

IN THE HON'BLE COURT OF SMT XXXXXX, JMIC XXX

IN THE MATTER OF:

STATE OF XXXXXXXX

VERSUS

SH. XXXXXXXX & OTHER

...ACCUSED

FIR NO XXXXXX
PS: Mahila Thana, XXX
U/S 498A/406/506 & 34 IPC

**APPLICATION ON BEHALF OF THE APPLICANTS 1) XXXXXX, 2)
XXXXXXXXX FOR PERMANENT EXEMPTION OF PERSONAL
PRESENCE IN THE ABOVE MENTIONED CASE**

MOST RESPECTFULLY SHOWETH:

- 1 . That the above noted matter is pending trial in this Hon'ble Court is fixed for today i.e. _____.
- 2 . That the complainant MsXXX D/O ShXXX XXXX R/O XXX Colony, XXX, has falsely implicated the applicants and their son with ulterior motive.
- 3 . That the complainant has instituted the present proceedings out of malice, ill will, personal vendetta, grudge and to harass the applicants. And the entire proceedings are a sheer misuse and abuse of the process of law and the same has been institutes with ulterior and oblique motive.
- 4 . The accused/applicant no 1 (XXXX XXXX) is father in law of the complainant and is of old age, and is currently residing at XXXXXXXX. The applicant no 1 is suffering from _____ and has been hospitalized in the past for the same, the applicant is also ailing from other diseases like _____, _____ etc. Due to the above ailments there is a lot of harassment cause to him traveling out of station to this Hon'ble court time and again. Out of station travel also poses a serious risk to his health as he is advised by the doctor not to travel long distances and take any stress. The applicant no 2 (XXXXX XXX) is the mother in law of the complainant and she is also of old age suffering from knee and back pain etc. She also has to stay at home in order to take care of her husband (applicant no 2). Therefore

there is a lot of harassment for her to travel long distance in appearance to this Hon'able court.

- 5 . This is to bring to your kind notice that on 27th July supreme court provided guidelines for handling of matrimonial complaints especially related to IPC 498A and dowry harassment in its landmark judgment titled **Rajesh Sharma and Ors. V. State of UP &Anr.** [2017 AIOL 3631]
- 6 . That in the said judgment, acknowledging the misuse of IPC498A and other dowry harassment related laws by disgruntled wives, SC opined that "Personal appearance of all family members and particularly outstation members may not be required and the trial court ought to grant permanent exemption from personal appearance or permit appearance by video conferencing without adversely affecting the progress of trial.
- 7 . That the applicants have no objection if the trial is run through counsel in the presence of accused no 3 (MrXXX XXXX) who is the husband of the complainant or in the alternate the accused are willing to attend the court proceedings via video conferencing.
- 8 . That no prejudice is going to be caused to the complainant, if the trial is run *in-absentia* of the above applicants.
- 9 . That if the present application is not allowed then the applicants shall suffer irreparable loss and injury which cannot be compensated in terms of money and no useful purpose would be served by making them attend every court date.
- 10 . That the applicant shall appear before this Hon'ble Court as and whenever this Hon'ble Court direct the applicants to do so or at the time of recording of statement of accused u/s 313 CrPc or at the time of deliverance of judgment in the above matter.
- 11 . That the applicants shall not misuse and abuse the liberty of concession and privileges confirmed by this Hon'ble Court.
- 12 . That the applicants are ready to abide by any condition laid down by this Hon'ble Court.

PRAYER

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

- a) Allow the applicants to be permanently exempted from personal presence on all dates of the trial for the time being.
- b) Pass any other order which this Hon'ble Court deem fit and proper under the above said facts and circumstances of the case.

XXX

APPLICANTS

Dated

THROUGH

COUNSEL