

**THE HIGH COURT OF KERALA**

Kochi : 682031

Email:dl1section.hc-ker@gov.in

Phone:04842562985

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**HCKL/4513/2025-DI-8-HC KERALA(1)****OFFICIAL MEMORANDUM**

Sub:- Indian citizen living abroad - examination through video conference on consent - instructions - issued.

Ref:- 1) High Court O.M DI-3/2345/2020 dated 01.02.2020.

2) *The Electronic Video Linkage Rules for Courts (Kerala), 2021*.

3) Letter No.25012/20/2024-Legal Cell dated 18.03.2025 of Home Ministry, Government of India.

The guidelines for service of summons/notices/Judicial documents abroad in criminal matters issued by Ministry of Home Affairs, Government of India were communicated to the Courts in the state vide O.M cited first above. In addition, the High Court had effected **Electronic Video Linkage Rules For Courts (Kerala), 2021** for all Courts in the State with the goal of expediting legal proceedings with the help of technology.

The High Court has been receiving requests from the District Judiciary for conducting examination of witness abroad in which they had requested for examination through video conferencing. Even though no service of summons is required in such matters, the Ministry of Home Affairs has been rejecting the requests for want of copy of summons.

Now, the Ministry of Home Affairs, Government of India, as per letter second cited, has clarified that in cases warranting examination of witness/complainant (Indian National), for the reason of being in a foreign country, the Courts can examine the individual with the assistance of Indian Mission in the residing Country and there is no need to involve the foreign government, in case the party is willing to be examined via video conference. .

Hence, the Courts in the state are informed that testimony through video tele conferencing of an Indian National residing abroad who is willing to be examined via video conference, can be recorded with the help of the Indian Mission situated there and that such requests shall be routed through the **relevant Territorial Division of the Ministry of External Affairs, Government of India, New Delhi 110 001** hereafter.

It is further clarified that in case the witness has already renounced Indian

citizenship or doesn't consent to be examined through the Indian mission, a request as per the guidelines issued by the Ministry of Home Affairs in F.No.25016/52/2019-LC dated 04.12.2019 shall be furnished for conducting the examination via video conference.

(By Order)

Nixon M Joseph  
REGISTRAR (DISTRICT JUDICIARY)

To:- All the Principal District & Sessions Judges in the state. (They shall communicate the above to all Judicial Officers in the District)

Copy to:- The Advocate General, Kerala (with C/L)  
The Director General of Prosecutions, Kerala (with C/L)  
The Director, Kerala Judicial Academy, Athani  
All officers and sections on the Judicial side  
Confidential Assistant to all Registrars and Additional Registrar (General Administration)  
The Administrative Records Section, High Court.  
DI-3 Seat, D-I Section, High Court of Kerala  
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Copy submitted to : Registrar (Judicial), High Court