

CWP No. 8733 of 2015
DECIDED ON: AUGUST 17, 2015

SURESH KUMAR

....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA KANT.
HON'BLE MR. JUSTICE JASPAL SINGH

- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. K.K. Garg, Addl. AG, Punjab.

Mr. Namit Kumar, Advocate
for respondent No.2.

SURYA KANT, J (ORAL)

The petitioner contested the election of Municipal Committee, Derabassi from Ward No.11 but unfortunately lost it. His supporters and voters later on convinced him that he lost the election not for want of votes but because of 'technical defect' in the functioning of Electronic Voting Machines. The petitioner has branded that defect as a fraud on the fairness of the election process and consequently, seeks an inquiry into the functional condition of the Electronic Voting Machines.

2. Heard learned counsel for the parties.

3. Though the respondents have rightly pointed out that the petitioner raised no objection at the time of counting of votes or soon thereafter and did not file any election petition etc, nevertheless, we are of the view that issue raised by him pertains to the purity and fairness of election process. It would thus, always be advisable to the State Election Commission to ensure that Electronic Voting Machines to be used in future elections, whether of a Municipality or Parliament are duly checked and it is ensured that there is no functional defect in such machines.

4. Disposed of.

(SURYA KANT)
JUDGE

(JASPAL SINGH)
JUDGE

AUGUST 17, 2015
SHAM