

**IN THE COURT OF SPECIAL JUDGE (CENTRAL-I),
AT KARACHI.**

Case No. 000000 of 2010

State.....versus.....XXXXXXXXXX& others

**APPLICATION U/ S 540 Cr PC FOR EXAMPTION
OF ACCUSEDXXXXXXXXXX**

It is most respectfully prayed on behalf of Accused / Applicant XXXXXXXXXXXX that this Hon'ble Court may be pleased to exempt him from his personal appearance and allow the undersigned to appear on his behalf on the grounds mentioned hereunder;-

1. That the applicant /accused is facing since Jan/2010 **lodged** against him and other accused vide **FIR, No.0000/2010**. The charge against the accused was framed on 12, June 2010 and since then 12 witnesses examined from the calendar shown as 22 witnesses.
2. That during the trial the applicant/accused apart from his severe mental torture also suffering from heart disease.
3. That the applicant/accused though permanent resident of Karachi but due to job/engagement , residing at Lahore presently and for the purpose of attending the proceedings he is traveling from Lahore to Karachi for each and every date and for that purpose bearing huge expenses apart from fact that he is also patient of heart disease.
4. That during the whole period of trail the applicant /accused is attending this Hon able Court regularly and never remained absence without plausible justification or information.
5. That due to the engagement of the services he is rendered per their employer at Lahore it become difficult to come on each and every date of hearing from Lahore to Karachi as that due the fact of the transportation, its availability and the heavy expenses the applicant/accused is unable to meet the same under the circumstances. **(The copies in respect of his services/Engagement and the ticket of his travel from Lahore is attached for kind perusal and consideration).**

6. That it has been held time and again that Section 540 -A Cr PC should be interpreted benevolently as long as presence for Judgment can be ensured, even if he goes abroad for any personal work or for a pleasure trip. **(Reliance is placed on 1980 PCr LJ 01).**
7. That word "*incapability*" being a term of wide import which may cover all circumstances. The accused can be exempted who are represented by their counsel at the time of framing of charge and at the time when statement of accused was to be recorded under Section 342 Cr PC **(Reliance is placed on 1989 PCr LJ 1652 & PLJ 1988 Cr Cases (Kar) 455).**
8. That it is further respectfully submitted that the case of the prosecution against the applicant is based on documentary evidence and personal attendance of accused even would not be required for his personal identification.
9. That the applicant / Accused hereby undertake that he will appear before this Hon, ble Court as and when required.
10. That it is in the interest of justice that he may be granted exemption and the undersigned undertake to present him on each and every date of hearing.

This application is made in the interest of justice.

Karachi;

Advocate for the Accused/Applicant.

Dated: Jan 2021