused 1 and 2. So it is futile to contend that P.W. 2 Rajagopal could not have seen the marriage between the accused 1 and 2 from a distance of 25 feet in a crowd of 100 persons assembled there. P.W. 2 Rajagopal is an aged man and one cannot expect him to recollect his memory to tell as to how many passages were there for the temple and as to what is the length and breadth of the temple and as to how many deities were there in the temple where the second marriage between the accused 1 and 2 took place. It was not even suggested to P.W. 2 Rajagopal during his cross examination that the accused 1 and 2 did not exchange garlands or the 1st accused did not tie 'Thali' in the neck of the 2nd accused. While that being so, the grounds set out by the lower Court for disbelieving his evidence are untenable. In my view the testimony of P.W. 2 Rajagopal has struck me as honest and trustworthy and therefore his evidence is entitled to acceptance in this case. His evidence will satisfactorily establish the case of the Appellant/Complainant that the accused 1 and 2 exchanged the garlands and the 1st accused tied the 'Thali' in the neck of the 2nd accused and thereby the accused 1 and 2 were married in a temple at the village of Athur.

12. One another contention that was advanced on behalf of the Respondents/Accused was that P.W. 2 Rajagopal has stated in his sworn statement before the Chief Judicial Magistrate at Chengalpattu on 20-6-1986 that the marriage between the accused 1 and 2 took place in a church temple and there cannot be any temple like church temple and therefore the testimony of P.W. 2 Rajagopal is not entitled to credibility in this case. It may be that the temple could

have been situated near a church and so a local name might have given to the said temple as church temple. Whatever may be the nomenclature for the said temple, it is also a temple where the marriage had taken place. On that ground the testimony of P.W. 2 Rajagopal cannot be rejected.

13. The learned counsel for the Respondents/Accused contended that the proof of solemnisation of the second marriage in accordance with essential religious rites and ceremonies applicable to parties is a must for conviction for bigamy, and mere admission by Husband/Accused that he had contracted the second marriage, is not enough, and so also in the present case there was no evidence to show that the accused 1 and 2 have performed the religious ceremonies and rites applicable to them, and in the absence of such evidence it must be held that there was no valid marriage between the accused 1 and 2 and further the admission of the accused 1 and 2 during the proceedings under Section 313 of Cr.P.C. about their marriage cannot be the evidence of it for the purpose of proving bigamy, and in those circumstances the order of acquittal passed by the lower Court should not be interfered with and instead it should be confirmed. In support of the above contentions, the learned counsel for the Respondents/Accused also placed reliance upon three decisions of the Supreme Court reported in *Bhau Rao v. State of Maharashtra*, : 1965 CriLJ544 and *Kanwal Ram v. H. P. Administration* : 1966 CriLJ472 and *Priya Bala v. Suresh Chandra* AIR 1971 SC 1153 : 1971 CLJ 939.

14. I am unable to uphold the above contentions and apply the decisions of the Supreme Court cited above to the facts of the present case for the following reasons. In all the three decisions of the Supreme Court referred to above the second marriage had taken place in the year 1962, 1955 and 192 respectively. But here is a case where the second marriage between the accused 1 and 2 took place in the year 1985 at the time when Section 7(A) of Hindu Marriage Act of 1955 was inserted by Madras Amendment Act XXI of 1967. Section 7(A)(1) of Hindu Marriage Act of 1955 as amended in the State of Tamil Nadu reads as follows :-

'This Section shall apply to any marriage between two Hindus, whether called 'Suyamariyathai' marriage or 'Seerthiritha' marriage or by any other name,

solemnized in the presence of relatives, friends or other persons -

(a) by each party to the marriage declaring in any language understood by the parties that each takes the other to be his wife or, as the case may be, her husband; or

(b) by each party to the marriage garlanding the other or putting a ring upon any finger of the other; or

(c) by the tying of the thali.'

15. This provision of Section 7(A)(1) of Hindu Marriage Act of 1955 was made applicable to Tamil Nadu with effect from 7th January, 1968. According to this Section, where a marriage is solemnized in the presence of relatives or friends of other persons by a declaration by the parties to the marriage that each other takes the other to be his spouse or by garlanding each other or putting the ring upon any finger of the other or by the tying of 'Thali, such a marriage is valid. The exchange of garlands or putting the ring on the finger or tying the 'Thali' are traditionally recognised as various stages of a marriage ceremony among a majority of the people, who live in the villages bringing into existence a binding marriage, and such marriages are covered by Section 7(A)(1) of Hindu Marriage Act. Even a mere oral declaration in any language understood by the parties that each takes the other to be his wife without any other act or ceremony will be a valid marriage under Section 7(A)(1) of Hindu Marriage Act. Execution of a document by the spouses will amount to a declaration within the meaning of this Section. (Vide the commentaries at pages 192 and 193 of the learned author Justice Alladi Kuppaswami in his book 'Mayne's Hindu Law and Usage' - 14th Edition (1996) published by Bharat Law House, New Delhi). In view of the change in law in Section 7A of Hindu Marriage Act with effect from 7-1-1968 I am of the view that proof of solemnisation of second marriage in accordance with the essential religious ceremonies and rites applicable to parties is not a must for conviction for the offence of bigamy and in those circumstances the decisions of the Supreme Court mentioned above have no application to the facts of the present case.

16. Section 7A of Hindu Marriage Act as inserted by Madras Act XXI of 1967 indicates four kinds of valid marriage and it includes a mere oral declaration or garlanding each other or putting the ring on the finger or by tying 'Thali'. It is therefore clear that an oral declaration without exchange of garlands or the tying of 'Thali' or without any other ceremony could be a valid marriage. Under Section 7A(1) of Hindu Marriage Act as amended by Madras Act XXI of 1967 it is not necessary that the mere oral declaration should also be accompanied by exchange of garlands or by putting the ring on the finger or by tying or 'Thali'. The various sub-clauses of Section 7A(1) of Hindu Marriage Act as amended by Madras Act XXI of 1967 are disjunctive. In the instant case the oral declaration made by the accused 1 and 2 is found in the extract of the Hindu Marriage Register marked Ex.P2 in this case which has been attested by the accused 5 to 7 viz., Srinivasan, Adimoolam and Nataraja Gounder. Section 8(1) of Hindu Marriage Act states that for the purpose of facilitating the proof of Hindu marriages, the State Government may make rules providing that the parties to any such marriage may have the particulars relating to their marriage entered in such manner and subject to such conditions as may be prescribed in Hindu Marriage Register kept for the purpose. Sub-Section (4) of Section 8 of Hindu Marriage Act lays down that the Hindu Marriage Register must be kept open for inspection at all reasonable times, and shall be admissible as evidence of the statements therein contained and certified extracts therefrom shall be given by the Registrar on payment of the prescribed fee. The words 'for the purpose of facilitating the proof of Hindu Marriages' occurring in Section 8(1) and the words 'the Hindu Marriage Register ..... shall be admissible as evidence of the statements therein contained' occurring in Section 8(4) of Hindu Marriage Act are significant and they would definitely indicate that the Hindu Marriage Register extract is admissible in evidence with regard to the statements made therein. Under sub-section (4) of Section 8 of Hindu Marriage Act, the Legislature intended to make the Hindu Marriage Register a public document within the meaning of Section 74 of the Evidence Act and certified copy of such public document can be produced in proof of contents of the Register in view of Sections 8(1) and 8(4) of Hindu Marriage Act of 1955. More so under Ss. 65(e) and 65(f) of Evidence Act a certified copy of a public document is permitted by the Evidence Act or any other law like Hindu

Marriage Act of 1955 to be given in evidence and secondary evidence may be given of the contents of a public document like Hindu Marriage Register maintained in the Sub-Registrar's office under Section 8(1) of Hindu Marriage Act. So the contents of such Register shall be admissible as evidence of the statements made by the accused 1 and 2 in this case. P.W. 3 Vedanayaki had spoken to the fact that the marriage of the accused 1 and 2 was registered in the Hindu Marriage Register maintained in their office viz., the Sub-Registrar's office at Acharapakkam and she has also produced the certified copy of the same under Ex.P 2 even though she did not have any personal knowledge about their marriage earlier or registration of their marriage later. In as much as it is a public document within the meaning of Section 74 of the Evidence Act and in the light of Sections 8(1) and 8(4) of the Hindu Marriage Act and Sections 65(e) and 65(f) of Evidence Act I am of the view that the contents of the certified copy of Hindu Marriage Register marked as Ex.P 2 are admissible in evidence in respect of the statements made by the accused 1 and 2 to the effect that they were married and their marriage was registered in the Sub-Registrar's office at Acharapakkam on 23-12-1985 in the presence of their friends and relatives. Therefore even ignoring the oral evidence of P.W. 2 Rajagopal from our consideration, the entries or the contents in the Hindu Marriage Register extract marked as Ex.P 2 has satisfactorily established the fact that the marriage between the accused 1 and 2 was a valid marriage as required under S. 494 of I.P.C.

17. The first marriage between P.W. 1 Manjula and the 1st accused Mani had taken place on 9-9-1984 as evidence by the marriage invitation card marked as Ex. P. 1. The same is spoken to by P.W. 1 Manjula and it was not seriously disputed during the cross examination of P.W. 1 Manjula and it goes unchallenged. Therefore the evidence of P.W. 1 Manjula coupled with the marriage invitation card marked as Ex. P. 1 proved the first marriage between the first accused and P.W. 1 Manjula and it was subsisting even at the time of his second marriage between the accused 1 and 2 in the year 1985.

18. The learned counsel for the Respondents/Accused argued that the registration of the marriage between the accused 1 and 2 is only an empty formality and it was done only to give legitimate rights to the children of the accused 1 and 2 in view of

their earlier intimacy and therefore no credence should be given to the Marriage Register extract marked as Ex.P2 in this case. The above argument of the learned counsel for the Respondents/Accused is not entitled to acceptance because the second marriage between the accused 1 and 2 took place earlier on 20-12-1985, and two days later the accused and 2 have registered their marriage before the Sub-Registrar's Office at Acharapakkam on 23-12-1985. At no stretch of imagination it can be said that the registration of this marriage subsequently is an empty formality. In my view the 2nd accused wanted to make sure that she was married to the first accused and that is why the registration was done later and the same was entered in the Hindu Marriage Register kept in the sub-Registrar's office at Acharapakkam under Section 8(1) of the Hindu Marriage Act of 1955. The registration of this marriage was not done as a stamp of approval for the legitimacy of the children that may be born to the accused 1 and 2. The registration of the marriage subsequently between the accused 1 and 2 was made to strengthen the status of the respondents 1 and 2 as husband and wife.

19. It was further contended by the learned counsel for the Respondents/Accused that it is the admission of P.W. 1 Manjula in the witness box that this complaint was filed by her in the month of July 1986 after a delay of six months and even after filing of the complaint she was residing in the same house of the first accused, and she was residing in the house of the first accused for 5 or 6 months even after the filing of this complaint and therefore the present complaint has been filed at the instigation of the father of P.W. 1 Manjula and in those circumstances the case of the complainant should not be accepted. It is true that P.W. 1 Manjula has admitted in the witness box that she was residing with the first accused for some time after the filing of the complaint. That may not be the ground to dismiss the complaint and acquit the accused as the offence of bigamy was already committed and the offence of bigamy cannot be erased by the joint living of the Appellant/Complainant with the first accused for some time subsequently after this complaint. Therefore the admissions made by P.W. 1 Manjula in the witness box will not in any way absolve the accused 1 and 2 from the charge of bigamy. The delay of six months in filing the complaint is immaterial in a case of this nature for the offence of bigamy.

20. After analysing the materials placed before the lower Court, the following facts emerged therefrom :-

(1) The first marriage between the appellant examined as P.W. 1 Manjula and the first accused Mani has been proved and it was subsisting at the time of the second marriage in the year 1985.

(2) The testimony of P.W. 2 Rajagopal is entitled to credibility and his evidence will satisfactorily establish the factum of second marriage between the accused 1 and 2 in temple at Athur in the year 1985.

(3) Even eschewing or ignoring the evidence of P.W. 2 Rajagopal from our consideration, the evidence of P.W. 3 Vedanayaki coupled with the recitals or the contents of the Hindu Marriage Register extract kept under Section 8(1) of Hindu Marriage Act are admissible in evidence with regard to the declaration made by the accused 1 and 2 that they were married, which would squarely come within the purview of S. 7A(1) of Hindu Marriage Act of 1955 as amended in the State of Tamil Nadu, and Ex.P2 is the public document within the meaning of Section 74 of the Evidence Act, and the contents of Hindu Marriage Register extract marked as Ex. P 2 satisfactorily established the fact that the marriage between the accused 1 and 2 was a valid marriage as required under Section 494 of I.P.C.

Therefore in my view all the ingredients of Section 494 of I.P.C. have been proved in this case beyond all reasonable doubt as against the accused 1 and 2 and in such circumstances I have no hesitation to come to the conclusion that the accused 1 and 2 are guilty of the offence of bigamy under Section 494 of I.P.C.

21. Now taking up the case of the complainant as against the other accused viz., the accused 3 to 8, P.W. 1 Manjula in her chief examination did not say that they abetted the commission of the offence of bigamy by rendering any assistance or help to the accused 1 and 2 in their marriage. Nothing is whispered in the testimony of P.W. 1 Manjula about the part played by the accused 3 to 8 in the performance of the marriage between the accused 1 and 2 except stating that they blessed the couple viz., the accused 1 and 2. Likewise P.W. 2 Rajagopal has also stated in his chief examination that the accused 3 to 8 blessed the accused 1 and

2 at the time of their marriage. Their blessings will not tantamount to the abetment of the commission of the offence of bigamy under Section 494 read with Section 109 of I.P.C. Therefore the order of acquittal passed by the lower Court as against the accused 3 to 8 cannot be disturbed or interfered with and the order of acquittal passed by the lower Court as against the accused 3 to 8 is maintained.

22. Now turning to the question of sentence to be awarded to the accused 1 and 2 for the offence committed by them under Section 494 of I.P.C. the respondents 1 and 2, who are the accused 1 and 2 before the lower Court, appeared in person in pursuance of the summons issued today. The accused 1 and 2 as well as the counsel were heard with regard to sentence. With regard to the sentence to be imposed on them under Sections 494 I.P.C. the accused 1 and 2 stated that they are coolies and they are finding it difficult to make their livelihood and they have got three children.

23. The learned counsel for the Respondents 1 and 2 who are the accused 1 and 2, further stated that a suit for maintenance also was filed in O.S. No. 110 of 1989 before the Subordinate Judge, Kancheepuram by the complainant in this case, and the first respondent/1st accused was directed to pay a sum Rs. 250/- per month as maintenance to the appellant/complainant.

24. Considering all these aspects, it is just and necessary that the respondents, who are the accused 1 and 2 must undergo the sentence of imprisonment till the rising of the Court under Section 494 of Indian Penal Code and besides the respondents 1 and 2 are sentenced to pay a sum of Rs. 250/- each and they are directed to pay the fine before the lower Court, viz., the Chief Judicial Magistrate, Chingleput on or before 29-8-1997, and I answer this point accordingly.

25. In the result the appeal is allowed and the order of acquittal passed by the Chief Judicial Magistrate, Chengalpattu dated 14-4-1988 in C.C. No. 391 of 1986 is set aside so far as the respondents 1 and 2 are concerned, who are the accused 1 and 2 in case, and the appeal, so far as the respondents 3 to 8 are concerned, is dismissed and the order of acquittal passed by the Chief Judicial Magistrate, Chengalpattu against the respondents 3 to 8 is confirmed. The respondents 1 and 2, who are the accused 1 and 2, are found guilty of the offence

u/S. 494 of Indian Penal Code and they have been convicted and sentenced to undergo imprisonment till the rising of this Court and to pay a fine of Rs. 250/- each before the learned Chief Judicial Magistrate, Chengalpattu on or before 29-8-1997 in default the accused 1 and 2 shall undergo sentence of one week simple imprisonment.

26. Order accordingly.

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