**Bail Application under Section 437, Cr.P.C. 1973**

In the Court of............... Magistrate ......

The State ...................

Versus

Accused AB son of TZ,

Village: .............

Thana: .........

**In the matter of petition for bail of accused AB, during police enquiry**

The humble petition of AB the accused above-named Most respectfully sheweth:

1. That your petitioner was arrested by the police on 5th March 2013 on mere suspicion. That nearly a month has passed after the arrest but still the Investigating Police Officer has not submitted a chargesheet.

2. That your petitioner was not identified by any inmate of the house of CM where the burglary is alleged to have taken place, nor was any incriminating article found in his house.

3. That your petitioner has reason to believe that one GS with whom your petitioner is on bad terms and who is looking after the case for complainant has falsely implicated your petitioner in the case out of grudge.

4. That your petitioner shall fully co-operate with the police.

5. That your petitioner is not likely to abscond or leave the country. Your petitioner prays that your Honour may be pleased to call for police papers and after perusing the same be pleased to direct the release of your petitioner on bail. And your petitioner, as in duty bound, shall ever pray. Advocate AB

Verification

I, AB, son of TZ, residing at................

by occupation business, do hereby solemnly affirm and say as follows:

1. I am the petitioner above-named. I know and I have made myself acquainted with the facts and circumstances of the case and I am able to depose thereto.

2. The statements in paragraphs 1 to 5 of the foregoing petition are true and correct to my knowledge and belief.

3. I sign this verification on the 6th day of May 2013. Solemnly affirmed by the said AB on 6th May 2013 at the Court House at.........................

AB Before me Notary/Magistrate.

**SPECIMEN FORM OF REVISION**

In the High Court of……………………

Civil Appellate Jurisdiction

Civil Revision No…………………… of 2018

IN THE MATTER OF:

ABC S/o…………….....

R/o………………………………………… Petitioner

Versus XYZ S/o........................

.R/o…………………………………………… Respondent

AND

**IN THE MATTER OF: CIVIL REVISION AGAINST THE ORDER** DATED……………………

PASSED BY THE LEARNED SUB-JUDGE, IST CLASS…………………… IN THE SUIT ENTITLED ABC -VS.- XYZ (CIVIL SUIT NO. …………………… OF 2013) May it please the Hon’ble Chief Justice, High Court of…………………… and his companion Justices. The petitioner most respectfully showeth:

A. That the petitioner named above has filed a suit against the respondents for the recovery of possession of a house situated in……………………, fully described in the plaint. The suit is pending in the court of Sub-Judge Ist Class…………………… and the next date of hearing is……………………

B. That on being summoned the respondent appeared before the court below and filed his written statement wherein he denied the petitioner’s title set up in the suit property.

C. That the trial court framed issues on……………… and directed the petitioner (plaintiff) to produce evidence, upon which the petitioner promptly furnished to the court below a list of witnesses and also deposited their diet expenses etc., making a request that the witness be summoned by that Court.

D. That on a previous date of hearing that is……………………, 2013, two witness of the petitioner had appeared and their statements were recorded. However, the learned Presiding Officer of the court below passed an order that the remaining witnesses be produced by the petitioner-plaintiff on his own without seeking the assistance of the court. This order was passed despite a request by the petitioner that at least those witness named in the list who are State employees should be summoned by the court, as they are required to produce and prove some official records.

E. That on the next date of hearing the learned trial court by the order impugned in this revision closed the evidence of the petitioner-plaintiff on the ground that the remaining witnesses were not produced by him.

F. That the impugned order has caused great prejudice to the petitioner and if the same is allowed to stand the petitioner’s suit is bound to fail.

G. That the trial court has unjustifiably denied assistance of the court to the petitioner-plaintiff to secure the attendance of his witnesses. The interests of justice demand that he is provided with all legal assistance in this regard. In the facts and circumstances discussed above the petitioner prays that this Hon’ble Court be pleased to quash and set aside the order under revision and direct the court below to provide assistance of the court for summoning the plaintiff-witnesses.

**PETITIONER**

**[Affidavit to be filed in support of the fact that the contents of the accompanying revision petition are true and correct to the best of the deponent’s knowledge and that nothing has been kept back or concealed].**

**Drafting of Appeals An appeal may be divided into three parts:**

(1) formal part, known as the memorandum of appeal,

(2) material part, grounds of appeal, and

(3) relief sought for. The memorandum of appeal should begin with the name of the Court in which it is filed. After the name of the Court, number of the appeal and the year in which it is filed are given. As the number is noted by the officials of the Court, a blank space is left for it. Then follow the names and addresses of the parties to the appeal. The name of the appellant is given first and then that of the respondent. It should be indicated against the names of the parties as to what character each party had in the lower Court, i.e. whether he was a plaintiff or a defendant, or an applicant or an opposite party, as:

A.B., son of etc. (Plaintiff) Appellant

Versus

C.D., son of etc. (Defendant) Respondent

Or A.B., son of etc. (Decree-holder) Appellant

Versus

C.D., son of etc. (Judgement-debtor) Respondent

After the names of the parties, an introductory statement giving the particulars of the decree or order appealed from (viz., the number and date, the court which passed it, and the name of the presiding officer), should be written in some such form as: “The above-named appellant appeals to the Court of…………………… from the decree of………………

Civil Judge at…………………

in Suit No…………………… passed on the…………………… and sets forth the following grounds of objections to the decree appealed from, namely”. This may also be written in the form of a heading as: “Appeal from the decree of……………………

Civil Judge of…………………… at……………………

in Suit No…………………… passed on the……………………”.

Thereafter, the grounds of appeal be given under the heading

**“Grounds of Appeal”.**

The grounds of appeal are the grounds on which the decree or the order appealed from is objected to or attacked. As a general rule, in the grounds of appeal, the following points may be raised:

(a) any mistake committed by the lower Court in weighing the evidence;

(b) any mistake in the view of law entertained by the lower Court;

(c) any misapplication of law to the facts of the case;

(d) any material irregularity committed in the trial of the case;

(e) any substantial error or defect or procedure;

(f) and the defect, error or irregularity of any inter-locutory order passed in the case, whether the same was appealable or not. A ground taken but not pressed in the first Appellate Court cannot be revived in second appeal. A defendant can question the propriety of ex parte proceedings in an appeal from the decree. The general rule, besides being subject to Section 100 of the Code, is also subject to two conditions:

(1) that the mistake of the lower Court should be material i.e., it should be such as affects the decision, and

(2) that the objection taken must be such as arises from the pleadings and evidence in the lower Court.

**Drafting Grounds of Appeals**

1. Grounds of objection should be written distinctly and specifically;
2. They should be written concisely;
3. They must not be framed in a narrative or argumentative form; and
4. Each distinct objection should be stated in a separate ground and the grounds should be numbered consecutively. These rules are simple but are most important and must be carefully remembered and observed while drafting Grounds of Appeal. Relief Sought in Appeal It is nowhere expressly provided in the Code that the relief sought in appeal should be stated in the memorandum of appeal. The absence of prayer for relief in appeal does not appear to be fatal and the Court is bound to exercise its powers under Section 107 of the Code and to give to the appellant such relief as it thinks proper. However, it is an established practice to mention in the memorandum of appeal, the relief sought by the appellant.

Signature A memorandum of appeal need not be signed by the appellant himself. It may be signed by him or by his counsel but if there are several appellants and they have no counsel, it must be signed by all of them. It is not required to be verified.

**Specimen Form of Appeal to the High Court**

IN THE HIGH COURT OF…………………… AT……………………

CIVIL APPELLATE JURISDICTION

REGULAR CIVIL APPEAL NO…………………… OF

IN THE MATTER OF:

A.B.C. Company Ltd. a company incorporated under the provisions of the Companies Act and having its registered office…………………… Appellant

Versus

M/s…………………… a partnership concern (or XYZ company Ltd., a company incorporated under the Companies Act and having its registered office at……………………)… Respondents

May it please the Hon’ble Chief Justice of the High Court of…………………… and his Lordship’s Companion Justices,

**The appellant-company MOST RESPECTFULLY SHOWETH**:

1. That the appellant herein is a company duly registered under the provisions of the Companies Act and the registered office of the appellant is at…………………… and the company is engaged in the business of manufacturing……………………

2. That the respondents who are also doing business of selling goods manufactured by the appellantsand other manufacturers approached the appellant for purchasing from the appellant-company the aforesaid manufactured goods. An agreement was reached between the parties which were reducing into writing. The appellant supplied goods worth Rs. 15 lacs over a period of …………………… months to the respondents. A statement of account regarding the goods so supplied is annexed hereto and marked as ANNEXURE A-1.

3. That the respondents have made a total payment of Rs. 6 lacs on different dates. The statement of the said payments made by the respondents is appended and is marked as ANNEXURE A-2.

4. That the remaining amount has not been paid by the respondent despite repeated demands and issuance of a legal notice by the appellant through advocate.

5. That the appellant filed a suit for recovery of the aforesaid balance amount of Rs. 9 lacs together with interest at the rate of 12% per annum and the cost of the suit. The suit was filed on…………………… in the court of the learned District Judge.

6. That upon being summoned by the said court the respondents appeared through counsel and filed their written statement to which appellant-plaintiff also filed replication (rejoinder).

7. That the parties led evidence. After hearing the counsel for the parties the learned District Judge has by his judgement and decree passed on…………………… dismissed the appellant’s suit on the ground that the evidence led by the parties does not establish the claim of the appellant-plaintiff. Copies of the judgement and decree of the court below are annexed hereto and are marked as ANNEXURE A-3 AND A-4, respectively. Aggrieved by the aforesaid judgement and decree of the court below dismissing the suit of the plaintiff, this appeal is hereby filed on the following, amongst other,

**GROUNDS**

A. That the judgement and decree under appeal are erroneous both on facts as well as law.

B. That the learned trial court has failed to properly appreciate the evidence, and has fallen into error in not finding that the preponderance of probability was in favour of the plaintiff-appellant.

C. That there was sufficient evidence led by the plaintiff to prove the issues raised in the suit and the defendant-respondent has failed to effectively rebut the plaintiff’s evidence, more particularly the documentary evidence.

D. …………………… E. …………………… F. ……………………

8. That the valuation of this appeal for the purposes of payment of court-fee is fixed at ₹…………………… and the requisite court fee in the form of stamps is appended to this memorandum of appeal.

9. That this appeal is being filed within the prescribed period of limitation, the judgement and decree under appeal having been passed on………………… In the above facts and circumstances the appellant prays that this appeal be allowed, the judgement and decree under appeal be set aside and the decree prayed for by the appellant in his suit before the court below be passed together with up-to-date interest and costs of both courts.

APPELLANT (……………………)