**Section 482 Rejection of Sec 313 Application**

Instructions for drafting

Parties to the Application:

The Accused made in Criminal complaint made u/s 200 or 190 are the Applicants herein; and, the original complainants and the concerned State would be the Respondents.

Jurisdiction of Courts:

The High Courts have exclusive jurisdiction to entertain these Applications.

1.      Section 482 of CrPC, 1973, recognizes the inherent powers of the High Courts to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

2.      Some of the landmark rulings of Apex Court which illustrate the scope and powers of High Courts to grant relief under this jurisdiction.

Para 18: In State of Haryana & Ors. (appellant) v. Bhajan Lai & Ors. (respondents) [1990], this Court after referring to various decisions of this Court, enumerated various categories of cases by way of illustration wherein the inherent power under Section 482 of the Code should be exercised by the High Court. They are:

(1) Where the allegations made in the first information report or the complaint, even, if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence; justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same; do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

3.      In Som Mittal v. Govt. of Karnataka [2008], the Supreme Court, among other things, said, when it is brought to the notice of the Court that grave miscarriage of justice would be committed if the trial is allowed to proceed where the accused would be harassed unnecessarily if the trial is allowed to linger when prima facie it appears to Court that the trial would likely to be ended in acquittal. In other words, the inherent power of the Court u/s 482 of the Code of Criminal Procedure can be invoked by the High Court either to prevent abuse of process of any Court or otherwise to secure the ends of justice.

4.      In R.P. Kapur v. State of Punjab [1960] this Court summarized some of the categories of cases where inherent power should be exercised to quash a criminal proceeding against the accused, stating:

(i) Where it manifestly appears that there is a legal bar against the institution or continuance e.g. Want of sanction;

(ii) Where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) Where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

5.      The inherent powers of the HC is a wide and wholesome power. If the court has to examine and determine whether the continuation of criminal proceedings would be just or would be improper, there is no reason why there should be any limitation on the powers of the court to look into all the materials available on record. There is nothing in law to place any such limitation on the powers of the HC. Surendra Kumar Yadav versus State of Bihar – [1989 Patna HC].

In the case of State of Bihar vs. Muradali Khan and others, the Apex Court held as under [1989] …..When an information is lodged at the police station and an offence is registered, then the mala fides of the informant would be of secondary importance. It is the material collected during the investigation and evidence led in court which decides the fate of the .accused person. The allegations of mala fides against the informant are of no consequence and cannot by themselves be the basis for quashing the proceeding. [See Dhanalakshmi v. R. Prasanna Kumar, State of Bihar v. P.P. Sharma, RupanDeol Bajaj v. Kanwar Pal Singh Gill, State of Kerala v. O.C. Kuttan, State of U.P. v. O.P. Sharma, Rashmi Kumar v. Mahesh Kumar Bhada, SatvinderKaur v. State (Govt. of NCT of Delhi), Rajesh Bajaj v. State NCT of Delhi and State of Karnataka v. M. Devendrappa.]" (emphasis supplied).

Material facts to be pleaded:

1.      That the complainant has misused the judicial process, and has misled the Hon’ble Court.

2.      That there is palpable infirmity in the purported evidences relied upon by the Complainant, on the basis of which, the Hon’ble Court have pleased to issue summons u/s 204.

3.      Complaint contains “bare allegation” without attributing “acts or omission” on the part of the accused person, towards the commission of the offences, that is to say, there is not an iota of any incriminating material against the accused so as to warrant the issuance of summons;

4.      That by virtue of mandate of Section 313 of CrPC, 1973, this Hon’ble Court is empowered to examine the accused at any stage of inquiry or trial, for the purpose of enabling the accused personally to explain any circumstances appearing in the evidence against him;

5.      There are unimpeachable evidence to show that the offence could not have been committed by the accused person as alleged, and otherwise, the accused would be needlessly harassed of the inevitable agony of criminal trials.

Limitation period to initiate Criminal Complaint u/s200:

There is no limitation period.

Court fee:

No Court fee.

Verification Clause:

1.      Whereas Parties to the litigation makes series of submissions and allegations against each other, it is a basic requirement of law that Parties must specify in the Verification clause, by reference to the numbered paragraphs of their pleadings, as what facts are which are true to their own knowledge; and what facts are based on the information, belief and legal advice.

2.      Further, Section 297(2) of CrPC, 1973, among other things, stipulates that whoever party is obliged to file an Affidavit in any of the proceedings before the Court, the said Party is obliged to specify in his said Affidavit, by reference to the numbered paragraphs of his affidavit, such facts as the deponent is able to prove from his own knowledge and such other facts he has reasonable ground to believe to be true; and in the latter case, the deponent is obliged to state the grounds of such belief. In the absence of such compliance, a proceedings cannot be said to be duly instituted, and is vulnerable to challenge to be dismissed. Affidavit is required to be filed in Complaints filed u/s 200 of CrPC, 1973, and in other proceedings initiated before the Magistrates Court, Sessions Court or before the High Court.

3.      The person verifying his pleadings is obliged to sign. The Person verifying is also required to state the date and the place at which it was signed.

4.      This requirement of law is based on the principle that whoever comes before the Court, must come with the clean hands and also must come with certain facts and his case should not be based on general, vague or speculative facts.

5.      Therefore, the law requires that whatever is stated by the Party in his proceedings, he must clarify that which statement is made from his own knowledge and which statement is made, based on other information, or based on legal advice.

6.      This is significant from another perspective, where in cases, if the submissions made by the Party were turned out to be false, then, the said Party may be held guilty of perjury / contempt of the Court for knowingly making false statement and misleading the Court, in cases, where he had verified the concerned false Paras emanating from his own knowledge.

7.      The profound object of this verification clause therefore is to prevent or cease frivolous submissions / Applications.

8.      The consequences of not verifying correctly may entail penal consequences. The Apex Court, comprising three Judges Bench, in the case of S.R. Ramaraj Versus Special Court, Bombay, 2003, have inter alia, observed that, “A person is under a legal obligation to verify the allegations of fact made in the pleadings and if he verifies falsely, he comes under the clutches of law”.

IN THE HIGH COURT OF JUDICATURE AT \_\_\_\_\_\_\_\_\_

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. \_\_\_\_\_\_\_\_\_OF 20\_\_\_

Application u/s 482 of CrPC, 1973

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                      …..Applicants

(Original Accused)

Versus

(1) The State of Maharashtra

(2) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                          ….. Respondents

(Resp No.2 being the Original Complainant)

INDEX

|  |  |  |  |
| --- | --- | --- | --- |
| Sr. No. | Particulars | Exhibit | Page No. |
| 1 | Synopsis, Authorities, Points to be urged |  |  |
| 2 | Memo of Application |  |  |
| 4 | Impugned Order of the Ld. Magistrate dated | “A” |  |
| 5 |  | “B” |  |
| 6 |  | “C” |  |
| 7 |  | “D” |  |
| 8 |  | “E” |  |
| 9 |  | “F” |  |
| 10 | Vakalatnama |  |  |

IN THE HIGH COURT OF JUDICATURE AT \_\_\_\_\_\_\_\_\_\_\_

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SYNOPSIS

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| Sr No. | Date | Particular of events | Exhibit | Pg. No. |
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THE ACTS TO BE RELIED UPON

The Criminal Procedure Code, 1973

The IPC / Negotiable Instruments Act, 1881

Any other as may be applicable.

THE AUTHORITIES TO BE CITED

Judgment at the time of hearing.

THE POINTS TO BE URGED

a)     That there is not an iota of evidence on record against these Accused to suggest their involvement in the alleged offence u/s \_\_\_\_\_

b)     Complaint contains “bare allegation” without attributing “acts or omission” on the part of the accused person, towards the commission of the offences, that is to say, there is not an iota of any incriminating material against the accused so as to warrant the issuance of summons;

c)     The allegations made in the complaint and the evidences furnished in support of the same, do not disclose the commission of any offence by the Applicants, and do not make out any case against the Applicant;

d)     That there are merely general allegations against the Applicants, without any specific attribution of incriminating acts and omissions, and the whole complaint against the present Applicants is based on speculation of facts, assumptions, imaginations and guessing;

e)     That there are no evidences adduced against the Applicants, and therefore there were no sufficient grounds to proceed against the Applicants, and therefore, the essential requirement of law set out in section 204 of CrPC, 1973 is not satisfied;

f)      That requirement of law contemplated u/s 202 of CrPC, 1973 is not complied with;

g)     There is an express legal bar engrafted in the CrPC, 1973, or under \_\_\_\_\_\_\_  (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

h)     There are unimpeachable evidence to show that the offence could not have been committed by the Applicant herein as alleged, and otherwise, the accused would be needlessly harassed of the inevitable agony of criminal trials.

IN THE HIGH COURT OF JUDICATURE AT \_\_\_\_\_\_\_\_\_\_

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. \_\_\_\_\_\_\_\_\_OF 20\_\_

Application u/s 482 of CrPC, 1973

IN THE MATTER OF

Sections 482 and \_\_\_\_ of Criminal Procedure Code, 1973;

AND

Sections \_\_\_\_ of the IPC / Negotiable Instruments Act, 1881;

AND

Failure in exercise of powers conferred u/s 313 of CrPC, 1973;

AND

Impugned Order passed by Ld. Magistrate in Criminal Complaint

(Full title)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                      …..Applicants

(Original Accused)

Versus

(1) The State of Maharashtra

(2) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                          ….. Respondents

(Resp No.2 being the Original Complainant)

THE HONOURABLE CHIEF JUSTICE

AND OTHER PUISNE JUDGES OF

THE HONOURABLE HIGH COURT

OF JUDICATURE AT \_\_\_\_\_\_\_\_\_

THE HUMBLE APPLICATION OF THE APPLICANTS ABOVENAMED

                                                             MOST RESPECTFULLY SHEWETH.

1.      The facts of the case –

a)     The Respondent No.2, the original Complainant hereinabove has filed a Complaint u/s 200 or 190 of CrPC.

b)     The Applicant, the original accused submits that the Respondent No.2 / Complainant has misused the judicial process, and has misled the Hon’ble Court.

c)     The Applicant in this backdrop, preferred a Misc. Application before the trial Court, and inter alia, urged the Hon’ble Court to exercise their powers u/s 313(1)(a) of CrPC, 1973, and permit the Applicant herein to show palpable infirmity in the purported evidences relied upon by the Complainant, on the basis of which, the Hon’ble Court have pleased to issue summons u/s 204.

d)     The Hon’ble Court have however were pleased to reject the said Misc. Application. The Applicant have also preferred Revision before Sessions Court, which also came to be rejected.

2.      The Applicant would submit that Section 313 of CrPC, 1973, appears to be most salutary provision to protect innocent persons who are falsely charged / accused as having committed an offence.

The said section enables the accused person to personally move an Application or make a formal request, before the concerned Magistrates Court, to allow him to make due representation before the Court, for to present to the Court any credible evidence he has to show his innocence, or for to impeach the credibility of evidence appearing against him in the Complaint or Chargesheet, and seeking immediate acquittal.

The said Application or formal request may be made at any stage of the trial or may be made even at the stage of Inquiry contemplated u/s 202 of CrPC, 1973.

If the Magistrate is satisfied, he may acquit the accused person, without any trial, of course, after giving an opportunity of hearing to the Complainant / State prosecution.

3.      Fortunately, there is a recent Apex Court ruling on Section 313. In the said ruling, although the issue before the Court was not the examination of accused before evidences are led, yet the Hon’ble Court have unambiguously stated that the said powers may be exercised at any stage of the inquiry or trial.

Nar Singh versus State of Haryana [2015]

Para 9: The power to examine the accused is provided in Section 313 Cr.P.C. which reads as under:-

"313. Power to examine the accused.-

(1) In every inquiry or trial, for the purpose of enabling the accused personally to explain any circumstances appearing in the evidence against him, the Court-

(a) may at any stage, without previously warning the accused put such questions to him as the Court considers necessary;

(b) shall, after the witnesses for the prosecution have been examined and before he is called on for his defence, question him generally on the case:

Provided that in a summons-case, where the Court has dispensed with the personal attendance of the accused, it may also dispense with his examination under clause (b).

(2). No oath shall be administered to the accused when he is examined under sub- section (1).

(3). The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them.

(4). The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

(5). The Court may take help of Prosecutor and Defence Counsel in preparing relevant questions which are to be put to the accused and the Court may permit filing of written statement by the accused as sufficient compliance of this section."

Para 10: There are two kinds of examination under Section 313 Cr.P.C. The first under Section 313 (1) (a) Cr.P.C. relates to any stage of the inquiry or trial; while the second under Section 313 (1) (b) Cr.P.C. takes place after the prosecution witnesses are examined and before the accused is called upon to enter upon his defence. The former is particular and optional; but the latter is general and mandatory. In Usha K. Pillai V/s. Raj K. Srinivas & Ors., (1993) 3 SCC 208, this Court held that the Court is empowered by Section 313 (1) clause (a) to question the accused at any stage of the inquiry or trial; while Section 313(1) clause (b) obligates the Court to question the accused before he enters his defence on any circumstance appearing in prosecution evidence against him.

4.      There is also ruling of Bombay High Court in this regard, wherein Hon’ble Justice R. C. Chavan, in his 187 page judgment (Unreported), extensively dealt with the issue of false complaints, speedy justice, extensive use of many of the provision of Criminal Procedure Code to reduce the length of litigation, when inherent powers of the High Court may be invoked u/s 482, etc. [Judg dated 22nd March, 2012] [Paras 88 to 90]

Bombay High Court, in the case of Price Waterhouse Coopers versus State of Maharashtra primarily dealt with exercise of the powers of the High Court under Section 482, and thus also dealt with all the relevant and concerned provisions of CrPC, 1973.

In the said judgment, at Para 90, the Court has said that the Accused can make a due representation before the trial Court u/s 313 of the CrPC, to prove his innocence and so as to avoid the hardship and agony of facing the trial.

The Hon’be Bombay High Court, in the said para, inter alia, said – “Section  313, of the Code enables a trial court to examine, the  accused  on  the  circumstances  appearing, against  him  in  evidence  at  any  stage,  apart, from the duty to undertake such examination at, the  end  of  the  trial.  If  the  courts  make, proper  use  of  this  power,  the  accused  could, have  an  opportunity  to  say  something  in  his, defence, should he so wish, which may curtail, trial”. The portions Paras 88, 89 and 90 are reproduced –

Para 88. It  was  also  urged  that  recourse  to inherent powers becomes necessary as the trial courts  have  no  power  to  look  into unimpeachable  material  which  could  show  that trial is unwarranted & that such material can be noticed only by the High Court in exercise of  inherent  powers.  This  argument  does  not seem to be jurisprudentially sound. The right of the accused to silence need not be equated to obligation  to  remain  silent.  It  is  not clear  as  to  how  a  person  who  is  to  face  a trial  could  be  forced  to  remain  silent. Historical  basis  for  the  right  of  silence recognized in a person accused is the torture which  he  was  subjected  to  in  making confessions. Therefore he cannot be forced to speak.  He  was  also  not  to  be  forced  to disclose  his  defence  in  advance  of  trial  to prevent  his  being  prejudiced  by  the prosecution bringing up fresh evidence to book him, rather than put him to trial on the basis of evidence collected before a charge-sheet is filed. But when he has the protection of the court, should he so desire, why could he not state his defence? There is a good chance that trial  may  be  obviated  and  in  any  case curtailed if he is, not forced, but permitted to speak out. As an illustration one may take case of voluntarily causing hurt. The accused may admit that he did cause hurt but set up right of private defence, in which case need to record much of evidence could be curtailed.

In  any  case  it  defies  logic  that  an  accused who cannot be heard till a charge is framed by courts  below  has  the  same  right  when  before the  High  Court  on  the  specious  plea  that  if there  is  no  provision  in  the  code  to  do something, it can be done by invoking inherent powers.

Para 89. The  learned  senior  counsel  for  the applicants  submitted  that  this  issue  is  no longer res integra and a Three Judge Bench of the  Supreme  Court  has  already  ruled  to  the contrary in  State of Orissa v. Debendra Nath Padhi, reported in (2005) 1 SCC 568.

Para 90. Even so it may not be necessary to gag, persons accused in a bulk of matters which are landing up in this court from processes issued, for offence  punishable  under  section  138  of, the Negotiable Instruments Act. In these cases, the complainant files an affidavit in lieu of, his  evidence  &  since  a  full  bench  of  this, court has already ruled that such affidavit is, a  substitute  for  verification  to  be  recorded, when a complaint is filed, even at the stage, of  recording  plea,  there  is  evidence     or, circumstances  appearing  in  evidence-  against, the  accused.  Evidence  does  not  mean  only  a, completed deposition after cross examination, since  there  could  be  many  cases  where  there, may not be any cross examination. In warrant, trials  instituted  on  complaints  at  the  stage, of  framing  of  charge  there  is  already, precharge  evidence  of  the  complainant, available     which  has  to  be  of  such  quality, that  if  un-rebutted,  it  would  warrant, conviction  of  the  accused.  In  all  types  of trial by using the provisions of Sections 292, to  296  of  the  Code,  there  could  be  evidence, against  the  accused  even  before  oral, examination  of  witnesses  begins.  Section  313, of the Code enables a trial court to examine, the  accused  on  the  circumstances  appearing, against  him  in  evidence  at  any  stage,  apart, from the duty to undertake such examination at, the  end  of  the  trial.  If  the  courts  make, proper  use  of  this  power,  the  accused  could, have  an  opportunity  to  say  something  in  his, defence, should he so wish, which may curtail, trial. Since first part of section 313 of the, Code  is  as  yet  not  rendered  a  dead  letter, there is no reason why this tool may not be, used.  If intelligently used a large number of, litigants may not be required to rush to this, court.

5.      The grounds for Relief:

i)       That there is not an iota of evidence on record against these Accused to suggest their involvement in the alleged offence u/s \_\_\_\_\_

j)       Complaint contains “bare allegation” without attributing “acts or omission” on the part of the accused person, towards the commission of the offences, that is to say, there is not an iota of any incriminating material against the accused so as to warrant the issuance of summons;

k)     The allegations made in the complaint and the evidences furnished in support of the same, do not disclose the commission of any offence by the Applicants, and do not make out any case against the Applicant;

l)       That there are merely general allegations against the Applicants, without any specific attribution of incriminating acts and omissions, and the whole complaint against the present Applicants is based on speculation of facts, assumptions, imaginations and guessing;

m)   That there are no evidences adduced against the Applicants, and therefore there were no sufficient grounds to proceed against the Applicants, and therefore, the essential requirement of law set out in section 204 of CrPC, 1973 is not satisfied;

n)     That requirement of law contemplated u/s 202 of CrPC, 1973 is not complied with;

o)     There is an express legal bar engrafted in the CrPC, 1973, or under \_\_\_\_\_\_\_  (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

p)     There are unimpeachable evidence to show that the offence could not have been committed by the Applicant herein as alleged, and otherwise, the accused would be needlessly harassed of the inevitable agony of criminal trials.

q)     There could be many other grounds on which the impugned order may said to be bad in law. Please refer (Link of Illegal / perverse orders of the Court, grievance sr no.19).

6.      The Applicants submit that there has been no delay in preferring this Application.

7.      Jurisdiction Clause: The Applicants state that the impugned Order is passed by\_\_\_\_\_\_ at \_\_\_\_\_\_Court at \_\_\_\_\_;. The Applicants states that, therefore, this Hon’ble Court can safely invoke their jurisdiction to entertain the present Application and grant reliefs as prayed; and pass authoritative Orders against the Respondents.

8.      The Applicants further submit that Applicants have not filed any other proceedings in any Court of law or in the Supreme Court, against the Respondents herein, in respect of the reliefs prayed in this Application.

9.      The Applicants, with the leave of the Hon'ble Court, be allowed to add / amend / delete any clause in the present Application.

10. The Applicants therefore, most respectfully pray as under –

a)     The trial Court be directed to decide said Misc. Application in accordance with law;

b)     To call for the records and proceedings of this Case from the Ld. Magistrates Court;

c)     To quash and set aside the impugned Order dated \_\_\_\_\_;

d)     Pending the hearing and final disposal of the present Application, the proceedings at the trial court be stayed;

e)     To pass such other and further Order and to grant such further reliefs as this Hon’ble Court deems fit in the facts and circumstances of the case.

\_\_\_\_\_\_\_\_\_\_\_\_\_

Advocate for the

Applicant

\_\_\_\_\_\_\_

Applicant

Verification

I, \_\_\_\_\_\_\_,  the  Applicant hereinabove,  do  hereby  solemnly  declare  that what  is  stated  in  Paras \_\_\_\_ are  true  to my own  knowledge, and what  is  stated  in  Paras \_\_\_\_\_\_ are based on information and legal advice which I  believe to be true and correct.

Solemnly  declared  at  Mumbai                      )

This      Day  of \_\_\_\_\_, 2015                 )

Applicant

Before me

VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE AT \_\_\_\_\_\_\_\_\_\_\_

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. \_\_\_\_\_\_\_\_\_OF 20\_\_\_

Application u/s 482 of CrPC, 1973

(Full title)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                      …..Applicants

(Original Accused)

Versus

(1) The State of Maharashtra

(2) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                          ….. Respondents

(Resp No.2 being the Original Complainant)

To,

Registrar General

 \_\_\_\_\_ High Court

Sir / Madam,

             I / We,  \_\_\_\_\_\_\_\_\_\_\_\_, the Applicant/s, in the above case, do hereby appoint Mr. \_\_\_\_\_\_\_\_\_\_\_\_, Advocate, to act, appear and plead for me and on my behalf in the above matter.

In witness whereof, I / we have set and subscribed my / our hands to this writing at Mumbai.

            Dated this     day of \_\_\_\_\_\_ 20\_\_\_\_

                                                                                                \_\_\_\_\_\_\_\_\_\_

Applicant

Accepted,

Mr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Advocate for \_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Adv. Code:

IN THE HIGH COURT OF JUDICATURE AT \_\_\_\_\_\_\_\_\_\_

CRIMINAL APPELLATE JURISDICTION

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Versus

(1) The State of Maharashtra

(2) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                          ….. Respondents

(Resp No.2 being the Original Complainant)

LIST OF DOCUMENTS RELIED UPON

1.      Exhibit “A”:

2.      Exhibit “B”:

3.      Exhibit “C”:

4.      Exhibit “D”:

5.      Exhibit “E”:

6.      The documents referred and relied upon in the Application;

7.      The documents in the possession of the Respondents;

8.      Any other document, with the leave of the Hon’ble Court.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Advocate for the Applicant

OR

Applicant – In – Person

The copy Exhibits / documents annexed in the Application

IN THE HIGH COURT OF JUDICATURE AT \_\_\_\_\_\_\_\_\_\_\_

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. \_\_\_\_\_\_\_\_\_OF 20\_\_\_

Application u/s 482 of CrPC, 1973

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                      …..Applicants

(Original Accused)

Versus

(1) The State of Maharashtra

(2) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                          ….. Respondents

(Resp No.2 being the Original Complainant)

AFFIDAVIT IN SUPPORT OF THE APPLICATION

I, \_\_\_\_\_\_Adult, aged about\_\_\_ Indian Inhabitant of \_\_\_\_\_\_\_ / authorized signatory, the Applicant herein residing at \_\_\_\_\_\_\_ do hereby state on solemn affirmation as under –

1.      I say that I am conversant with the facts of the present Application I am therefore able to depose to the same. I have filed the above Application seeking prayers more particularly mentioned in the Application.

2.      I, for the sake of brevity, repeat and reiterate each and every statement, submissions and contentions made in the Application as if the same are specifically set out herein and form part and parcel of this affidavit. I affirm and verify the correctness of the each and every statement, submissions and contentions as set out in the Application.

3.      I further say that, facts which are set out in the Application at Paras \_\_\_\_\_\_ are based on information and belief and I believe it to be true, on the ground that \_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_

Applicant

\_\_\_\_\_\_\_\_\_\_\_

Advocate for the

Applicant

VERIFICATION

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the abovenamed Applicant do hereby verify the contents of what is stated in the aforesaid paragraphs \_\_\_ to \_\_\_\_ are true and correct to my knowledge and I believe it to be true and correct; and nothing stated herein is false and nothing has been concealed.

(Solemnly affirmed at Mumbai)

This       day of           20            )

Deponent

Identified / Interpreted / Explained

By me

\_\_\_\_\_\_\_\_\_\_\_\_\_

Advocate for the ……

Before me.

Steps after Institution of Application

1.      Urgent Hearing of Application, if any preferred by the Applicant, for obtaining Interim / Ad-Interim Relief;

2.      Refusal or grant of Interim / Ad-Interim Reliefs by the Court;

3.      Dismissal of Application or Issuance of Notice by Court to Respondents;

4.      Service of copy of Application upon Respondents;

5.      Reply of Respondents, if any;

6.      Oral Arguments before the Court / Submission of Written Arguments;

7.      Order.