

LAW AREA NAME : WOMAN
SECTION NAME : SPECIAL LAWS
SUB SECTION NAME : DOWRY PROHIBITION ACT

LAW IN BRIEF

Giving and taking dowry are both offences under the Dowry Prohibition Act. Demanding dowry or advertising willingness to take or give dowry are both punishable under law. Any agreement for giving or taking dowry is void. And dowry if given must be held by the husband and the in-laws as trust in favour of the bride. It must be returned any time when demanded by her. In fact, the dowry amount must be transferred to the bride within 3 months from the date of receiving the same.

Dowry is a malady ailing the Indian society Bride burning cases, dowry deaths and dowry harassment have become common in our society. The laws dealing with these offences are stringent. Under the Indian Penal Code, Section 498A deals with Cruelty and harassment for dowry, Section 304B deals with dowry death and section 406 deals with abetment of suicide where a woman kills herself as a result of harassment.

Let us know what the law says about giving and receiving dowry.

LAW IN DETAIL

Dowry means-

- any property or valuable security given or agreed to be given directly or indirectly
- by one party to the marriage to the other party to the marriage or
- by the parents of either party to a marriage or
- by any other person
- to either party to the marriage or
- to any other person
- at or before or any time after the marriage
- in connection with the marriage of the said parties
- it does not include dower or mehr taken as per the muslim personal law.

Traditional presents given at or after the wedding are not included in Dowry since they may be voluntary and affectionate gifts by parents and relatives of the bride. To avoid future litigations, The Dowry Prohibition (Maintenance of lists of Presents to the Bride and Bridegroom) Rules, 1985 have laid down that a list of gifts received by the bride and the groom must be maintained in writing and signed by the two of them.

Taking and giving dowry or encouraging the acceptance or offering of dowry is an offence punishable with imprisonment for a minimum of 5 years and a fine of not less than Rs.15,000 or the amount of dowry given whichever is more.

Demanding dowry is also punishable with imprisonment of 6 months extendable up to 2 years. Additionally, a fine of Rs.10,000 may also be levied on such person.

Advertising in any form of media offering or accepting dowry is punishable with imprisonment up to 6 months extendable up to 5 years or fine up to Rs.15,000.

Punishment for not transferring the dowry amount to the wife within the prescribed time limit is imprisonment of minimum 6 months up to a maximum of 2 years or/and fine of Rs.5000 up to Rs.10,000.

The offences under this Act are cognizable (only for certain purposes), non-compoundable and non-bailable.

The offences committed under this Act are cognizable offences only for the purpose of conducting an investigation and other matters except arrest and those under section 42 of the Criminal Procedure Code. Hence, warrant is compulsory for arresting a person under this Act.

PROCESS FOR SOLUTION

Complaint Under which Section ?

Section 3: Both taking and giving dowry is an offence

Section 4: Demanding dowry is an offence.

Section 498A of Indian Penal Code: Cruelty meted out to meet dowry demands

Section 304B of Indian Penal Code: Dowry death

Whom to complain / where to complaint?

Any person may make a complaint at the nearest Police Station.

The complaint can be made within ten years of marriage.

A Metropolitan Magistrate or a Judicial Magistrate of the First Class may take cognizance of an offence under the Act on its own knowledge or on the basis of a police report or on a complaint received by the aggrieved person or a parent or a relative of the aggrieved person or by any recognized welfare institution or organisation.

According to the Family Courts Act, 1984, all dowry-related crimes except dowry deaths and bride-burning will be tried by Family courts.

Section 46 of the CrPC lays down the period of limitation as follows:

1. 6 months for offences punishable with fine only.
2. 1 year for offences punishable with imprisonment for a term not exceeding 1 year.
3. 3 years for offences punishable with imprisonment for more than 1 year and not exceeding 3 years.

How to file the Case ?

Our State Government has formulated The Andhra Pradesh Dowry Prohibition Rules, 1998 which lay down the following:

- Where it comes to the notice of the village sarpanch or the village assistant officer or the member of any women organization that a particular wedding in the village is being performed in violation of the provisions of this Act, he/she must attend the wedding and inform the facts to the concerned Mandal Revenue Officer.
- On receiving a complaint, the MRO will register the case within 3 days and take immediate action. It is the duty of the MRO to send monthly reports to the concerned Joint Collector or Revenue Divisional Officer on such matters.

When a dowry case is filed in a court of law, the burden of proof is on the accused to prove that he has not committed any offence under the Act.

The woman has effective remedies for dowry related matters. Where her stridhan has been denied to her, she can file a case under Section 406 IPC, where she has treated with cruelty in connection with dowry demands, she can resort to Section 498A IPC. For hurt or grievous hurt, cases can be filed under sections 324 or 326 respectively. If she has been illegally confined, a case lies under Section 342 and section 341 talks of wrongful restraint. All or some of the above sections may be clubbed to make a strong case against the offender.

What Next ?

The case will be decided as per the procedure laid down under the Criminal Procedure Code, 1973. The relevant provisions for appeals and revisions apply.

ALTERNATE REMEDIES

The Legal Services Authority can be approached for effective and speedy remedy.

IN THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION

_____ (NAME OF THE STATE) AT _____ (NAME OF PLACE)

APPELLATE JURISDICTION

APPEAL NO. _____ OF _____

IN THE MATTER OF:

ABC (Give Name and Address) ..APPELLANT
VS
XYZ (Give Name and Address) ..RESPONDENT

APPEAL UNDER SECTION 15 OF THE CONSUMER PROTECTION ACT, 1986 FROM THE ORDER OF THE DISTRICT FORUM _____ (GIVE NAME OF PLACE)

To,
The Hon'ble President and his Companion Members of the State Commission

The Memorandum of Appeal of the Appellant above named

MOST RESPECTFULLY SHOWETH:

1. This is an Appeal under section 15 of the Consumer Protection Act, 1986 against the order of the District Forum _____ in Complaint No. _____ of 2000 passed on _____ (give date) received by the Appellant on _____ (give date).
2. That this Appeal is being filed within the period of limitation of 30 days as required by section 15 of the consumer Protection Act, 1986 (Or State the reasons as to why the appeal could not be filed in time accompanied by an application supported by an Affidavit for condonation of Delay.)
3. That the appellant had filed a complaint against the respondent for _____ (State introductory facts).
4. That aggrieved by the impugned order dated _____ the appellant moves this appeal amongst others the following:

GROUND

(a) Because the Ld. District Forum failed to appreciate that the appellant had a strong case in his favour, which was substantiated by the pleadings, documents placed on record, which were not denied by the respondent and by the evidence adduced, which was not countered by the respondent.

(b) Because the Ld. District Forum has failed to appreciate that there was clear and obvious negligence in the service provided by the respondent to the appellant due to which financial loss was caused to the appellant.

(c) Because the Ld. District Forum erred in coming to the conclusion that the work done by the respondent is not "service" within the purview of the Act and hence the appeal is not maintainable.

(d) Because the Ld. District Forum failed to appreciate that the appellant is a consumer within the provisions of the Act and hence the complaint is maintainable.

(e) Because the Ld. District Forum ignored the evidence placed on record by the appellant and also did not appreciate the catena of judgments cited by the appellant in his favour.

(f) (State the above or other grounds for appeal depending on the order appealed from and Questions of Law involved.)

PRAYER:

In the above mentioned facts and circumstances it is most respectfully prayed that the Hon'ble Commission may be pleased to:

(a) Allow the Appeal, set aside the order dated _____ of the District forum; and grant the relief claimed by the appellant in his complaint dated _____

(b) Pass any other such order, as this Hon'ble Commission may deem fit and proper in the interests of justice.

..Appellant

Through

Counsel

Place:

Dated:

IN THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION _____(NAME OF THE STATE) AT _____ (NAME OF PLACE)
APPELLATE JURISDICTION
APPEAL NO. _____ OF _____

IN THE MATTER OF:
ABC (Give Name and Address) ..APPELLANT
VS
XYZ (Give Name and Address) ..RESPONDENT

AFFIDAVIT

1. That I am the Appellant in the above mentioned Appeal under section 15 of the Consumer Protection Act, 1986 and being fully conversant with the facts of the case, I am competent to swear the present affidavit.

2. That I have read over and understood the contents of the accompanying Appeal under section 15 of the consumer Protection Act, 1986 and the same are true and correct to the best of my knowledge and belief.

DEPONENT

VERIFICATION:

Verified at _____ this _____ day of _____ that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

(Annex a certified copy of the District Forum Appealed against)

**IN THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION _____(NAME OF
THE STATE) AT _____(NAME OF PLACE)
APPELLATE JURISDICTION
APPEAL NO. _____ OF _____**

IN THE MATTER OF:

ABC (Give Name and Address) ..APPELLANT

VS

XYZ (Give Name and Address) ..RESPONDENT

**APPEAL UNDER SECTION 15 OF THE CONSUMER PROTECTION ACT, 1986 FROM THE
ORDER OF THE DISTRICT FORUM _____ (GIVE NAME OF PLACE)**

To,

The Hon'ble President and his Companion Members of the State Commission

The Memorandum of Appeal of the Appellant above named

MOST RESPECTFULLY SHOWETH:

1. This is an Appeal under section 15 of the Consumer Protection Act, 1986 against the order of the District Forum _____ in Complaint No. _____ of 2000 passed on _____ (give date) received by the Appellant on _____ (give date).

2. That this Appeal is being filed within the period of limitation of 30 days as required by section 15 of the consumer Protection Act, 1986 (Or State the reasons as to why the appeal could not be filed in time accompanied by an application supported by an Affidavit for condonation of Delay.)

3. That the appellant had filed a complaint against the respondent for _____ (State introductory facts).

4. That aggrieved by the impugned order dated _____ the appellant moves this appeal amongst others the following:

G R O O U N D S

(a) Because the Ld. District Forum failed to appreciate that the appellant had a strong case in his favour, which was substantiated by the pleadings, documents placed on record, which were not denied by the respondent and by the evidence adduced, which was not countered by the respondent.

(b) Because the Ld. District Forum has failed to appreciate that there was clear and obvious negligence in the service provided by the respondent to the appellant due to which financial loss was caused to the appellant.

(c) Because the Ld. District Forum erred in coming to the conclusion that the work done by the respondent is not "service" within the purview of the Act and hence the appeal is not maintainable.

(d) Because the Ld. District Forum failed to appreciate that the appellant is a consumer within the provisions of the Act and hence the complaint is maintainable.

(e) Because the Ld. District Forum ignored the evidence placed on record by the appellant and also did not appreciate the catena of judgments cited by the appellant in his favour.

(f) (State the above or other grounds for appeal depending on the order appealed from and Questions of Law involved.)

PRAYER:

In the above mentioned facts and circumstances it is most respectfully prayed that the Hon'ble Commission may be pleased to:

(a) Allow the Appeal, set aside the order dated _____ of the District forum; and grant the relief claimed by the appellant in his complaint dated _____

(b) Pass any other such order, as this Hon'ble Commission may deem fit and proper in the interests of justice.

..Appellant
Through
Counsel

Place:

Dated:

IN THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION _____ (NAME OF THE STATE) AT _____ (NAME OF PLACE) APPELLATE JURISDICTION APPEAL NO. _____ OF _____

IN THE MATTER OF:

ABC (Give Name and Address) ..APPELLANT

VS

XYZ (Give Name and Address) ..RESPONDENT

AFFIDAVIT

1. That I am the Appellant in the above mentioned Appeal under section 15 of the Consumer Protection Act, 1986 and being fully conversant with the facts of the case, I am competent to swear the present affidavit.

2. That I have read over and understood the contents of the accompanying Appeal under section 15 of the consumer Protection Act, 1986 and the same are true and correct to the best of my knowledge and belief.

DEPONENT

VERIFICATION:

Verified at _____ this _____ day of _____ that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

(Annex a certified copy of the District Forum Appealed against)

**IN THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION AT NEW DELHI
ORIGINAL JURISDICTION**

CONSUMER COMPLAINT NO. _____ OF _____

IN THE MATTER OF:

ABC (Give Name and Address) ..COMPLAINANT

VS

XYZ (Give Name and Address) ..OPPOSITE PARTY

COMPLAINT UNDER SECTION 21 OF THE CONSUMER PROTECTION ACT, 1986 To,

The Hon'ble President and his Companion Members of the National Commission

The Complainant above named

MOST RESPECTFULLY SHOWETH:

1. That the complainant is a sole proprietorship concern, which carries on the business of supply of computer parts by trucks, trains and other means of transport to various destinations as per orders received from parties. The present complaint is being filed through xyz who is the sole proprietor of the complainant. The complainant is a well established concern, which has been in the computer parts business for the last 15 years and is having a annual turn over of Rs. 10,00,00,000/-. Depending on the nature of the goods the complainant has been following a policy of insuring the goods being supplied.

2. That the opposite party is the insurance company with whom the complainant has been insuring his goods in the past. For the transaction in dispute also the opposite party was the company which had insured the goods, which were computer parts being delivered from _____ to _____ in three trucks.

3. That the computer parts were to be delivered on or before _____. The value of the goods to be delivered was worth Rs. 35,00,000/-. Annexed hereto is a true copy of the purchase order placed by M/s. _____ on the Complainant showing the value of the goods required, date of delivery etc.

4. That subject to the placement of the aforesaid order the complainant procured the said goods and in usual practice insured the goods from the time of loading till the time of delivery of the same at the final destination. The insurance policy was for a sum of Rs. 35,00,000/- for which the complainant paid a sum of Rs. _____ as the premium amount.

5. That the goods were insured against late delivery, theft, etc. as per the terms of the insurance policy. True copy of insurance policy No. _____ dated _____ along with a bill showing payment of premium amount dated _____ is annexed hereto as Annexure- (Colly).

6. That on _____ the goods were loaded on 3 trucks and were to be delivered within a period of 3 days to _____. However, the complainant on _____ got to know that all the three trucks

had been stolen at _____, which was approximately half way to the final destination. An FIR in this regard has been registered by one of the drivers of the trucks, who had been drugged in

the night and thrown out of the truck. True copy of FIR dated _____ is annexed hereto as Annexure-

7. That the theft was investigated by the police, who recovered the three trucks after a period of six days after the theft. All the goods that had been placed in the trucks were found to be missing.

8. That the police having made no breakthrough have now closed the investigation and a closure in this regard has been filed. True copy of closure report is annexed hereto as Annexure-.

9. That subsequent to the passing of the aforesaid closure report the complainant filed a claim on _____ with the Opposite party to recover the insured amount of Rs. 35,00,000/-. True copy of claim is annexed hereto as Annexure-.

10. That to the utter shock, surprise and anguish of the complainant the claim filed by him was rejected by the Opposite Party on false and frivolous grounds for the alleged reason that the complainant had caused the theft for making illegal claim and was now trying to cheat the opposite party by filing the claim.

11. That the aforesaid contention of the opposite party is absolutely misconceived, baseless, false and meritless and is being raised only as a means of avoiding payment of the claim and its liability as per the insurance policy.

12. That the complainant is a consumer within the provisions of the Consumer Protection Act and is therefore entitled to file the present complaint. The opposite party has been deficient in the service being provided by them and hence the present complaint is maintainable against them.

13. That the cause of action arose on _____ when the opposite party rejected the claim of the complainant. The present complaint is being filed within 2 years of _____ and hence is within the period of limitation.

PRAYER:

In the above mentioned facts and circumstances it is most respectfully prayed that the Hon'ble Commission may be pleased to:

(a) Allow the present complaint and pass an order directing the opposite party to pay a sum of Rs. 35,00,000/- along with interest @ 24% per annum to the complainant;

(b) Pass any other such order, as this Hon'ble Commission may deem fit and proper in the interests of justice.

..Complainant

Through

Counsel

Place:

Dated:

IN THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION AT NEW DELHI

ORIGINAL JURISDICTION

CONSUMER COMPLAINT NO. _____ OF _____

IN THE MATTER OF:

ABC VS XYZ (Give Name and Address) ..RESPONDENT

AFFIDAVIT

I, _____, s/o _____, r/o _____ aged about _____ years do hereby solemnly affirm and declare as under:

1. That I am the complainant in the above mentioned Complaint under section 21 of the Consumer Protection Act, 1986 and being fully conversant with the facts of the case, I am competent to swear the present affidavit.

2. That I have read over and understood the contents of the accompanying Complaint under section 21 of the consumer Protection Act, 1986 and the same are true and correct to the best of my knowledge and belief.

DEPONENT

VERIFICATION:

Verified at _____ this _____ day of _____ that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

IN THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION
_____(NAME OF THE STATE) AT _____ (NAME OF PLACE)

ORIGINAL JURISDICTION

CONSUMER COMPLAINT NO. _____ OF _____

IN THE MATTER OF:

ABC (Give Name and Address) .. COMPLAINANT

VS

XYZ (Give Name and Address) OPPOSITE PARTY

COMPLAINT UNDER SECTION 17 OF THE CONSUMER PROTECTION ACT, 1986

To,

The Hon'ble President and his Companion Members of the State Commission

The Complainant above named

MOST RESPECTFULLY SHOWETH:

1. That the complainant is a car mechanic and is employed at 21st Century Service Station, situated at _____.
2. That on _____ while the complainant was doing some repair work of a Maruti car. The car slipped of its jack and fell on the arm of the complainant resulting in fracture of his right arm bone.
3. That on the very same day the complainant went to the opposite party for treatment. His arm was dressed and plaster was applied on the effected arm and some medicines were prescribed by the opposite party. He was then told that he should come back after 6 weeks to have the plaster removed.
4. That inspite of taking the medicines prescribed and his arm being plastered, the complainant instead of getting relief experienced severe pain every now and then.
5. That on _____ one week after his arm was put in plaster the complainant visited the opposite party and told him about his discomfort and pain. The opposite party then cut the plaster of paris and told the complainant to come back after two days after the pain had subsided for further treatment.
6. That to his utter shock the complainant realized that his arm had become motionless. He approached the opposite party again on _____, when they referred him to a bone specialist at _____ Hospital. On his visit to _____ Hospital the complainant was told to his despair and anguish that due to the negligence of the opposite party in not applying the plaster in a proper manner, his arm had become paralysed.
7. That the opposite party was negligent in rendering medical services in not employing a reasonable duty of care in administration of the treatment given to the complainant. The lack of

reasonable care on part of the opposite party was responsible for the paralysis of the complainant's arm and hence their act

amounts to actionable negligence and a prima facie case of medical negligence exists.

8. That due to the acts of the opposite party the complainant has been deprived of his means of livelihood and he has become a cripple for life.

9. That the complainant is only 25 years old and in the prime of his youth but due to the callous and negligent attitude of the opposite party, he has been deprived of a good healthy life.

10. That the opposite party has acted in most negligent manner in treating the complainant and the complainant has suffered loss and injury and mental trauma and is entitled to compensation.

11. That the complainant is a consumer as defined under the consumer protection Act, 1986 and is therefore entitled to file this complaint.

12. That the cause of action arose on _____ when the opposite party treated the complainant. The present complaint is being filed within 2 years of _____ and hence is within the period of limitation.

PRAYER:

In the above mentioned facts and circumstances it is most respectfully prayed that the Hon'ble Commission may be pleased to:

(a) Allow the present complaint and pass an order directing the opposite party to pay a sum of Rs. 10,00,000/- as compensation; (b) Pass any other such order, as this Hon'ble Commission may deem fit and proper in the interests of justice.

..Complainant

Through

Counsel

Place:

Dated:

IN THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION _____ (NAME OF THE STATE) AT _____ (NAME OF PLACE)

ORIGINAL JURISDICTION

CONSUMER COMPLAINT NO. _____ OF _____

IN THE MATTER OF:

ABC (Give Name and Address) ..Complainant

VS

XYZ (Give Name and Address) ..Opposite Party

AFFIDAVIT

I, _____, s/o _____, r/o _____, aged about _____ years do hereby solemnly affirm and declare as under:

1. That I am the complainant in the above mentioned complaint under section 17 of the Consumer Protection Act, 1986 and being fully conversant with the facts of the case, I am competent to swear the present affidavit.

2. That I have read over and understood the contents of the accompanying complaint under section 17 of the consumer Protection Act, 1986 and the same are true and correct to the best of my knowledge and belief.

DEPONENT

VERIFICATION:

Verified at _____ this _____ day of _____ that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

BEFORE THE CONSUMER DISTRICT FORUM, DISTRICT _____

CONSUMER COMPLAINT NO. _____ OF _____

IN THE MATTER OF:

ABC (*Give Name and Address*) ...COMPLAINANT

VS

XYZ (*Give Name and Address*) ...OPPOSITE PARTY

COMPLAINT UNDER SECTION 12 OF THE CONSUMER PROTECTION ACT, 1986

MOST RESPECTFULLY SHOWETH:

1. That the complainant is a subscriber of telephone No. _____.

2. That on _____ (*Give date*) the telephone went out of order (*Mention the problem*).

After many complaints and follow up, the telephone connection was finally restored on _____ ,
after a period of almost _____ (*state the period*)

3. That telephonic complaints were lodged on _____ and _____ (*Give dates*) with the
telephone department. The department duly allocated complaint nos. which are _____ (*give
details of the complaint nos.*). However, the department has not bothered to rectify the fault till
date.

That on _____ (*give date*) a written complaint was lodged with the opposite party. However,
no action was taken by the telephone

1. department to rectify the fault in the telephone. A true copy of the said complaint is
annexed hereto as Annexure-.

2. That the fault was finally rectified by the opposite party on _____, after a period of
_____ days. On account of dereliction of duty and negligence of the opposite party,
the complainant has suffered loss and injury due to deprivation, harassment, mental
agony and loss of professional practice, for which he is entitled to compensation.

3. *(Give other reasons as to how the complainant has been inconvenienced due to faulty telephone eg; the complainant is old, the complainant resides far off with no other means of communication or resides alone etc.)*
4. That the cause of action arose on _____ *(give date)* when the telephone went out of order. The cause of action further arose on _____ *(give date)*, when a written complaint was filed by the complainant.
5. That it is submitted that this forum has jurisdiction to try and adjudicate upon this dispute.

PRAYER:

In the above facts and circumstances it is most respectfully prayed that the Hon'ble Forum may be pleased to:

- (a) Order the opposite party to pay Rs. _____ *(Give amount)* as compensation and Rs. _____ *(give amount)* as costs;
- (b) Pass any other such order, as this Hon'ble Forum may deem fit and proper in the interests of justice.

Complainant

Through

Counsel

Place:

Dated:

VERIFICATION:

I _____ S/o _____ R/o _____ do hereby solemnly affirm and state that the contents and particulars of the complaint stated above are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therein.

Verified at _____ on ___ day of _____ 2000.

..Complainant

IN THE HIGH COURT OF DELHI AT NEW DELHI

Crl. Misc. (Main) No. of 2000

IN THE MATTER OF:

ABC (Give Name and Residence) ..Petitioner

Versus

State

Through XYZ (Give Name and Place) ..Respondent

FIR No.: _____
U/s : _____
P.S.: _____

**APPLICATION UNDER SECTION 438 r/w SECTION 482 OF THE CODE OF CRIMINAL
PROCEDURE 1973 FOR GRANT OF ANTICIPATORY BAIL**

Most Respectfully Showeth:

1. That the present application under section 438 r/w section 482 of the Code of Criminal Procedure 1973 is being filed by the Petitioner for seeking grant of Anticipatory Bail in FIR No. _____ registered at Police Station _____. The present petition is being moved as the Petitioner has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence in connection with the said FIR.
2. That earlier the Petitioner had filed an application under section 438 of the Code of Criminal Procedure before the Court of _____ (Give name and place of the Court). The said application was dismissed vide order dated _____ (give date) without appreciating the true facts of the case and on the basis of the baseless and misconceived allegations made by the prosecution/respondent. True copy of the order dated _____ (give date) is annexed hereto as Annexure-. (Optional as per circumstances)
3. That the Petitioner is innocent and is being falsely implicated in the above said case as he has nothing to do with the matter.
4. That the Petitioner is a law-abiding citizen of India who is gainfully employed in _____ (give details).
5. (Give any other relevant facts).
6. That the Petitioner has roots in society and is ready and willing to join investigation whenever summoned. However, the Petitioner has a genuine apprehension that the respondent might arrest him in connection with the aforesaid FIR.
7. That the Petitioner is innocent and no useful purpose would be served by arresting him and keeping him under custody and this is a fit case for grant of anticipatory bail as the Petitioner is being needlessly harassed by the respondents and apprehends arrest.

8. That the Petitioner undertakes to abide by the conditions that this Hon'ble Court may impose at the time of granting anticipatory bail to the Petitioner.

9. That the Petitioner has not filed any other similar petition before this or any other Hon'ble Court for grant of anticipatory bail in case of the present FIR.

PRAYER:

In view of the above stated facts and circumstances it is most respectfully prayed that this Hon'ble Court may be pleased to

a) Grant anticipatory bail to the Petitioner in the event of his arrest in connection with FIR No._____.

b) Pass any other such order as this Hon'ble Court may deem fit and proper in the interest of justice.

Through ..Petitioner
Counsel

Place:

Dated:

IN THE HIGH COURT OF DELHI AT NEW DELHI

CrI. Misc. (Main) No. of 2000

IN THE MATTER OF:

ABC ..Petitioner

Versus

State ..Respondent

AFFIDAVIT

I, Sh. _____, S/o Shri _____, R/o _____, do hereby solemnly affirm and state on oath as under:-

1. That I am the Deponent in the present Affidavit in the accompanying anticipatory bail application u/s 438 of Cr.P.C. 1973 am well conversant with the facts of the case.

2. That I say the contents of the accompanying anticipatory bail application u/s 438 of Cr.P.C., 1973 have been explained to me and they are true and correct to the best of my knowledge and belief.

Counsel

Place:

Dated:

IN THE HIGH COURT OF DELHI AT NEW DELHI

CrI. Misc. (Main) No. of 2000

IN THE MATTER OF:

ABC ..Petitioner

Versus

State ..Respondent

AFFIDAVIT

I, _____, S/o Shri _____, R/o _____, do hereby solemnly affirm and state on oath as under:-

1. That I am the Petitioner in the above mentioned application and being fully conversant with the facts of the case, I am competent to swear the present affidavit.
2. That the contents of the accompanying Application under Section 482 Cr.P.C are explained to me and are true and correct to the best of my knowledge and belief.

DEPONENT

VERIFICATION:

Verified at _____ on this the ___ day of _____, 2000 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI

CrI. Misc. (Main) No. of 2000

IN THE MATTER OF:

ABC ..Petitioner

Versus

XYZ ..Respondent

URGENT APPLICATION

To,

The Deputy Registrar,
High Court of Delhi,
New Delhi.

Sir,

Will you kindly treat the accompanying application an urgent one in accordance with the High Court Rules and Orders.

The ground of urgency is that the Petitioner has applied for seeking anticipatory bail.

Thanking You.

Yours Faithfully,

(Counsel)

Place:

Dated:

IN THE HIGH COURT OF DELHI AT NEW DELHI

CrI. Misc. (Main) No. of 2000

IN THE MATTER OF:

ABC ..Petitioner

Versus

XYZ ..Respondent

MEMO OF PARTIES

ABC (Give Name and Residence) ..Petitioner

Versus

XYZ (Give Name and Place) ..Respondent

Through ..Petitioner
Counsel

Place:

Dated:

IN THE COURT OF _____, JUDICIAL/METROPOLITAN MAGISTRATE,
_____, COURTS, _____

IN THE MATTER OF:

ABC (Give Name and Residence) ...Applicant

Versus

XYZ (Give Name and Place) ... Respondent

**APPLICATION UNDER SECTION 125 OF THE CODE OF CRIMINAL PROCEDURE, 1973 FOR
MAINTENANCE**

Most Respectfully Showeth:

1. That the applicant above named was married to the respondent and by decree dated _____ (give date) passed by the District Judge _____ (give details) in Petition No. _____, the applicant herein obtained a decree of Divorce from the respondent.
2. That the applicant has not remarried after the divorce and is unable to maintain herself. The applicant suffers from _____ (Mention what the applicant suffers from) and therefore, is unable to work anywhere.
3. That the respondent has neglected and refuses to maintain the applicant above named, inspite of various requests and demands made by the applicant for maintenance.
4. That by letters dated _____ (give date) and _____ (give date), the applicant has called upon the respondent to make a monthly payment for the maintenance of the applicant. However, the respondent has not replied to the above letters nor made any attempt to give a monthly allowance.
5. That the respondent is employed as _____ (give details) [or carries on the business of _____ (give details)] and is drawing a monthly salary of Rs. _____ (Give amount) [or his monthly income is _____].
6. That inspite of having sufficient means the respondent has neglected and refused to contribute towards the maintenance of the applicant.

PRAYER:

In view of the above stated facts and circumstances it is most respectfully prayed that this Hon'ble Court may be pleased to

- a) Order the respondent to pay a monthly allowance of Rs. 500/- for the maintenance of the applicant to be paid on the 1st of every month.
- b) Pass any other such order as this Hon'ble Court may deem fit and proper in the interest of justice.

Through .Applicant
Counsel

Place:

Dated:

Verification:

I, _____, the above-named applicant do hereby verify at _____ on this day of _____ that the contents of my application for maintenance are true to my knowledge and nothing material has been suppressed therefrom

Applicant

IN THE COURT OF _____, ADDITIONAL DISTRICT AND SESSION JUDGE,
_____ COURTS, _____

IN THE MATTER OF:

ABC (Give Name and Residence) ..Petitioner

Versus

State

Through XYZ (Give Name and Place) ..Respondent

FIR No.: _____

U/s : _____

P.S.: _____

**APPLICATION UNDER SECTION 439 OF THE CODE OF CRIMINAL PROCEDURE 1973 FOR
GRANT OF BAIL**

Most Respectfully Showeth:

1. That the present application under section 439 of the Code of Criminal Procedure 1973 is being filed by the Petitioner for seeking grant of bail in FIR No. _____ registered at Police Station_____. The present petition is being moved as the Petitioner has been arrested on _____ (give date) in connection with the said FIR. The petitioner is now in judicial/police custody.
2. That the Petitioner is innocent and is being falsely implicated in the above said case as he has nothing to do with the matter.
3. That the Petitioner is a law abiding citizen of India. The petitioner is gainfully employed with a _____(Give details) or carries on the business of _____ (give details).
4. That the Petitioner is a responsible person and is living at the above mentioned address.
5. (Give all other relevant facts, which have led to the arrest or which show the petitioner's innocence or disassociation with the alleged offence supposed to have been committed)
6. That the Petitioner is innocent and no useful purpose would be served by keeping him under custody and this is a fit case for grant of bail. (It would be pertinent to mention as to the stage of investigation or in case the chargesheet has been filed, whether charges have been imposed, evidence has started, the length of the list of witnesses cited by the prosecution etc. as these would all be mitigating circumstances)
7. That the Petitioner undertakes to abide by the conditions that this Hon'ble Court may impose at the time of granting bail to the Petitioner and further undertakes to attend the trial on every date of hearing.

8. That the Petitioner has not filed any other similar petition before this or any other Hon'ble Court for grant of bail in case of the present FIR. (Or give details and results of earlier applications)

PRAYER:

In view of the above stated facts and circumstances it is most respectfully prayed that this Hon'ble Court may be pleased to

a) Grant bail to the Petitioner in connection with FIR No. _____ registered under section _____ (give sections) at Police Station _____ (give place).

b) Pass any other such order as this Hon'ble Court may deem fit and proper in the interest of justice.

Through _____ .Petitioner
Counsel

Place:

Dated:

IN THE DISTRICT COURT OF _____ AT _____
PETITION NO. _____ OF 2000

IN THE MATTER OF:

ABC ...Petitioner

Versus

State (through collector) ...Respondent

**PETITION UNDER SECTION 10 OF THE GUARDIANS AND WARDS ACT, 1890 FOR
APPOINTMENT OF GUARDIAN**

MOST RESPECTFULLY SHOWETH:

1. That the petitioner above named is the _____ of the minor, herein named and described.
2. Give the following Details
 - a) Name of the Minor
 - b) Sex
 - c) Date of Birth
 - d) Ordinary Residence

(If the minor is a female, whether she is married, and if so, the name and age of her husband.)
3. The nature, situation and approximate value of the minor's property is shown in the schedule, annexed to the petition.
4. That the said property is in the custody of _____ (give name and residence).
5. That the following are the names and residential addresses of the relatives of the minor:
(Give names and addresses)
6. That no petition has at any time been made to this court or any other court, with respect to the guardianship of the person or property of the minor (if a petition has been made, give detail).
7. That this petition is being made for appointment of the petitioner as guardian of the person and property of the minor.
8. That the petitioner above named is _____ (give qualifications of the petitioner).
9. That the above petition is being made by the petitioner so that _____ (state the grounds on which the petitioner claims to the make of the petition).
10. That this petition has been necessitated because _____ (state the causes)

11. That the petitioner as well as the minor are residing in _____ (Give place of residence). Therefore this Hon'ble Court has territorial jurisdiction to entertain the present petition.

PRAYER:

In the above mentioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

(a) Appoint the petitioner above named as Guardian of the person and property of the minor (inter-alia as shown in the annexed schedule).

(b) Pass any other or further order as this Hon'ble Court may deem fit and proper in the interests of justice.

Through ..Petitioner
Counsel

Place:

Dated:

VERIFICATION:

I, _____ (Name of the petitioner), above named Petitioner do hereby verify that the contents of the aforesaid plaint paras ___ to ___ are true and correct to the best of my knowledge and no part of it is false. Paras ___ to ___ are legal and are believed to be correct as advised.

Verified at _____ on this the _____ (Give date) day of _____ (Give month), 2000.

..Petitioner

(The petition must be accompanied by declaration of the willingness of the proposed guardian to act and the declaration must be signed by him and attested by at least 2 witnesses)

**IN THE DISTRICT COURT OF _____ AT _____
PETITION NO. _____ OF 2000**

IN THE MATTER OF:

APPOINTMENT OF THE GUARDIAN OF MINOR _____ (give name of minor)

AND IN THE MATTER OF:

ABC ...Petitioner

DECLARATION BY THE PROPOSED GUARDIAN

I, _____, son of _____, resident of _____, aged about _____ have made an application/petition before this Hon'ble Court for my appointment as the guardian of minor _____,

son of _____, resident of _____, aged about _____ years. I hereby declare that my petition is bonafide and true and I am willing to act as the guardian of the minor _____ and undertake to fulfill my obligations in my capacity as guardian if so appointed.

Petitioner

We the undersigned witnesses do hereby state that the petitioner abovenamed has signed this declaration in our presence and each one of us has signed as witness in the presence of the petitioner and each other.

Witness 1

Witness 2

IN THE DISTRICT COURT OF _____ AT _____
PETITION NO. _____ OF 2000

IN THE MATTER OF:

APPOINTMENT OF THE GUARDIAN OF MINOR _____ (give name of minor)

AND IN THE MATTER OF:

ABC ...Petitioner

**PETITION UNDER SECTION 10 OF THE GUARDIANS AND WARDS ACT, 1890 FOR
APPOINTMENT OF GUARDIAN**

MOST RESPECTFULLY SHOWETH:

1. That the petitioner above named is the _____ of the minor, herein named and described.
2. That the details relating to the minor for whose guardianship this petition is being filed are as follows:
 - a) Name of the Minor
 - b) Sex
 - c) Religion
 - d) Date of Birth
 - e) Ordinary Residence
 - f) (If the minor is a female, whether she is married, and if so, the name and age of her husband.)
3. (The nature, situation and approximate value of the minor's property is shown in the schedule, annexed to the petition. -[in case guardianship of property is also claimed])
4. That the minor (and the said property) is in the custody of _____ (give name and residence).
5. That the following are the names and addresses of the near relatives of the minor:
(Give names and residences)
6. That no petition has at any time been made to this court or any other court, with respect to the guardianship of the person or property of the minor (if a petition has been made, give detail).
7. That this petition is being made for appointment of the petitioner as guardian of the person (and property of the minor).
8. That the petitioner above named is _____ (give qualifications of the proposed guardian including his education, income etc.).

9. That the above petition is being made by the petitioner so that (state the causes or grounds why it would be in the interest of the minor that the petitioner be appointed as guardian).

10. That this application has been necessitated due to ____ (give reasons and grounds why the necessity for appointment of guardian by Court has arisen)

10. That the petitioner as well as the minor are residing in _____ (Give place of residence). Therefore this Hon'ble Court has territorial jurisdiction to entertain the present petition.

11. That the value of the subject matter of the petition for purposes of jurisdiction and court fees is Rs. _____/- (Give the figure in words also)

PRAYER:

In the above mentioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to

(a) Appoint the petitioner above named as Guardian of the person (and property of the minor).

(b) Pass any other such order as this Hon'ble Court may deem fit and proper in the interests of justice.

Through _____
..Petitioner
Counsel

Place:

Dated:

VERIFICATION:

I, _____ (Name of the petitioner), above named Petitioner do hereby verify that the contents of the aforesaid plaint paras ___ to ___ are true and correct to the best of my knowledge and no part of it is false. Paras ___ to ___ are legal and are believed to be correct as advised.

Verified at _____ on this the _____ (Give date) day of _____ (Give month), 2000.

..Petitioner

(The petition must be accompanied by declaration of the willingness of the proposed guardian to act and the declaration must be signed by him and attested by at least 2 witnesses)

**IN THE DISTRICT COURT OF _____ AT _____
PETITION NO. _____ OF 2000**

IN THE MATTER OF:

APPOINTMENT OF THE GUARDIAN OF MINOR _____ (give name of minor)

AND IN THE MATTER OF:

ABC ...Petitioner

DECLARATION BY THE PROPOSED GUARDIAN

I, _____, son of _____, resident of _____, aged about _____ have made an application/petition before this Hon'ble Court for my appointment as the guardian of minor _____, son of _____, resident of _____, aged about _____ years. I hereby declare that my petition is bonafide and true and I am willing to act as the guardian of the minor _____ and undertake to fulfill my obligations in my capacity as guardian if so appointed.

Petitioner

We the undersigned witnesses do hereby state that the petitioner abovenamed has signed this declaration in our presence and each one of us has signed as witness in the presence of the petitioner and each other.

Witness 1

Witness 2

IN THE DISTRICT COURT OF _____ AT _____
APPLICATION NO. _____ OF 2000
IN
PETITION NO. _____ OF 2000

IN THE MATTER OF:

ABC ...Applicant

Versus

State ...Respondent

**APPLICATION UNDER SECTION 376 OF THE INDIAN SUCCESSION ACT, 1925 FOR
EXTENSION OF CERTIFICATE**

MOST RESPECTFULLY SHOWETH:

1. That the applicant above named was granted a succession certificate dated _____ by this Hon'ble Court in petition No. _____. The certified copies of the order dated _____ allowing the petition for grant of succession certificate and the said the succession certificate are being filed herewith.

2. That the petitioner wishes to get an extension of the succession certificate in respect of certain debts and securities, which were not earlier specified. The details of the said debts and securities in respect of which the extension of succession certificate is required are delineated in **Annexure B**.

PRAYER:

In the above mentioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to

(a) Extend the Succession Certificate dated _____ to the debts and securities specified in **Annexure B**.

(b) Pass any other such order as this Hon'ble Court may deem fit and proper in the interests of justice.

Through _____
..Petitioner
Counsel

Place:

Dated:

VERIFICATION:

I, _____ (Name of the petitioner), above named Petitioner do hereby verify that the contents of paras 1 and 2 of the aforesaid petition are true and correct to the best of my knowledge and no part of it is false.

Verified at _____ on this the _____ (Give date) day of _____ (Give month), 2000.

..Petitioner

IN THE DISTRICT COURT OF _____ AT _____
PETITION NO. _____ OF 2000

IN THE MATTER OF:

ABC ...Petitioner

Versus

State ...Respondent

**PETITION UNDER SECTION 372 OF THE INDIAN SUCCESSION ACT, 1925 FOR
GRANT OF SUCCESSION CERTIFICATE IN RESPECT TO THE PROPERTY
OF _____ SINCE DECEASED**

MOST RESPECTFULLY SHOWETH:

1. That _____ s/o _____ r/o _____ died on _____ (give date).
The death certificate is filed herewith.

2. That the said _____ at the time of his death, ordinarily resided at _____
within the local limits of jurisdiction of this Hon'ble Court.

3. That the following are the names and place of residences of the family and near
relatives of the deceased:

(here give the named and addresses of the family members or near relatives
of the deceased)

4. That the petitioner is _____ of the deceased (give the right in which the petitioner
claims).

5. That there is no impediment to the grant of the succession certificate or to the
validity thereof, if it were granted, either under section 370 or under any other provision
of the Indian Succession Act or any other enactment.

6. That details of the debts and securities in respect of which the certificate is applied
for are given in the **Annexure A** attached to this petition.

7. That this Hon'ble Court has territorial jurisdiction to entertain the present petition.

PRAYER:

In the above mentioned facts and circumstances, it is most respectfully prayed that
this Hon'ble Court may be pleased to

(a) Grant a Succession Certificate to the Petitioner for collection of debts and

securities specified in Annexure A to this petition.

(b) Pass any other such order as this Hon'ble Court may deem fit and proper in the interests of justice.

..Petitioner

Through

Counsel

Place:

Dated:

VERIFICATION:

I, _____ (Name of the petitioner), above named Petitioner do hereby verify that the contents of the aforesaid plaint paras ___ to ___ are true and correct to the best of my knowledge and no part of it is false. Paras ___ to ___ are legal and are believed to be correct as advised.

Verified at _____ on this the _____ (Give date) day of _____ (Give month), 2000.

..Petitioner