

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

WPA 7583 of 2022

Bheemappa L.K.

Versus

Union of India and Others

For the Petitioner : Mr. Sanjib Banerjee, Adv.
Mr. Biswajit Dutta, Adv.

For the Union of India : Ms. Rajashree Roy, Adv.
Mr. Ravi Ranjan Kumar, Adv.

Heard on : 21.01.2026

Judgment on : 19.03.2026

Ajay Kumar Gupta, J.:

1. The present writ petitioner challenges the order of removal from service by the disciplinary authority of the Central Reserve Police Force (CRPF). Subsequently, it was confirmed by the first appellate authority, in revision and the second appellate authority.

FACTS OF THE CASE:-

2. The brief facts, leading to the filing of this writ petition, are embolden herein below: -

a. The petitioner was appointed as a Constable (GD) in the Central Reserve Police Force and served the organisation for approximately 24 years without any blame. He had a clear service record. While he was posted with the 165 Battalion, CRPF Tangasole, West Midnapore, West Bengal, a memorandum of charge dated 5th October, 2019 was issued by the Commandant, 165 Battalion, CRPF Tangasole, West Bengal against him with the allegations as under: -

“No. 941381809 CT/GD Bheemappa L.K. of D/165 Bn., CRPF while functioning as Constable (GD) in B/51 Bn. During 04/2000 to 07/2004 contracted second marriage with Laxmi Bindha Debbarma during 2001 when he has a first wife living namely Smt. Laxmi B. Koraw and thus violated the provisions of Rule 15 of CRPF Rules 1955 and Rule 21 CCS (Conduct) Rules, 1964 and thereby committed an act of misconduct in his capacity as a member of the Force, punishable U/S 11(1) of CRPF Act, 1949 read with Rule – 27 of CRPF Rules, 1955 which is pre-judicial to good order and discipline of the Force.”

b. The allegation was based on a suspicious report of the Superintendent of Police, Sepahijala, District - Bishramganj, Tripura communicated to the Commandant on 30.10.2018 vide letter No. 13590.4(109)/SP (DIB)/ SPJ/BRG/2018, alleging that the petitioner had eloped with and married one Bindha Debbarma. The petitioner

denied the allegation and asserted that he had only one lawful marriage, with Laxmi, solemnised in 1997, and that the allegation arose due to mistaken identity and incorrect entries in certain records.

- c.** Thereafter, a departmental enquiry was conducted under Rule 27 of the CRPF Rules, 1955. The Enquiry Officer held the charge of plural marriage to be proved. On the basis of the enquiry report, the disciplinary authority passed an order dated 11th June, 2020, removing the petitioner from service.
- d.** Against the order dated 11th June, 2020, the petitioner preferred a statutory appeal before the Deputy Inspector General of Police, CRPF, Range Yalahanka, Bangalore – 560 064, which was rejected by an order dated 29th September, 2020.
- e.** Against the order dated 29th September, 2020, the petitioner filed a revisional application before the Inspector General of Police, CRPF, Karnataka and Kerala Sector (South Zone), Yalahanka Group Centre, CRPF Campus, Bangalore, Karnataka – 560 064. However, the application was dismissed by an order dated 5th March, 2021.
- f.** The petitioner, feeling aggrieved with the aforesaid order, filed a Second Appeal before the Special DG, South Zone, CRPF Hyderabad,

(Telangana), which was also rejected by an order dated 6th October, 2021.

- g.** Being aggrieved by and dissatisfied with the above impugned orders, the petitioner has filed the instant writ petition seeking to set aside the impugned orders.

SUBMISSIONS ON BEHALF OF THE PETITIONER:-

- 3.** Learned counsel appearing on behalf of the petitioner submitted that the petitioner was removed from the Force on 11.06.2020, on the allegation that while functioning as Constable (GD) in B/51 Bn. during 04/2000 to 07/2004, he contracted a second marriage with Laxmi Bindha Debbarma in 2001 despite his subsisting marriage with Laxmi B. Koraw, thus violating the provisions of Rule 15 of CRPF Rules 1955 and Rule 21 CCS (Conduct) Rules, 1964, and thereby committing an act of misconduct in his capacity as a member of the Force, punishable U/S 11(1) of CRPF Act, 1949 read with Rule 27 of CRPF Rules, 1955 which is pre-judicial to good order and discipline of the Force.
- 4.** It was further alleged that he submitted the double hostel subsidy of his daughter Bharti Koraw for the same academic session (class IV, January 2012 to December 2012 from two different schools in Karnataka and Tripura. Firstly, he submitted a hostel subsidy claim

for Rs. 45,900/-, dated 11.06.2012, issued by Karnataka Rani Channamma High Secondary English Medium School, Hubli, Karnataka, which, upon verification, was found to be fraudulent. Another claim of the same amount dated 23.10.2012 in respect of his daughter for the same period, issued by Children Academy, Bishramganj, Sipahijala District, Tripura, was found to be genuine. It was, however, submitted that the petitioner has already been punished for the said allegation.

5. It is further contended that the allegation of contracting a second marriage is absolutely false, baseless, and unsupported by any documentary evidence. It was submitted that his first wife continues to reside with him, and there is no dispute between them. She had never lodged any complaint against him at the office or anywhere else, either regarding cruelty or bigamy.
6. It was further submitted that no criminal proceedings for bigamy had ever been initiated against the petitioner. The entire case was decided against the petitioner merely on the basis of the report of the Superintendent of Police, Sepahijala, without any supporting and valid documents. It was argued that there is no proof of a valid second marriage in terms of law, as no marriage certificate or evidence of performance of essential ceremonies has been produced.

In the absence of proof of essential rites, particularly Saptapadi as required under Section 7 of the Hindu Marriage Act, 1955, the allegation of second marriage cannot be sustained in law. Consequently, the alleged violation of Rule 15 of the CRPF Rules does not arise.

7. As for the allegations of submission of double hostel subsidy, it is submitted that the authority has already punished him vide order no. P. VIII. 2014-EC. II dated 27.08.2014, and therefore, he cannot be punished for the same offence twice. The same is barred by law.
8. To support his submissions, learned counsel has relied on a decision in the case of **Harvir Singh v. Union of India, New Delhi & Ors**, in Civil Writs No. 6400/2002, decided on 8th February, 2019, wherein it has been held that mere allegation of marriage and cohabitation is insufficient to establish bigamy unless the essential ceremony constituting a valid marriage are proved. Therefore, it was urged that the removal of the Petitioner from service, and orders of different authorities are liable to be set aside, and the Petitioner is entitled to be reinstated in service with all financial and promotional benefits.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:-

9. Per contra, learned counsel appearing on behalf of the Respondents submitted that the stand of the respondents has already been clarified in the affidavit-in-opposition filed before this Court.
10. It was submitted that during the preliminary enquiry, the DIG of Police, GC, CRPF, Bangalore, vide letter A.IX-12/17-18-PC-II-GC BLR dated 27.02.2018, sought clarification from the Superintendent of Police, District – West Tripura, Tripura. After investigation, the SP, Sepahijala, District – Bishramganj, Tripura vide letter dated 30.10.2018, informed that, as enquired by the OC Bishramganj PS, and as per the statement of the parents of Smt. Bindha Debbarma, namely, Badal Debbarma and Smt. Joytara Debbarma, it was revealed that Smt. Bindha Debbarma eloped and married the petitioner in the year 2001. Badal Debbarma further revealed that Bindha Debbarma is the petitioner's second wife, and Laxmi was added in her name by her in-laws upon her marriage.
11. It was further submitted that the Chairman and Gram Pradhan of Bastali Village Committee, Sepahijala, Tripura, corroborated the aforesaid version. It was also confirmed that Bindha Debbarma is the second daughter of Badal Debbarma and Joytara Debbarma. He further stated that they have a son. The parents of the second wife

submitted in writing that their second daughter, Bindha Debbarma, eloped and married the petitioner in the year 2001 and is residing in Karnataka. They have also stated that Bharti Koraw is the daughter of Bindha Debbarma, and the petitioner and Bindha also have a son named Ravi Koraw.

- 12.** Upon such statement and report of the Superintendent of Police, the Commandant 165 Bn. CRPF Tangasole, West Midnapore, passed a Memorandum on 05.10.2019 wherein a departmental enquiry was proposed to be held against the petitioner. After maintenance of all procedures by the department and an opportunity having been given to the petitioner, the Disciplinary Authority provided a copy of the enquiry report dated 18.04.2020 to the petitioner as per the provisions contained in paragraph 14 of the standing order 20/2001 for making his representations within 15 days. It was proved beyond doubt that the petitioner had entered into a second marriage, and violated the provisions of Rule 15 of the CRPF Rules, 1955 and Rule 21 CCS (Conduct) Rules, 1964, thereby committing an act of misconduct in his capacity as a member of the Force, punishable U/S 11(1) of CRPF Act, 1949 read with Rule – 27 of CRPF Rules, 1955 which is pre-judicial to good order and discipline of the Force was issued order of removal from service against him.

- 13.** It was lastly submitted that his first wife is residing with her parents in her parental house. She is not residing with the present petitioner. In view of the said facts, this instant writ petition should be dismissed with costs.

ANALYSIS AND FINDINGS OF THIS COURT:-

- 14.** Having heard the arguments of the learned counsels appearing on behalf of the respective parties and upon meticulous perusal of the materials on record as well as affidavit-in-opposition and reply thereto, this court finds that there is an allegation of bigamy against the petitioner. It is alleged that he eloped and married Bindha Debbarma, and subsequently her name was changed to Laxmi Bindha Koraw from Bindha Debbarma.
- 15.** The disciplinary authority has relied upon the investigation report submitted by the Superintendent, Sepahijala, District - Bishramganj, Tripura, on 30.10.2018 and finally concluded that the petitioner married a second time despite the existence of his first wife. Therefore, he had violated the provision of Rule 15 of CRPF Rules 1955 and Rule 21 CCS (Conduct) Rules, 1964, and thereby committed an act of misconduct in his capacity as a member of the Force, punishable U/S 11(1) of the CRPF Act, 1949, read with Rule 27 of the CRPF Rules, 1955. As such, he was finally punished by

being removed from service. The petitioner's contention is different. He denied and disputed the allegation of bigamy and raised a serious issue that the disciplinary authorities failed to prove the second marriage by any sufficient materials as recognised by law.

- 16.** According to him, there must be sufficient reasons or documents to believe that he has entered or got married for the second time with Bindha Debbarma, and he has a son and daughter from the second marriage.
- 17.** Considering the entire facts as aforesaid, this court has to decide the following issues: -
 - i.** Whether the allegation of contracting a second marriage has been proved in accordance with law;
 - ii.** whether the findings of the disciplinary authority suffer from perversity or lack of evidence; and
 - iii.** whether the petitioner has been subjected to double punishment in respect of the same misconduct.
- 18.** Before deciding the case in hand, this court would like to look the different provisions of law to understand the legal position. These provisions are enumerated herein below for ready reference and for consideration the issue involved in the present case.

PROVISIONS DISCUSSED:

RULE 15 – CRPF RULES, 1955:-

“15. Plural marriages. —

No member of the Force who has wife living shall contract any other marriage without first obtaining the permission of the Government notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to the member of the Force”.

SECTION 7 OF THE HINDU MARRIAGE ACT, 1955

“7. Ceremonies for a Hindu marriage.—*(1) A Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto.*

(2) Where such rites and ceremonies include the sapthapadi (that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire), the marriage becomes complete and binding when the seventh step is taken.”

SECTION 17 OF THE HINDU MARRIAGE ACT, 1955:

“17. Punishment of bigamy.-*Any marriage between two Hindus solemnized after the commencement of this Act is void if at the date of such marriage either party had a husband or wife living; and the provisions of sections 494 and 495 of the Indian Penal Code (45 of 1860), shall apply accordingly.”*

SECTIONS 494 AND 495 IPC:

“S 494. - Marrying again during lifetime of husband or wife.

- Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception.- This section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such

subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

S 495. - Same offence with concealment of former marriage from person with whom subsequent marriage is contracted.

– Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

SECTION 50 OF THE INDIAN EVIDENCE ACT, 1872

“S. 50. Opinion of relationship, when relevant- *when the court has to form an opinion as to the relationship of one person to another, the opinion, express by conduct, as to the existence of such relationship, of any person who, as the member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact:*

Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act (4 of 1869), or in prosecutions under Sections 494, 495, 497 or 498 of the Indian Penal Code (45 of 1860).”

19. This Court shall now categorically discuss each issue: -

I. Proof of Second Marriage

- a.** The essence of the charge against the petitioner is that he contracted a second marriage during the subsistence of his first marriage, violating Rule 15 of the CRPF Rules, 1955, read with Rule 21 of the CCS (Conduct) Rules, 1964.
- b.** According to the Hindu Marriage Act, 1955, a marriage between the parties must fulfil certain conditions to be considered valid.

Similarly, registration of marriage under the Special Marriage Act, 1954, is the most important proof of a valid marriage between the parties. It is very difficult to conclusively establish the existence of a marriage in the absence of the aforesaid

- c. It is well settled that for establishing a charge of bigamy, there must be proof of a valid second marriage in accordance with law. The Hon'ble Supreme Court in ***Kanwal Ram v. Himachal Pradesh Administration***¹ held that the factum of marriage must be proved by establishing that the essential ceremonies constituting a valid marriage have been performed. Similarly, in the case of ***Priya Bala Ghosh v. Suresh Chandra Ghosh***², it was reiterated that mere admission or cohabitation is not sufficient to establish a valid marriage unless the essential ceremonies are proven. These must be direct proof of the second marriage, including evidence of rituals.
- d. In the present case, the entire allegation of second marriage is based upon the statements of the parents of the alleged second wife, statements of local authorities, i.e., the Chairman and Gram Pradhan, Bastali Village Committee, Sepahijala, Tripura, and the report of the SP, Sepahijala, District – Bishramganj, Tripura.

¹ (1966) 1 SCR 539

² (1971) 1 SCC 864

- e. However, no documentary evidence, such as a marriage certificate, nor any evidence of performance of essential ceremonies under Section 7 of the Hindu Marriage Act, 1955, has been brought on record.
- f. The materials relied upon by the respondents, at best, indicate cohabitation or a relationship, but do not conclusively establish a valid marriage in the eyes of law. Therefore, in the absence of proof of essential ceremonies, a marriage certificate, wedding card, photos, booking of marriage hall or Choultry or performance of saptapadi, the allegation of a second marriage remains unsubstantiated.
- g. The petitioner has relied upon the decision in ***Harvir Singh (Supra)*** to contend that mere allegation of second marriage or cohabitation is insufficient to establish the charge of bigamy unless there is clear and cogent evidence proving that the essential ceremonies of a valid marriage were performed in accordance with law. The said judgment reiterates the settled legal principle that relationship, admission, or elopement by itself does not constitute a valid marriage in the absence of proof of requisite rites and ceremonies. Applying the said principle, the allegation of a second marriage cannot be legally sustained in the instant case, since the

respondents have relied only on statements and reports without producing any evidence of the performance of essential ceremonies.

II. Findings of the Disciplinary Authority

- a.** It is true that strict proof of evidence is not strictly required in a departmental inquiry. Departmental proceedings are not criminal trials and are governed by the standard of “*preponderance of probabilities*” rather than “*proof beyond reasonable doubt*”. However, even under such relaxed circumstances, the findings must be based on reliable evidence.
- b.** In ***Roop Singh Negi v. Punjab National Bank***³, the Hon’ble Supreme Court held that even in departmental proceedings, findings cannot be based on mere suspicion, conjecture or unproven documents, and must be supported by evidence in accordance with law.
- c.** In the present case, the disciplinary authority has primarily relied upon hearsay statements and police reports, without any independent corroboration or proof of the essential ingredients of a valid marriage. Such evidence, in the opinion of this Court, falls short even of the standard required in departmental proceedings.

³ (2009) 2 SCC 570

- d.** Moreover, the finding of guilt appears to have been recorded without proper appreciation of the legal requirement for establishing bigamy, thereby rendering the conclusion perverse and unsustainable.
- e.** It is also pertinent to note that the very nature of the allegations forming the basis of the departmental proceedings, i.e., the charge of contracting a second marriage, has the potential to seriously impair the petitioner's marital relationship. Such allegations, even if ultimately unsubstantiated, carry a significant social stigma and are likely to create mistrust, discord, and strain within the matrimonial household. The continuation of such proceedings and the findings recorded therein could have adversely affected the petitioner's relationship with his spouse and family members, thereby causing not only professional but also personal and emotional hardship.
- f.** The departmental proceedings against the petitioner were initiated on the basis of certain suspicious circumstances alleging that he had contracted a second marriage with Smt. Bindha Debbarma, during the subsistence of his first marriage, despite the admitted fact that the Petitioner's first wife or her parents never lodged a

complaint regarding any matrimonial dispute or allegation of bigamy.

g. The enquiry was triggered on the basis of a report called for from the Superintendent of Police, Sepahijala, who, vide letter dated 30.10.2018, reported on the basis of statements of the parents of the alleged second wife, namely, Badal Debbarma and Smt. Joytara Debbarma, that their daughter had eloped and married the petitioner in the year 2001 and was residing with him in Karnataka, and that they had children born out of such relationship.

h. The said version was further corroborated by the Chairman and Gram Pradhan of Bastali Village Committee, who also stated that the alleged second wife had married the petitioner and was residing with him along with their children. The disciplinary authority, relying upon such report and certain school records, including a letter dated 24.01.2017 issued by the Principal of Children Academy, Bishramganj, Tripura, reflecting the name of the mother as “Bindha Laxmi Koraw,” concluded that the petitioner had contracted a second marriage and accordingly imposed the penalty of removal from service with effect from 11.06.2020, which was subsequently affirmed by the appellate and revisional authorities,

discarding even the affidavit of the alleged second wife denying the marriage as well as the statement of the first wife claiming the child to be her own.

- i.** It is evident that the entire finding is based solely on such reports and documentary discrepancies without any legally admissible and cogent evidence establishing a valid second marriage, since neither the first wife nor the alleged second wife supported the case of the authority, both were not examined during the enquiry, and no independent witnesses were examined. Neither parents nor children were examined during this enquiry. Further, no documentary evidence, such as a marriage certificate, wedding card, photographs, or evidence of performance of essential ceremonies, including Saptapadi, was produced. The mere fact that the child was residing with the alleged second wife's parents or that there was an error in recording the name of the mother in school records cannot ipso facto establish the existence of a second marriage.
- j.** In the absence of any direct complaint, reliable evidence, or proof of essential ceremonies, the conclusion of the authority that the petitioner had contracted a second marriage appears to be based only on suspicion and uncorroborated materials, which is wholly

insufficient to sustain the finding of misconduct. Therefore, the findings of the Disciplinary Authority suffer from perversity and lack of evidence.

III. Double Jeopardy in respect of the Hostel Subsidy

- a.** The second limb of the charge relates to submission of duplicate hostel subsidy claims. It is an admitted position that the petitioner had already been punished by an order dated 27.08.2014 for the said misconduct.
 - b.** The principle that a person cannot be punished twice for the same misconduct is well recognised in service jurisprudence. Although the strict application of Article 20(2) of the Constitution may not apply to departmental proceedings, the doctrine of double jeopardy in service law prohibits repeated punishment for the same cause of action.
 - c.** Therefore, once the petitioner has already been penalised for the alleged misconduct relating to hostel subsidy, the same cannot be made a ground for imposing a fresh and more severe punishment.
- 20.** From the materials on record, it appears that neither is the allegation of second marriage supported by evidence in accordance with law, nor are the findings of the disciplinary authority based on adequate and reliable materials. So far as the charge regarding the double

hostel subsidy is concerned, the petitioner has already been punished for the same, rendering any further action impermissible.

21. It is well settled that while exercising judicial review over disciplinary proceedings, this Court does not sit as an appellate authority. However, where the findings are perverse, based on no evidence, or in violation of settled principles of law, interference is warranted.
22. In view of the discussions made hereinabove, this Court is of the view that the impugned orders cannot be sustained in law. Accordingly, the impugned orders are hereby set aside.
23. Consequently, **WPA 7583 of 2022** stands **allowed** without order as to costs. Impugned orders under challenge are hereby set aside.
24. Connected applications, if any, are also, thus, disposed of.
25. Interim order, if any, stands vacated.
26. The Respondent authority, particular Respondent No. 2, Commandant 165 Battalion, CRPF Tangasole, West Midnapore, West Bengal, PIN 721145, is directed to reinstate the petitioner in service with all financial and service benefits as entitled in accordance with law within six weeks from the date of the communication of this order.
27. Parties shall act on the server copies of this Judgment downloaded from the official website of the High Court at Calcutta.

- 28.** Urgent Photostat certified copies of this Judgment, if applied for, be supplied to the parties upon compliance of all the necessary and legal formalities.

(Ajay Kumar Gupta, J)

P.A.