

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

REVIEW PETITION (CRL.) NO.327 OF 2020

IN

CRIMINAL APPEAL NO. 321 OF 2020

PANKAJ RAI

PETITIONER (S)

VERSUS

KRISHNAVENI RAI & ANR.

RESPONDENT (S)

ORDER

This Court by its judgment and order dated 19 February 2020, of which review has been sought, held that a marriage contracted during the pendency of an appeal from a decree of divorce is not *void ab initio*, and certainly not when such an appeal is filed after expiry of the period of limitation. Accordingly, this Court, by its aforesaid judgment and order, allowed Criminal Appeal No.321 of 2020 against the judgment and order dated 09 April 2019 passed by the High Court for the State of Telangana, whereby the High Court had dismissed Criminal Revision Case No.2587 of 2017 filed by the Appellant under Section 397/401 of the Code of Criminal Procedure, 1973 (Cr.P.C) challenging the order dated 07 August 2017 passed by the Additional Metropolitan Sessions Judge, Fast Track Jubilee Hills Bomb Blast Case (JHBBC)-cum-Additional Family Judge at Hyderabad, dismissing the application of the Appellant for maintenance under

Section 125 Cr.P.C, on the ground that the marriage between the Appellant and the Respondent No.1 was a nullity.

2. There is no error apparent in the finding of this Court that a marriage contracted during the pendency of an appeal is not *ab initio* void. Such marriage is not a nullity in the eye of law. This Court considering an application for review of a judgment and order disposing of an appeal, does not re hear the appeal. All the arguments advanced by the review applicant on the question of validity of a marriage contracted during the pendency of an appeal from a decree of divorce were duly considered.

3. Since the application of the Appellant being M.C. No.152 of 2015 has been remitted for reconsideration on merits, to the appropriate Court having jurisdiction for determination of the Appellant's claim to maintenance, it is open to the Review Applicant to urge all other issues raised in this Review Application before the appropriate Court.

4. In the absence of any error apparent in the impugned judgment and order as aforesaid, the review petition is dismissed, along with the applications for oral hearing of the review petition and permission to appear and argue in person.

.....J.
[INDIRA BANERJEE]

.....J.
[M.R. SHAH]

NEW DELHI;
NOVEMBER 17, 2020

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

R.P.(Cr1.) No. 327/2020 in Cr1.A. No. 321/2020

PANKAJ RAI

Petitioner(s)

VERSUS

KRISHNAVENI RAI & ANR.

Respondent(s)

(FOR ADMISSION and IA No.42340/2020-STAY APPLICATION and IA No.42338/2020-ORAL HEARING and IA No.42345/2020-APPLICATION FOR PERMISSION

IA No. 42345/2020 - APPLICATION FOR PERMISSION

IA No. 42338/2020 - ORAL HEARING

IA No. 107890/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON

IA No. 107891/2020 - PERMISSION TO RAISE ADDITIONAL QUESTION OF LAW

IA No. 42340/2020 - STAY APPLICATION)

Date : 17-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE M.R. SHAH

By Circulation

UPON perusing papers the Court made the following
O R D E R

Applications for oral hearing of review petition and permission to appear and argue in person are rejected.

The Review Petition is dismissed in terms of signed order.

Pending application(s), if any, shall stand dismissed.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)

(Signed order is placed on the file)