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The section contemplates that the offender must commit the offence of marrying again during the lifetime of the husband or wife, as the case may be, as defined in section 494. The offender must do so after having concealed the fact of the former marriage from the person with whom the subsequent marriage is contracted. The offence under this section is naturally more serious than the one under section 494, the fact of concealment of the former marriage being the aggravating factor. Where the mother of a married female child of ten years of age got her married again to another man during the lifetime of her husband, it was held that the child had not attained sufficient maturity of understanding to know about the nature and consequences of such an act on her part, and thus section 83, of the Code would protect her from liability under section 495 of the Code.

Where the first accused, who was already married, and his father, had secured a false certificate from the village munsif that the first accused was unmarried and produced the same to the temple authority where the first accused's second marriage took place, they were held guilty under section 495 and section 495 read with section 109 respectively, but the mother and brother of the first accused being mere passive witnesses they could not be held guilty of abetment to commit the offence under this section. The offence under section 495 is non-cognizable, bailable and non-compoundable, and is triable by magistrate of the first class.