



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 25691 OF 2025 (GM-RES)

R

BETWEEN:

[REDACTED]

...PETITIONER

(BY SRI. SARAVANA S.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY VIVEKNAGAR POLICE STATION
BENGALURU.
REPT. BY ITS HCGP
HIGH COURT OF KARNATAKA BUILDING,
BENGALURU -560 001.

2. [REDACTED]

...RESPONDENTS

(BY SRI. ANUP KUMAR, HCGP FOR R-1
SRI. SANJAY SUGUMARAN, ADVOCATE FOR R-2)





THIS W.P IS FILED UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 BNSS, PRAYING TO ISSUE A WRIT OF APPROPRIATE NATURE RELAX RULE 5.3.1 RULES FOR VIDEO CONFERENCING FOR COURTS (NOTIFICATION HCC NO. 18/2020, DATED.09.06.2020 IN RECORDING EVIDENCE OF THE PETITIONER IN C.C.NO.57405/2019 PENDING ON THE FILE OF XXIX ADDL.C.M.M., BENGALURU AND PERMIT THE PETITIONER TO APPEAR VIA VIDEO CONFERENCE FROM A SECURE, PRE-VERIFIED LOCATION IN THE USA

THIS PETITION, COMING ON FOR FRESH MATTERS LIST, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This petition is by the complainant seeking relaxation of Rule 5.3.1 of Video Conferencing Rules, 2020 of this Court, to enable the complainant to record her further examination-in-chief and also to subject herself for cross - examination by the respondent-husband by dispensing recording of evidence through Indian Embassy or the High Commission of India.

The facts leading to the case are as under:



2. The petitioner is the complainant, who has lodged a complaint before the jurisdictional Police Station alleging commission of offences punishable under Sections 498A and 377 read with Section 34 of the IPC, as well as under Sections 66E and 67 of the Information Technology Act, 2000. On the basis of the said complaint lodged by the petitioner, who is respondent No.2's wife, the jurisdictional Police registered the crime. Upon completion of investigation, the Investigating Officer has filed the final report/charge sheet, in which respondent No.2, who is the husband of the petitioner, is now arraigned as an accused and is presently facing criminal prosecution for the aforementioned offences.

3. The petitioner, who is presently residing in the United States of America, has approached this Court seeking relaxation of Rule 5.3.1 of the Video Conferencing Rules. Her grievance is that, due to the difference in time zones, the working hours of the Indian Embassy/Consulate do not coincide with the sittings and



timelines of the Indian Courts. As a result, she is unable to avail the services of the Embassy to facilitate her participation in further proceedings. On this ground, she prays that the Court exercise its discretion to relax the rigours of Rule 5.3.1 and permit her to depose by way of video conferencing from her residence in the United States.

4. Learned counsel for the petitioner submits that the petitioner is not an accused or a witness, but rather the complainant, who has set the criminal law in motion. Therefore, strict adherence to Rule 5.1 of the Video Conferencing Rules, which contemplates the presence of a Coordinator even at the remote point, may not be insisted upon in her case. He contends that this Court, in exercise of its inherent jurisdiction, is empowered to relax the applicability of Rule 5.3.1 and permit the petitioner to record the remainder of her examination-in-chief as well as her cross-examination from her residence in the United



States, without the mandatory requirement of routing the process through the Embassy.

5. Per contra, learned counsel appearing for respondent No.2-husband places reliance on the very same Rules to contend that the petitioner has not first moved the trial Court, where the matter is pending adjudication. Instead, she has approached this Court directly, and therefore, the present petition is not maintainable. In the alternative, it is urged that respondent No.2 harbours a genuine apprehension that during the course of cross-examination, the video conferencing session may abruptly get disconnected, particularly at a stage when crucial questions are put to the complainant, which might otherwise elicit material admissions fatal to the prosecution case. It is therefore submitted that such contingencies would cause serious prejudice to respondent No.2.

6. In reply, learned counsel for the petitioner submits that such apprehension is unfounded, inasmuch



as more than half of the chief-examination of the petitioner has already been completed without any disruption or disconnection in the virtual mode. He further submits that his client is willing to place on record an undertaking that she shall not disconnect the session during the course of her deposition, and in the event such a disconnection occurs due to her act, the entire evidence tendered by her may be discarded in its entirety.

7. Heard the counsels. This court has given its anxious consideration to the Rules.

8. Before advertng to the facts of the present case, it is necessary to reproduce the relevant provisions of the **Video Conferencing Rules, 2020**, which govern the issue on hand. **Rule 5.1,5.3.1 and Rule 18.**

***Rule 5.1 – Preparatory Arrangements
(Coordinator)***

"There shall be a Coordinator both at the Court Point and at the Remote Point from which any Required Person is to be examined or heard. However, Coordinator may be required at the Remote Point only when a witness or a person



accused of an offence is to be examined.”

Rule 5.3.1 –

Sub Rule	Where the Advocate or Required Person is at the following Remote Point:-	The Remote Point Coordinator shall be:-
5.3.1	Overseas	An official of an Indian Consulate/ the relevant Indian Embassy / the relevant High Commission of India.

Rule 18 – Power to Relax

The High Court may if satisfied that the operation of any Rule is causing undue hardship, by an order dispense with or relax the requirements of that Rule to such extent and subject to such conditions, as may be stipulated to deal with the case in a just and equitable manner.

9. In the backdrop of the above framework, the issue which arises for consideration is whether, in the peculiar facts of the present case, the rigour of Rule 5.1 and Rule 5.3.1 requires to be strictly applied, or whether



relaxation under Rule 18 may be warranted to facilitate the effective participation of the petitioner/complainant in the proceedings.

10. In light of the unequivocal undertaking given by the petitioner, this Court finds merit in her request. It is not in dispute that the present prosecution is initiated at the instance of the petitioner, arising out of allegations of marital discord and domestic disputes between her and respondent No.2. It is in this backdrop that a crime was registered against the respondent-husband. Having regard to the peculiar circumstances of the case, and the practical difficulty faced by the petitioner in availing Embassy facilities owing to the mismatch of working hours between the Embassy and Indian Courts, this Court is of the opinion that both the examination-in-chief and the cross-examination of the petitioner/complainant can be permitted through video conferencing directly from her residence in the United States, subject to the safeguards imposed herein.



11. Rule 18 of the Video Conferencing Rules, 2020 confers a specific power upon the High Court to relax the rigour of any of the Rules, where sufficient cause is shown, and subject to the imposition of such conditions as may be deemed appropriate in the facts and circumstances of each case. The object of incorporating Rule 18 is to ensure that the procedural framework laid down in the Rules does not, in its strict application, become an impediment to the effective dispensation of justice. It recognizes that situations may arise where insistence on literal compliance with the Rules would cause undue hardship or prejudice to a party and, therefore, vests discretion in the High Court to relax such procedural requirements.

12. In this backdrop, the contention advanced on behalf of respondent No.2-husband that the petitioner ought to have approached the learned Magistrate for seeking relaxation of Rule 5.3.1 cannot be accepted. The power to relax the operation of Rule 5.3.1 is not conferred



on the trial court, but is specifically vested in the High Court under Rule 18. Consequently, the objection that the petitioner has prematurely invoked the jurisdiction of this Court, without first moving the trial court, is misconceived and untenable. It is, therefore, within the domain of this Court to consider whether the facts of the present case warrant exercise of the power of relaxation under Rule 18, so as to enable the petitioner/complainant to record her evidence through video conferencing without being constrained by the strict mandate of Rule 5.3.1.

13. In the present case, the petitioner, who is the complainant/wife, has expressed her willingness to furnish an undertaking before this Court to the effect that her conduct during the course of cross-examination shall not, in any manner, prejudice the rights of respondent No.2. She has undertaken not to disconnect the proceedings abruptly, and has further agreed that if such a disconnection occurs due to her act, the entire evidence tendered by her may be liable to be discarded. In view of



such an unequivocal undertaking, this Court is satisfied that the apprehension raised by respondent No.2 regarding disruption during cross-examination stands adequately addressed.

14. Rule 5.1 of the Rules contemplates the presence of a Coordinator at the remote point, where a witness or an accused person is to be examined. The intent behind this mandate is to ensure the authenticity of the process, to avoid external influence, and to maintain the integrity of the proceedings. However, in the case on hand, the petitioner is neither an accused nor a formal witness summoned by the prosecution; she is the complainant, at whose instance the criminal law has been set in motion. The proceedings are thus materially distinguishable from situations envisaged under Rule 5.1. Strict adherence to this requirement, in the peculiar facts and circumstances of the case, may not be warranted.

15. Further, Rule 5.3.1 requires that where the deponent is situated outside the territory of India, the



recording of evidence must ordinarily be facilitated through the Indian Embassy or Consulate. In the instant case, the petitioner has demonstrated that due to the difference in time zones and the non-availability of Embassy facilities coinciding with Indian Court hours, she is practically unable to avail such services. The insistence on routing the process exclusively through the Embassy would, therefore, cause undue hardship to the petitioner, and may even result in derailing the trial process.

16. Having regard to the above aspects, and in particular keeping in mind (i) the background of the marital discord which led to the registration of the crime, (ii) the fact that more than half of the cross-examination has already been completed without disruption, (iii) the petitioner's willingness to abide by stringent conditions and tender an undertaking, and (iv) the fact that the Rules themselves envisage relaxation under Rule 18, this Court is persuaded to exercise its discretionary power to relax the operation of Rule 5.3.1.



17. Accordingly, in exercise of the power conferred under Rule 18 of the Rules, 2020, this Court deems it just and proper to permit the petitioner/complainant to record her further examination-in-chief and cross-examination from her residence in the United States of America. The requirement of a coordinator at the remote point as contemplated under Rule 5.1 and the routing of proceedings through the Embassy under Rule 5.3.1 shall stand relaxed in the present case, subject to the following safeguards:

(i) The petitioner shall file an undertaking before this Court that she shall not disconnect or obstruct the recording of her evidence.

(ii) In the event of any disconnection attributable to her, the entire evidence tendered by her shall stand discarded.

(iii) The trial Court shall be at liberty to impose any additional safeguards that may be deemed necessary to ensure the fairness and integrity of the proceedings.

18. For the foregoing reasons, this Court is of the considered view that the facts of the present case



constitute a fit and proper instance for invoking the power of relaxation under Rule 18 of the Video Conferencing Rules, 2020.

19. Accordingly, this Court passes the following:

ORDER

- i) The petition is allowed in part.
- ii) The petitioner/complainant is permitted to record her further examination-in-chief without availing the services of the Indian Embassy, and the rigour of Rule 5.1 read with Rule 5.3.1 of the Video Conferencing Rules, 2020 is relaxed to this extent.
- iii) The petitioner/complainant shall also be made available for cross-examination through virtual mode, which shall proceed uninterruptedly and shall not be disconnected or terminated for any reason, so as to ensure



that no prejudice is caused to respondent No.2-husband during the course of cross-examination.

iv) The petitioner/complainant shall file an undertaking before the learned Magistrate that she shall not disconnect, disrupt, or abruptly terminate the video conferencing session during her cross-examination.

v) Upon tendering of such an undertaking, the learned Magistrate shall permit the petitioner/complainant to record her further examination-in-chief and cross-examination on the dates so assigned.

vi) The learned Magistrate shall fix the dates and timings of such virtual recording of evidence, after duly notifying both parties in advance.



vii) In the event the petitioner/complainant acts in violation of the undertaking furnished, the learned Magistrate shall be at liberty to discard the entire evidence of the petitioner/complainant, in accordance with the terms of the undertaking.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

MDS
List No.: 1 SI No.: 7