



**CRM-M-40785-2025 (O&M)**

- 1 -

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

132

**CRM-M-40785-2025(O&M)  
Decided on : 01.08.2025**

**RUPALI GUPTA**

. . . Petitioner(s)

Versus

**STATE OF PUNJAB AND ORS**

. . . Respondent(s)

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

**PRESENT:** Ms. Supriya Garg, Advocate  
for the petitioner(s).

Ms. Aakanksha Gupta, AAG Punjab.

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**KIRTI SINGH, J. (Oral)**

The present petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed seeking quashing of the order dated 03.07.2025 (Annexure P-9), passed by the learned Judicial Magistrate First Class, Bathinda, in FIR No. 0009 dated 21.03.2018, registered at Women Police Station, District Bathinda, under Sections 498-A, 406, 120-B, and 313 of the IPC, whereby the application of the petitioner for permission to appear through Video Conferencing via whatsapp or any other electronic mode was dismissed.

2. Brief factual matrix leading to the filing of the present petition is that a complaint was moved by the petitioner before the SSP, Bathinda, leading to the registration of the above-mentioned FIR. During the pendency of the trial, the complainant-petitioner moved to the USA, and thus, an application seeking the conduct of her remaining part-examination as PW-1 through video conferencing was

**CRM-M-40785-2025 (O&M)**

- 2-

moved, which was allowed by the Id. trial Court, vide order dated 05.11.2024, as per the procedure contained in the Video Conferencing Rules formulated by this Court. Citing the long distance between her residence in USA and the nearest Indian Consulate to her location, the petitioner moved yet another application praying for deposition through whatsapp video call/ordinary video conference, which was rejected by way of the impugned order dated 03.07.2025. Aggrieved by the same, the petitioner has moved the instant petition.

3. Learned counsel for the petitioner *inter alia* submits that the case of the petitioner falls within the category of exceptional circumstances. It is submitted that distance between the residence of the petitioner is in Los Angeles, and the nearest Indian Embassy, which is located in San Francisco, is approximately 620 kms from there. Further, there is a difference of 12:30 hrs between the time zones of India and Los Angeles, meaning thereby that the general working hours of the Courts in India would be past midnight in America. This would not only cause extreme inconvenience hardship to the petitioner, but would also involve unreasonable expenses. It is under these compelling circumstances that the petitioner is seeking indulgence of this Court to permit her from appearing through video conferencing using ordinary modes. It is further pointed out that the initial application of the petitioner for appearing through video conferencing was allowed unopposed, and it is only with respect to the procedural aspect of the same that the latter application was rejected. Learned counsel submits that it is the substantive right to access justice. It is the intent behind the formulation of the Video Conferencing Rules, ie, to facilitate the participation of witnesses who are unable to be present in person and depose in Court.

4. *Per contra*, learned State counsel submits that the petitioner has not been able to point out any circumstances so compelling as would warrant permitting

**CRM-M-40785-2025 (O&M)**

- 3-

her to compromise the sanctity of her testimony by not following due procedure. Mere ground of inconvenience to the petitioner cannot be made a ground for permitting conduct of video conferencing through ordinary modes.

5. Heard.

6. The present petition is being decided *in limine* in order to save litigation cost of the private respondents and also to save the judicial time of the Court.

7. It would be apposite to first discuss the rules for the conduct of VC as promulgated by this Court.

8. As per sub rule 5.3.1., in case when the required person who is overseas is required to be examined, the Coordinator at remote point shall be an official of an Indian Consulate / the relevant Indian Embassy/ the relevant High Commission of India.

9. However, Rule 8.15 empowers the Court to permit the use portable video conferencing system in certain circumstances. The said Rule reads thus:

*“8.15 Where a Required Person is not capable of reaching the Court Point or the Remote Point due to sickness or physical infirmity, or presence of the required person cannot be secured without undue delay or expense, the Court may authorize the conduct of video conferencing from the place at which such person is located. In such circumstances the Court may direct the use of portable video conferencing system. Authority in this behalf may be given to the concerned Coordinator and/or any person deemed fit by the Court.”*

10. It is incumbent upon this Court to resolve the matter before it with fidelity to the overriding interest of justice. A rigid or overly technical interpretation of the Rules would thwart their intended purpose, which is to permit and facilitate witness testimony in such circumstances where their physical appearance in court



**CRM-M-40785-2025 (O&M)**

- 4-

may not be possible or feasible.

11. In the instant case, the petitioner has raised specific pleas of the hardship that would be caused and the undue expenses would be incurred by her incase the relaxation of appearing through an ordinary mode of video conferencing is is not permitted. Therefore, in order to meet the ends of justice and to insure that the same is not impeded on account of procedural technicalities, this Court deems it appropriate to grant an opportunity to the petitioner to fairly represent her case.

12. As a corollary, the impugned order dated 03.07.2025 is set aside.

13. Since, the evidence of the petitioner is material to the decision of the case, therefore, the time for recording the statement of the petitioner is extended, and she be allowed to examine herself by way of Video Conferencing through Mobile or Computer on an application, which shall be intimated to the trial Court and which shall be installed on the Computer, Laptop or I-Pad. The petitioner shall intimate the time and date when she will be available on such application to the Court within a ten days from today and thereafter, the Court shall fix the convenient date for the completion of her examination through Video Conferencing. The said witness shall be identified by the opposite party or any other person nominated by them. It is further directed that if any document is sought to be put to the said witness, photocopy of the same will be supplied to the opposite party in advance and the same can be sent to the witness, in advance, so that she may answer on the said document.

14. The present petition stands allowed in the aforesaid terms.

Pending application(s), if any, also stands disposed of accordingly.

**(KIRTI SINGH)**  
**JUDGE**

**01.08.2025**

Kavita

*Whether speaking/reasoned:*

*Yes/No*

*Whether Reportable:*

*Yes/No*