

Application to Release of Passport and Revocation of LOC – RCN etc

IN THE COURT OF { name of judge}

In the matter of:-

STATE {Name of State}

VERSUS

{Husband's name} & Anr./ Othrs.

..ACCUSED

FIR NO. XX/ XXXX

PS: {Name of Police Station}

U/ S 498A/ 406/ {any other}/34 IPC

APPLICATION ON BEHALF OF APPLICANT XXXXXXXXXXXX FOR SEEKING PERMISSION TO GO ABROAD AND RELEASE OF PASSPORT AND REVOCATION/ CANCELLATION OF RED CORNER NOTICE AND LOOK OUT CIRCULAR AGAINST THE APPLICANT WITH IMMEDIATE EFFECT IN THE ABOVE NOTED PROCEEDINGS.

Most respectfully sheweth:-

1. That the above noted matter is pending investigation/ pending trial and this Hon'ble Court has territorial jurisdiction about the same.
2. That the complainant MS. XXXXXXXX D/O XXXXXXXXXXXXXXXXXXXX R/O XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX has instituted above noted proceedings.
3. That the complainant has instituted the present proceedings out of malice, ill will, personal vendetta, grudge and to teach a lesson to the applicant and entire proceedings is sheer misused and abused of process of law and the same has been instituted with ulterior and oblique motive.
4. That this is to bring to your kind notice that on 27th July, 2017, Supreme Court provided guidelines for handling of matrimonial complaints especially related to IPC 498A and dowry harassment in its landmark judgment titled **Rajesh Sharma & ors. v. State of U.P. & Anr. [2017 AIOL 3631]**
5. That in the said judgment, acknowledging the misuse of IPC 498A and other dowry harassment related laws by disgruntled wives, SC opined that in matters involving Non Resident Indians, impounding of Passport and issuance of Look Out Circular should not be routine.
6. That the passport no. XXXXXXX of the applicant was seized by the investigating officer vide recovery memo no. XXXX dated dd/mm/yyyy
7. That an LOC was also opened against the applicant on basis which the applicant can't leave the country.

8. That the applicant is settled in XXXXX for earning his livelihood. That the applicant is sole bread earner of his family. The applicant is presently residing at: XX. The applicant shall intimate to the investigation officer and to this Hon'ble Court as soon as and whenever he change his accommodation.
9. That the applicant is using the mobile bearing No. +XXX-XXXXX. The applicant shall intimate to this Hon'ble Court and IO whenever he changed his mobile number.
10. That the working place of the applicant is XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX The applicant shall intimate to this Hon'ble Court whenever he change his working place.
11. That the right to life means and includes right to work i.e. right to earn livelihood through which the applicant satisfies the basic needs of himself and his dependants and right to life means and includes right to earn livelihood also for leading the life with dignity, honour, self respect and reputation.
12. That the applicant has provided all the information within his knowledge to the investigation agency and investigation qua the applicant has been completed and the applicant is no more required by the investigation agency.
13. That the entire case of the prosecution is resting upon the statement of complainant and her interested witnesses and all the oral and documentary evidence in respect of commission of alleged offence is in custody, power, possession and control of the investigation agency so there is no chances with the tampering with the prosecution evidence in any manner whatsoever.
14. That the applicant has no objection, if the charge is signed through counsel and proceedings is conducting through counsel or in the alternate the accused is willing to attend the court proceedings via Video Conferencing.
15. That the applicant cannot be denied his fundamental right to go abroad merely on the ground that a criminal proceedings is pending against the applicant and the above cited judgment has just enforced the same.
16. That it is well established principle of law that the liberty of the citizen and the interest of the State should be balanced and in the present case, the interest of the state has already been protected and safeguarded by the applicant by giving the proper and though cooperation and coordination to the investigation agency.
17. That the applicant has blind faith, respect and regard towards the proceedings of this Hon'ble Court and applicant shall not keep away himself from the process of law.
18. That no prejudice is going to cause to the Complainant, if the applicant go abroad for earning his livelihood.
19. That if the present application is not allowed, then the applicant shall suffer irreparable loss and injury which cannot be compensated in terms of money and no useful purpose would be served now by detaining him in India as the matter has been settled.

20. That the conclusion of the trial will take time and there is no body to support the applicant in abroad and applicant by earning his livelihood will perform his legal obligations towards his wife and children.
21. That the applicant is ready and willing to give sound surety for giving the appearance before the Hon'ble Court as this Hon'ble Court may deem fit, just and proper according to the facts and circumstances of the present case.
22. That the applicant shall appear before this Hon'ble Court as and whenever this Hon'ble Court direct the applicant to do so.
23. That the applicant shall not misuse and abuse the liberty of concession and privileges confirmed by this Hon'ble Court.
24. That the applicant is ready to abide by any condition laid down by this Hon'ble Court .

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:

- a. Allow the applicant to travel abroad for earning his livelihood subject to reasonable restriction as imposed by this Hon'ble Court in the facts and circumstances of the present case;
- b. Revoke/cancel the coercive action of red corner notice and Look Out Circular against the applicant and intimate to the concerned authority that the coercive action has been revoked against all purposes and consideration;
- c. Direct the investigating officer Sh. XXXXXX to release his passport no. XXXXXXXX;
- d. Pass any other order which this Hon'ble Court deem fit and proper under the abovesaid facts and circumstances of the case.

{Place}.

Applicant

DATED

THROUGH

Counsel