

## **Practical questions of legal writing (BBA /BCOM LLB) (SEM- II)**

1. A is an accused of theft( section 379 IPC ) in FIR No. 170/2022 registered at murshidabad district,West Bengal. There is a summon by judicial magistrate first class to A to appear before this court(judicial magistrate of first class) on 05/04/2023 with respect to the above case. On the same day the accused have to appear before the hon'bleHC of Calcutta relating to another case. Draft a petition from the side of A(accused ) under section 205 CRPC to dispense his personal appearance before the judicial magistrate of first class on that day i.e. 05/04/2023.
2. What is cognizable and non cognizable offence? Analyse and make a brief of Arnesh Kumar and state of Bihar judgement.
3. What is the difference between bailable offence and non- bailable offence? Explain with provisions of crpc?
4. Can court imposed bail condition other than the conditions mentioned in the crpc 1973?
5. A is an accused of attempt to murder (section 307 IPC) in FIR No. 340/2022 , police station - kotwali berhampore ,registered at murshidabad district, West bengal. A is arrested by the police on 21/3/2023. He is presented before the magistrate for further detention and the judicial magistrate order 4 days further detention in police custody. Accused is saying he didn't commit the offence of attempt to murder. Draft a bail petition for A.
6. What is anticipatory bail ? Whether the anticipatory bail will be for indefinite period or for a specified period. Explain with case laws.
7. Describe the procedure starting from filing a complaint to the judgement in the non cognizable offence.
8. A is an accused under section 323 IPC . B is the victim in this case. B alleged that A has slap him thrice on 21/3/2023 . section 323 IPC is a non cognizable offence where as per the procedure FIR is not registered for non cognizable offence. Victim have to file complaint before the judicial magistrate. Draft a complaint from the side of B before the judicial magistrate.
9. Describe guidelines set by the Apex court in Lalita Kumari v. State of up ?
10. Case analysis of Sakiri Vasu v. State of Rajasthan?

### **Bail Application (Sample):-**

IN THE COURT OF METROPOLITAN MAGISTRATE

F. I. R. / C. C. No.

P. S. Cr. No.

... Complainant

Vs.

... Accused

PETITION FOR BAIL U/S. 436 / 437 Cr. P. C.

1.The above named accused stands charged with an alleged offences under section .....

2.The accused undertakes to appear regularly whenever and wherever he/she is ordered to do so by this Hon' ble Court.

3.The accused submits that he/she is in no way connected with the alleged offence and his/her liberty is necessary to defend the case.

4.The accused will not tamper with the evidence or make himself / herself scarce.The accused offers sufficient and solvent sureties.

It is therefore, prayed that this Hon' ble court may be pleased to enlarge the accused on bail, pass such any other order or orders and thus render justice.

Dated at Chennai on this the\_\_\_\_\_ day of 20\_\_

Counsel for Accused

**Bail Bond (Sample):-**

FORM NO. 45

Bond and Bail Bond for Attendance Before Office Incharge of Police Station of Court (Section 436, 437, 438 (3) and 441)

Inthe court ofShri.....

Police Station Next date of hearing

Under Section Sent to Jail on

F. I. R. No.

Bail Bond

I ..... Son of  
 Shri..... Resident of  
 .....  
 ..... having been arrested or detained without  
 warrant by the Officer In charge of ..... Police  
 Station for having been brought before this Honorable Court charged with  
 the ..... offence of  
 ..... and  
 required to give surety for my attendance before such Officer of Court on  
 condition that I shall attend such Officer Officer or Court on every day on  
 which any investigation or trial is held with regard to such charge and in  
 case of my making default here in myself to forfeit to Government the sum  
 of Rs. ....

DELHI

Signature

DATED

I ..... Son of Shri  
 ..... Residence  
 .....  
 ..... hereby declare myself for the above  
 said  
 Shri.....  
 That he shall attend the Officer-in-charge of  
 .....  
 Police Station or the Court of  
 Shri.....

.....every day on which any investigation in the charge is made or any trial on such charge is held that he shall be and re-appear before such officer or court for the purpose of such investigation to answer the charge against him ( as the case may be ) and in the case or his making default herein I have blind myself to forfeit to Govt. the sum of Rs. ....

Dated this Day of 20\_\_

Signature

Witness

1. .... 2.  
.....

**Transfer Petition (Sample):-**

IN THE SUPREME COURT OF INDIA ORIGINAL CIVIL JURISDICTION TRANSFER PETITION  
(CIVIL) NO. \_\_\_\_\_ OF 2017

(UNDER SECTION 25 OF THE CODE OF CIVIL PROCEDURE, READ WITH ORDER XXXVI,  
SUPREME COURT RULES.)

IN THE MATTER OF:

XYZ

.....Petitioner

VERSUS

ABC

... Respondent

AND IN THE MATTER OF:

TRANSFER OF CIVIL WRIT PETITION NO. \_\_\_\_\_ FILED BY THE PETITIONER AGAINST THE RESPONDENTS PENDING IN THE HIGH COURT OF DELHI AT \_\_\_\_\_, TO THE HIGH COURT OF JUDICATURE AT \_\_\_\_\_.

To,

The Hon' ble Chief Justice of India, And his Companion Justices of the Hon'ble Supreme Court of India at New Delhi.

The above named petitioner most respectfully, showeth as under:

MOST RESPECTFULLY SHOWETH:

1. That the petitioner is seeking Transfer of Civil Writ Petition No.727/2015 filed by the Petitioner against the respondents pending in the High Court of Delhi at New Delhi, to the High Court of Judicature of Allahabad, titled "JWO BP Misra Versus Union of India & Ors."

2. Brief Facts

State the fact of the present matter in brief.

1. Grounds

1. State the grounds on which present petition has been filed.
2. Because in the facts and circumstances stated above, it would be in the interest of justice that the said Civil Writ Petition No. \_\_\_\_\_ filed by the petitioner against the respondents pending in the High court of \_\_\_\_\_ be transferred to High Court of Judicature at \_\_\_\_\_. Even otherwise there is no likelihood of disposal of writ petition No. \_\_\_\_\_ due to heavy backlog of cases. The copy of the civil writ petition No. \_\_\_\_\_ is Annexure P-1.

PRAYER

In view of the above facts and circumstances, it is respectfully submitted that this Hon'ble Court may be pleased:

a) To pass order for transfer of the Civil Writ Petition No. \_\_\_\_\_ filed by the Petitioner against the respondent titled \_\_\_\_\_ from High Court Delhi at \_\_\_\_\_ to the High Court of Judicature at \_\_\_\_\_.

b) Any other and further order as may be deemed fit and proper may also be passed.

Filed By

Advocate for the petitioner

Date & Place

**Exemption Petition (Sample):-**

IN THE COURT OF \_\_\_\_\_

Case No. \_\_\_\_\_ of 20\_\_

IN THE MATTER OF:

ABC

Vs

XYZ

APPLICATION FOR EXEMPTION OF THE PERSONAL

APPEARANCE OF THE ACCUSED

IN FIR No. \_\_\_\_\_ under section \_\_\_\_\_

At P.S. \_\_\_\_\_

MAY IT PLEASE YOUR HONOUR:

The above named accused humbly states as under:

1. That the above noted case is pending before this Hon' ble court and is fixed for hearing on dt.\_\_\_\_, i.e., today.
2. That the accused made a call to his counsel and told that he is \_\_\_\_\_ and due to which he/she is unable to attend hearing at this Hon' ble court today.
3. That the absence of the accused is not intentional but due to the unavoidable and aforesaid bona fide reasons.

In view thereof, it is humbly and most respectfully prayed that the personal appearance of the above named accused may kindly be exempted in hearing fixed for today.

Dated\_\_\_\_\_

Applicant

Through counsel

**Power of Attorney (Sample):-**

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS THAT, I/We

\_\_\_\_\_ S/o Address \_\_\_\_\_

\_\_\_\_\_

do hereby constitute, appoint, Address \_\_\_\_\_  
nominate and authorize

\_\_\_\_\_ S/o

---

as my/our true and lawful General Attorney.

WHEREAS the Executing is absolute owner and in possession of property no. \_\_\_\_\_ measuring \_\_\_\_\_ Sq.yds / \_\_\_\_\_ sq.Mtr. situated in \_\_\_\_\_, (presently known as allotment letter/sale deed Vasika No. \_\_\_\_\_ dated \_\_\_\_\_ (hereinafter called the "Property").

Whereas I/We am/are being unable to look after the said property personally, so I /We hereby authorise my/our said attorney to do the following acts, deeds, and things regarding the said property in my/our name and on my/our behalf:

1. To manage and control the said property in all respects and to represent me/us before each and every concerned authority on my/our behalf.
2. To make any correspondence with any other concerned authority for the transfer/sale of the above property in the name of any other person(s) and to get the physical possession of the property from \_\_\_\_\_
3. To deposit the dues and demands of any other department and to make good any demands, levies or liabilities in respect of the said property on my/our behalf.
4. To enter into an agreement for sale with intending purchaser (s), to receive the advance/earnest money and to issue the receipt(s) for the same his/her own signatures.
5. To get the sale deed executed and get it registered before the consideration in full and final in Cash/Cheque/Demand Draft/Pay Order in his/her own name or in my/our name.
6. To apply for ITCC and to get the same from the concerned authority under his/her own signature, if necessary.
7. And Generally to do all other acts, deeds and things which are not specifically mentioned herein should be considered as acts done by me/us if I /We was/were present.  
And I/we do hereby agree to confirm and ratify that all the acts, deeds and things done by my/our said attorney shall be construed as acts, deeds and things done by me/us personally if I/we was/were present.

IN WITNESS WHEREOF, THIS GENERAL POWER OF ATTORNEY HAS BEEN SIGNED BY ME/US AT \_\_\_\_\_ ON \_\_\_\_\_ DAY OF \_\_\_\_\_ MONTH OF \_\_\_\_\_ YEAR IN THE PRESENCE OF THE FOLLOWING WITNESSES WHO HAVE ALSO SIGNED BELOW :



Signature of Executant / Executants

WITNESSES:

1

2

## **BA LL.B (B) Sem II**

Q1. Rajesh Naiyar aged 32 years, a resident of Checkpost Colony, Siliguri has been arrested from a nearby Jewellery shop by the police on the charges of theft under Section 378 of the Indian Penal Code, 1860. *Explain what is bail and draft a bail application in the District Magistrate's Court in Siliguri for the bail of Rajesh Naiyar.*

Q2. Adarsh Singha, aged 40 years, a resident of Champasari, Siliguri has been arrested by the police and is in jail for 8 months on the following charges

- i. criminal intimidation under section 503 of IPC
- ii. Intentional insult to provoke breach of peace u/s 504 of IPC
- iii. Other offences mentioned u/s 505 of IPC

The bail application is under consideration in the Court of District Magistrate, Siliguri. *Explain the concept of bail bond and surety.*

*Why are the conditions setup in the bail bond important? Draft a bond regarding the conditions and security put by the court in this case.*

Q3. Mr. Ramesh Kumar, aged 45 years is a resident of Shiv Mandir, Siliguri. Mr Ramesh is working as a medical representative in Siliguri. Close to his house there are some people living nearby namely Santanu, aged 27; Trinath aged 31 years; Gautam aged 34 years and Basu, aged 40 years. Every night, these four individuals cause a ruckus by playing loud music on a loudspeaker and create an unlivable environment for Mr. Ramesh. He tried talking to them but it was of no use as they would repeat their behaviour over and over again. He has now decided to lodge a complaint to the police. *Explain what is a Police Complaint and Draft a complaint for the given situation.*

Q4. Mrs. Manisha Dutta has been summoned to the court for a hearing on 25.06.2023 regarding a case involving drunken driving. However, her father passes away on 12.06.2023 and she must be present at her father's last rites ceremony which is on the same date (25.03.2023). *Explain the concept of Exemption petition from personal appearance and why it is granted by the courts. Draft a Petition under Sec 205 of CrPC to request the court to grant her leave from appearing in court.*

Q5. Mrs. Sakshi Parmar, a resident of Siliguri was married to Mr. Harshit Parmar, a resident of Kolkata on 9<sup>th</sup> November, 2021 as per the rites and rituals of the Hindu Marriage Act, 1955. After one year of marriage, Sakshi was subjected to harassment by Harshit and his relatives for demand of dowry. Sakshi filed a complaint under Sec 498A of the IPC before the District Magistrate Court at Alipore, Kolkata. Harshit and his family members were arrested and the case was put on trial. But as soon as his parents were released on bail, they arrived home and asked Sakshi to leave the matrimonial home. Now, Swati wants her case to be transferred before the District Magistrate's Court in Siliguri so that it is convenient for her to appear for the case. *What is a Transfer Petition? Draft a Transfer petition in regards to the facts above.*

Q6. Mr. Sanjeev Banerjee, aged 43 years, a resident of Shiv Mandir, working at an administrative post in an educational institute has applied for a loan amount of Rs. 40 lacs in HDFC Bank, Shivmandir Branch. To avail the loan one of the conditions is the submission of a Search Report. *Explain the concept of Search Report. Draft a Search Report of the property to be submitted in the bank.*

Q7. What do you understand by the term 'Judgement' in a case? What is a judgement of unanimous nature? Analyze a judgment of unanimous nature pronounced by the Hon'ble Supreme Court of India and write its summary.

Q8. Analyze a judgment of Non-Unanimous nature pronounced by the Hon'ble Supreme Court of India and analyse its Majority opinion and Minority opinion and write the summary for the same. Also state the value of the dissenting opinion in a judgement.

Prescribed Format for the Assignment:-

1. Cover Page

2. Acknowledgement

3. Table of Contents

4. Questions and Answers

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Q. S. Cr. No.

... Complainant

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... Accused

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3. The accused submits that he/she is in no way connected with the alleged offence and his/her liberty is necessary to defend the case.

4. The accused will not tamper with the evidence or make himself / herself scarce. The accused offers sufficient and solvent sureties.

It is therefore, prayed that this Hon' ble court may be pleased to enlarge the accused on bail, pass such any other order or orders and thus render justice.

Dated at Chennai on this the \_\_\_\_\_ day of 20\_\_\_\_

Counsel for Accused

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FORM NO. 45

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In the court of Shri.....

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Next date of hearing

Under Section

Sent to Jail on

F. I. R. No.

Bail Bond

I ..... Son of Shri..... Resident of .....

..... having been arrested or detained without warrant by the Officer In charge of ..... Police Station for having been brought before this Honorable Court charged with the ..... offence of ..... and required to give surety for my attendance before such Officer of Court on condition that I shall attend such Officer Officer or Court on every day on which any investigation or trial is held with regard to such charge and in case of my making default here in myself to forfeit to Government the sum of Rs. ....

DELHI

Signature

DATED

I ..... Son of Shri ..... Residence

.....  
..... hereby declare myself for the above  
said  
Shri.....  
That he shall attend the Officer-in-charge of  
.....  
Police Station or the Court of  
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against him ( as the case may be ) and in the case or his making default  
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3. That the petitioner is seeking Transfer of Civil Writ Petition  
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State the fact of the present matter in brief.

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3. State the grounds on which present petition has been filed.

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filed by the petitioner against the respondents pending in the High



court of \_\_\_\_\_ be transferred to High Court of Judicature at \_\_\_\_\_ . Even otherwise there is no likelihood of disposal of writ petition No. \_\_\_\_\_ due to heavy backlog of cases. The copy of the civil writ petition No. \_\_\_\_\_ is Annexure P-1.

PRAYER

In view of the above facts and circumstances, it is respectfully submitted that this Hon<sup>ble</sup> Court may be pleased:

b) To pass order for transfer of the Civil Writ Petition No. \_\_\_\_\_ filed by the Petitioner against the respondent titled \_\_\_\_\_ from High Court Delhi at \_\_\_\_\_ to the High Court of Judicature at \_\_\_\_\_.

b) Any other and further order as may be deemed fit and proper may also be passed.

Filed By

Advocate for the petitioner

Date & Place

**Exemption Petition (Sample):-**

IN THE COURT OF \_\_\_\_\_

Case No. \_\_\_\_\_ of 20\_\_\_\_

IN THE MATTER OF:

ABC

Vs

XYZ

APPLICATION FOR EXEMPTION OF THE PERSONAL

APPEARANCE OF THE ACCUSED

IN FIR No. \_\_\_\_\_ under section \_\_\_\_\_

At P.S. \_\_\_\_\_

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The above named accused humbly states as under:

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3. That the absence of the accused is not intentional but due to the unavoidable and aforesaid bona fide reasons.

In view thereof, it is humbly and most respectfully prayed that the personal appearance of the above named accused may kindly be exempted in hearing fixed for today.

Dated\_\_\_\_\_

Applicant

Through counsel

**Power of Attorney (Sample):-**

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS THAT, I/We

\_\_\_\_\_ S/o Address \_\_\_\_\_

\_\_\_\_\_ do hereby constitute, appoint, Address \_\_\_\_\_  
nominate and authorize

\_\_\_\_\_ S/o

\_\_\_\_\_ as my/our true and lawful General  
Attorney.

WHEREAS the Executing is absolute owner and in possession of  
property no. \_\_\_\_\_ measuring \_\_\_\_\_ Sq.yds / \_\_\_\_\_ sq.Mtr.situated in  
,(presently known as allotment letter/sale deed Vasika No. \_\_\_\_\_ dated  
(hereinafter called the "Property").

Whereas I/We am/are being unable to lookafter the said property personally, so I /We  
hereby authorise my/our said attorney to do the following acts, deeds, and things regarding  
the said property in my/our name and on my/our behalf:

3. To manage and control the said property in all respects and to represent me/us  
before each and every concerned authority on my/our behalf.
4. To make any correspondence with any other concerned authority for the  
transfer/sale of the above property in the name of any other person(s) and to get the  
physical possession of the property from
3. To deposit the dues and demands of any other department and to make good any  
demands, levies or liabilities in respect of the said property on my/our behalf.
4. To enter into an agreement for sale with intending purchaser (s), to receive the  
advance/earnest money and to issue the receipt(s) for the same his/her own signatures.
5. To get the sale deed executed and get it registered before the consideration in full  
andfinal in Cash/Cheque/Demand Draft/Pay Order in his/her own name or in my/our  
name.
6. To apply for ITCC and to get the same from the concerned authority under his/her  
own signature, if necessary.

8. And Generally to do all other acts, deeds and things which are not specifically mentioned herein should be considered as acts done by me/us if I /We was/were present.

And I/we do hereby agree to confirm and ratify that all the acts, deeds and things done by my/our said attorney shall be construed as acts, deeds and things done by me/us personally if I/we was/were present.

IN WITNESS WHEREOF, THIS GENERAL POWER OF ATTORNEY HAS BEEN SIGNED BY ME/US AT \_\_\_\_\_ ON \_\_\_\_\_ DAY OF \_\_\_\_\_ MONTH OF \_\_\_\_\_ YEAR IN THE PRESENCE OF THE FOLLOWING WITNESSES WHO HAVE ALSO SIGNED BELOW :

Signature of Executant / Executants

WITNESSES:

1

2

## **LEGAL WRITING-II**

### **5 YEARS BA-LLB II nd SEMESTER (A)**

#### DETAILED OUTLINE OF THE SYLLABUS AND PROJECT WRITING

- ☐ *ACKNOWLEDGEMENT*
- ☐ *TABLE OF CONTENTS*

#### **PART – A**

##### ***CHAPTER I – INTRODUCTION***

##### ***CHAPTER II – OBJECTIVES OF LEGAL WRITING IN LAW***

- ☐ Importance of Legal Writing in law.

#### **PART - B**

<b>PROBLEMS</b>
<p>Q1. A, son of C resident of Punjab was arrested by the Amritsar Police (Punjab) on 25<sup>th</sup> August, 2017 and is now confined as a detenu under the order of Superintendent of Police in the District Jail at Rohtak. Draft a bail Petition and Bail Bond as per given facts. Explain what is bail and the objective of bail bond.</p> <p>Q2. Miss Riya Agarwal, d/o of Rajesh Agarwal, r/o of sector 12, Noida is a 14 years old girl and is a student of 12<sup>th</sup> Class. She was weak in English language and hence her father employed one named Ramesh Suri, r/o of sector 12, Noida, as a tutor to teach. He used to come every day and teach her between 7 p.m. to 8</p>

p.m. On 21.01.2009, Rajesh Agarwal and his wife went to attend a marriage ceremony but left Miss Riya at home as her annual examination was near. Finding Riya alone in the house, Ramesh Suri closed the door, gagged her mouth and committed sexual intercourse on her. Explain what is a Complaint and Draft a complaint of Rape under section 376 of the Indian Penal code.

Q3. Miss Riya Agarwal, d/o of Rajesh Agarwal, r/o of sector 12, Noida is a 14 years old girl and is a student of 12<sup>th</sup> Class. She was weak in English language and hence her father employed one named Ramesh Suri, r/o of sector 12, Noida, as a tutor to teach. He used to come every day and teach her between 7 p.m. to 8 p.m. On 21.01.2009, Rajesh Agarwal and his wife went to attend a marriage ceremony but left Miss Riya at home as her annual examination was near. Finding Riya alone in the house, Ramesh Suri closed the door, gagged her mouth and committed sexual intercourse on her. Explain the necessity of a Search Report and Draft a Search report made by Police under this facts and circumstances.

Q4. The marriage between Mr. Manish Goyal and Anjali Arora took place on 01.01.2006 according to Hindu Vedic rites and ceremonies at Gurgaon. Both are residents of Gurgaon. There is one son of 2 years living with Manish Goyal. Mr. Manish was charged with adultery and cruelty by his wife. Mr. Manish wants to file a petition for Judicial Separation under section 10 of Hindu Marriage Act, 1955. Explain the essentials of a transfer petition. Also Draft a transfer petition to Delhi as the wife is residing in Delhi?

Q5. Aditya Khatti, s/o Om Khatti, r/o Bagdogra, Siliguri, left his house no. 02 situate in ward no. 20 to Trilok Sharma, S/o Bhanu Sharma, r/o Bidhan Nagar, Siliguri on payment of Rs. 6000 per month as rent. However, Trilok had not paid the rent for the last one year and due to which the total amount of due rent becomes 72,000. What is an Amendment petition. Draft an Amendment petition

that the total Amount due is Rupees 1 lakhs and not only Rs.72000/- .?

Q6. Mr. X owns a property at Panjim, Goa. The bungalow is on the verge of disuse as he and his family all reside in Canada and that is why he decides to sell it to ICICI Bank. As Mr.X is currently in another continent and believing that the deal would not be executed to its full extent, decides to give his long time friend, Mr.A the power of attorney to execute the sale deed. Explain what is power of attorney and special power of attorney. Draft the Power of Attorney Deed on behalf of Mr. X.

Q7. Mrs. B has been summoned to the court regarding on 25.06.2023 regarding Case no. 198 of 2023 which was a case involving drunken driving. However, her father passes away on 12.06.2023 and she must be present at her father's last rites ceremony. So draft a Petition under Sec 205 of CrPC to request the court to grant her leave from appearing in court. Also explain in detail the essentials of Sec 205 of CrPC.

Q8. What do you understand by the term 'Judgement' in a case? What is a judgement of unanimous nature? Analyze a judgment of unanimous nature pronounced by the Hon'ble Supreme Court of India and write its summary.

Annexures:

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case of my making default here in myself to forfeit to Government the sum  
of Rs. ....

DELHI

Signature

DATED

I ..... Son of Shri  
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..... hereby declare myself for the above  
said

Shri.....  
That he shall attend the Officer-in-charge of

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officer or court for the purpose of such investigation to answer the charge  
against him ( as the case may be ) and in the case or his making default  
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Signature

Witness

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2. ....

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IN FIR No. \_\_\_\_\_ under section \_\_\_\_\_

At P.S. \_\_\_\_\_

**MAY IT PLEASE YOUR HONOUR:**

The above named accused humbly states as under:

1. That the above noted case is pending before this Hon' ble court and is fixed for hearing on dt.\_\_\_\_\_, i.e., today.
2. That the accused made a call to his counsel and told that he is \_\_\_\_\_ and due to which he/she is unable to attend hearing at this Hon' ble court today.
3. That the absence of the accused is not intentional but due to the unavoidable and aforesaid bona fide reasons.

In view thereof, it is humbly and most respectfully prayed that the personal appearance of the above named accused may kindly be exempted in hearing fixed for today.

Dated\_\_\_\_\_

Applicant

Through counsel