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Case Analysis of Bhaurao Lokhande v. State of Maharashtra: Solemnization of Hindu Marriage

Ruchika Mohapatra · 18 Aug 2025

Introduction

Marriage under Hindu law is not merely a contract but a sacrament, rooted in ritual and religious significance. The case of *Bhaurao Shankar Lokhande v. State of Maharashtra* is a landmark decision by the Supreme Court of India which clarified the legal meaning of "solemnization of marriage" under the Hindu Marriage Act, 1955 (HMA).

It addressed whether a marriage conducted without essential ceremonies could be treated as a valid marriage for the purpose of prosecuting an accused for bigamy under Section 494 of the Indian Penal Code (IPC).

Facts of the Case

The appellant, Bhaurao Shankar Lokhande, was married to his legally wedded wife under Hindu law. During her lifetime, he allegedly married another woman. On this basis, the State of Maharashtra charged him under Section 494 IPC, which penalizes a person who, having a living spouse, contracts another marriage.

The prosecution's case rested on the fact that the appellant had gone through a form of marriage ceremony with the second woman. However, there was no clear evidence that the essential Hindu marriage ceremonies: particularly *saptapadi* (seven steps taken jointly around the sacred fire, where required by custom), had been performed.

The appellant argued that since the essential rites were missing, the second marriage was void from inception and therefore did not amount to a valid marriage. If it was not valid, then Section 494 IPC could not apply.

Legal Issues

1. What is the meaning of “solemnization” under Section 17 of the Hindu Marriage Act, 1955?
2. Can a marriage that does not comply with essential ceremonies still amount to a valid marriage for the purpose of bigamy under Section 494 IPC?

Does performance of some rituals without the complete set of mandatory ceremonies create a legally recognized marriage?

Relevant Legal Provisions

Section 7, Hindu Marriage Act, 1955

- States that a Hindu marriage may be solemnized in accordance with customary rites and ceremonies.
- Where such rites include saptapadi, the marriage becomes complete and binding only when the seventh step is taken.

Section 17, Hindu Marriage Act, 1955

- Declares that any marriage between two Hindus, solemnized after the commencement of the Act, is void if either party has a living spouse at the time. Such marriages are punishable under Sections 494 and 495 IPC.

Section 494, Indian Penal Code [Section 82 of BNS]

- Provides punishment for bigamy. However, it applies only if the second marriage is legally valid in the sense of being duly “solemnized.”

Arguments Advanced

For the Prosecution:

- The accused had undergone a marriage ceremony, and thus it should be treated as a marriage within the meaning of the IPC.
- The purpose of Section 494 IPC was to prevent multiple unions during the subsistence of a valid marriage, and the accused should not escape liability on technical grounds.

For the Defense:

- The second marriage lacked essential ceremonies required under Hindu law, particularly saptapadi (seven steps around the sacred fire).
- Without these, the marriage was void ab initio and could not constitute “solemnization” under the HMA.

Judgment of the Court

The Supreme Court held that:

- The term “solemnize” means “to celebrate the marriage with proper ceremonies and in due form.”
- Unless the essential ceremonies prescribed by custom or by law are performed, there is no valid marriage.
- A mere semblance of marriage without the essential rites cannot be considered a valid marriage under the Hindu Marriage Act.
- Consequently, since the second marriage of Bhaurao Lokhande was not proved to have been performed with the essential ceremonies, it was not a valid marriage.
- Hence, the charge of bigamy under Section 494 IPC could not be sustained.

The Court clarified that for the purpose of both Section 17 HMA and Section 494 IPC, the marriage must be **validly solemnized** in accordance with essential ceremonies. In Hindu marriages, ceremonies like *saptapadi* (where custom requires it) are indispensable. Without them, the marriage is void and cannot attract penal provisions for bigamy.

Analysis of the Case

While the decision is doctrinally sound in its strict interpretation of marriage law, it has been criticized for creating loopholes in bigamy prosecutions.

By holding that a marriage lacking essential ceremonies is void and thus outside the ambit of Section 494 IPC, the judgment arguably made it easier for offenders to escape liability by claiming lack of proper rituals.

However, the Court's interpretation was necessary to preserve the distinction between valid, void, and voidable marriages under the Hindu Marriage Act.

Conclusion

The *Bhaurao Lokhande* case remains an important case in the interpretation of "solemnization" of Hindu marriage. It reinforces that marriage under Hindu law is not just about social recognition but also about compliance with essential religious and customary rites. Unlike in contract law, where consent alone is sufficient, Hindu marriage traditionally required the performance of specific rituals and ceremonies to be valid.