

Application to Exemption from Personal Presence

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 APPLICANTS XXXXXXXXXXXX, XXXXXXXX,
XXXXXXXXXX FOR EXEMPTION OF PERSONAL PRESENCE IN THE ABOVE
MENTIONED CASE.**

Most respectfully sheweth:-

1. That the above noted matter is pending trial in this Hon'ble Court and fixed for {N.D.O.H.}
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 "Personal appearance of all family members and particularly outstation members may not be required and the trial court ought to grant exemption from personal appearance or permit appearance by video conferencing without adversely affecting progress of the trial."
6. That the accused/ applicant No. 1 is Mother-in-law of the complainant and is of old age and is currently residing at _____ and is suffering from _____ and there a lot of harassment is caused to her for travelling to this Hon'ble Court time and again.
7. That the accused/ applicant No. 2 is Brother-in-law of the complainant and is working and has to take leaves for travelling to this Hon'ble Court time and again.

8. That the accused/ applicant No. 3 is Sister-in-law of the complainant and is a young mother and is currently residing at _____ and the education and upkeep of the children suffer from her travel to this Hon'ble Court time and again.
9. That the applicants have no objection, if the trial is run through the counsel in the presence of accused no. 1 who is the husband of the complainant or in the alternate the accused is willing to attend the court proceedings via Video Conferencing.
10. That no prejudice is going to cause to the Complainant, if the trial is run *in-absentia* of the above applicants/ accused.
11. 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 to every court date.
12. 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.
13. That the applicants shall not misuse and abuse the liberty of concession and privileges confirmed by this Hon'ble Court.
14. That the applicants are 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 applicants be 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 abovesaid facts and circumstances of the case.

{Place}.

Applicants

DATED

THROUGH

Counsel