

**In Re: Ramiah thevar**

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**SooperKanoon Citation :** [sooperkanoon.com/814107](http://sooperkanoon.com/814107)

**Court :** Chennai

**Decided On :** Sep-19-1962

**Reported in :** (1963)1MLJ66

**Appellant :** In Re: Ramiah thevar

**Judgement :**

ORDER

**Sadasivam, J.**

1. Petitioner Ramaiah Thevar has been convicted under Section 494, Indian Penal Code read with Section 17 of Act XXV of 1955 and sentenced to rigorous imprisonment for one month and a fine of Rs. 200 and in default to rigorous imprisonment for one month. Both the Courts below have accepted the evidence of the complainant and her witnesses and found that the complainant (P.W. 1) got divorced from her first husband P.W. 5 and married the petitioner and that during the subsistence of the said marriage, the petitioner married his cousin Pakkiammal. There is no ground to differ from the said finding.

2. The learned advocate for the petitioner, however, contended that under Hindu Law Saptapadi is an essential ceremony for a valid marriage and that there is no proof in this case that there was Saptapadi either for the marriage of P.W. 1 with the petitioner or for the subsequent marriage of the petitioner with Pakkiammal. It is clear from Section 7(1) of the Hindu Marriage Act that a Hindu marriage may be

solemnised in accordance with the customary rites and ceremonies of either party thereto. Under Clause (2) of Section 7 of the said Act, where such rites and ceremonies include Saptapadi, that is, the taking of the seven steps by the bridegroom and the bride jointly before the sacred fire, the marriage becomes complete when the seventh step is taken. This itself shows that Saptapadi is not a necessary ceremony in all Hindu marriages and that only in those marriages where Saptapadi is an essential ceremony, the marriage becomes complete by the bridegroom and the bride taking seven steps. The evidence of the complainant and her witnesses is that the complainant was married to the petitioner according to the caste custom by tying Tali. It was not even suggested to the complainant or other witnesses that Saptapadi is an essential ceremony for the validity of the marriage in the community of the parties. The Courts below have therefore rightly found that the complainant was validly married to the petitioner and that during the subsistence of that valid marriage the petitioner married Pakkiammal according to the customary rites in his community by the tying of Tali. The conviction of the petitioner under Section 494 Indian Penal Code read with Section 17 of Act XXV of 1955 is therefore correct and there is' no ground to interfere with the same.

3. The learned advocate for the petitioner pleaded for a reduction of the sentence. The petitioner has been in jail for about ten days. Having regard to the facts of the case, I reduce the sentence of imprisonment to the period already undergone but maintain the fine. The Criminal Revision Petition is otherwise dismissed.