

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRL. MISC. No.M-15113 OF 2014 (O&M)
DATE OF DECISION : 6th MAY, 2015

Sikandar Pal

.... Petitioner

Versus

Smt. Mamta & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. M. S. Dhami, Advocate for the petitioners.

Mr. P. S. Ghuman, Additional Advocate General, Punjab.

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SURINDER GUPTA, J. (ORAL)

Heard.

Application of the petitioner under Section 311 Cr.P.C. for permission to prove birth certificate dated 13.06.2013 regarding the birth of male child to respondent No.2 was dismissed by the trial court with the observations as follows:

“I have given due consideration to the rival submissions of the parties and carefully perused the judicial file. Perusal of the file has transpired that application has been moved at the fag end of the case i.e. after examining two witnesses in post-charge evidence. Factum of birth of two children during the pendency of present complaint has got no relevancy with the commission of present offence. If for the sake of arguments, it is believed that the above said male child has been born from the loins of Des Raj, then also it has got no relevancy with the commission of present offence,

as birth of children does not amount to solemnization of second marriage of accused. As per law, in order to make out offence of bigamy, complainant is to prove the solemnization of second marriage with proper ceremonies. Hence, this Court is of the considered view that birth certificate of above said male child is not of any help to the case of complainant. Therefore, finding no merits in the application, same stands dismissed.”

The learned counsel for the petitioner submits that by calling the witness from the Municipal Committee he wants to prove that respondent No.2 is legally wedded wife of Des Raj during the subsistence of her marriage with the complainant.

The above submission of counsel for the petitioner has no merit as the birth certificate of child is not a certificate of marriage or proves the legality and validity of marriage. The trial Court has already dealt with the other pleas raised by the petitioner.

This revision petition, as such, is disposed of with liberty to the petitioner to place on record copy of the birth certificate which is per se admissible document.

6th May, 2015
‘raj’

(SURINDER GUPTA)
JUDGE