

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION IN EP NO. 44 OF 2019
IN
ELECTION PETITION NO. 8 OF 2014

RETURNING OFFICER, 015, AMALNER ASSEMBLY CONSTITUENCY
SUB DIVISIONAL OFFICER, AMALNER, DIST. JALGAON
VERSUS
SHIRISHDADA HIRALAL CHOUDHARI AND OTHERS

...
Mr. Bhushan B. Kulkarni, Advocate for applicant
Mr. Dhiraj Jethliya, Advocate for respondent no.1
Mr. Aniket Chaudhari, Advocate h/f. Mr. A.B. Kale, Advocate for
respondent no. 3
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 30-09-2019

ORDER ON APPLICATION – EXHIBIT – 96 :

1. This application has been moved by returning officer, referring to paragraph no. 3(i) of communication dated 15-07-2016 issued by the Under Secretary, Election Commission of India, New Delhi to the Chief Electoral Officers of all States and Union Territories and has further referred to that the EVMs and control units are to be used in the elections again.

2. After hearing learned counsel for parties, it appears that there is no dispute on that the EVMs and control units are not subject matter of the election petition and are not required in the election petition, for adjudication. There have been no prohibitory

orders with regard to EVMs and control units, issued by the court. In the circumstances, it does not appear that those would be required to be detained in the custody of the officer concerned hereafter on account of pendency of present election petition.

3. In view of the same, application (**Exhibit - 96**) is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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