

# CALCUTTA HIGH COURT

The Empress

Vs

Pitambur Singh

(Richard Garth, K C.J., Jackson and Pontifex, JJ. Morris and Mcdonell, JJ.)

08.12.1879

## JUDGMENT

### **Richard Garth, C.J.**

1. We think it clear that, in this case, the evidence of the marriage is not sufficient to justify a conviction for adultery.
2. The marriage of the woman, as observed by the learned Judges who referred the case, is as essential an element of the crime charged as the fact of the illicit intercourse, and the provisions of the Evidence Act (Section 50) seem to point out very plainly, that where the marriage is an ingredient in the offence, as in bigamy, adultery, and the enticing of married women, the fact of the marriage must be strictly proved in the regular way.