

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPW) NO. 160 OF 2018
IN CRIMINAL WRIT PETITION (CWP) NO. 983 OF 2016

(Satish s/o Mahadeorao Uke vs. The Returning Officer, South West Nagpur Legislative Assembly
Constituency, Nagpur & Anr.)
(Devendra s/o Gangadharrao Fadnavis - Applicant)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : SUNIL B. SHUKRE &
PUSHPA V. GANEDIWALA, JJ.
MARCH 18, 2019.

Heard S.M. Uke, petitioner-in-person and Shri S.P. Dharmadhikari, learned Senior Advocate with Ms. Neerja Choubey, learned counsel for the respondents. Shri U.P. Dable, learned counsel appears for the applicant in Criminal Application.

The petitioner, who appears in person, has no objection to the prayer in this application. Hence, application is allowed and the petitioner is directed to add the proposed party as respondent in this petition on or before the next date of hearing. Application is disposed of accordingly.

CRIMINAL APPLICATION (APPW) NO. 165 OF 2018

Heard.

By this application, the Election Commission of India (ECI), Central Bureau of Investigation (CBI) and

Ministry of Law & Judiciary through its Secretary, Maharashtra State, are stated to be made as party respondents.

We are of the view that since the Returning Officer is already a party there and as no relief has been sought against the Central Bureau of Investigation, there is no need for adding the Election Commission of India and CBI as party respondents. The District Election Officer, who is respondent No. 2 would always be at liberty to get the necessary instructions from the Election Commission of India, if it is found to be necessary for reaching a just decision in this case.

As regards the Law Secretary of Ministry of Law & Judiciary is concerned, we find that it may be necessary considering the nature of the petition.

Accordingly, application is partly allowed. The petitioner is directed to add the Secretary, Ministry of Law & Judiciary, Maharashtra State, as a party respondent, on or before the next date.

Criminal Application No. 165 of 2018 is disposed of accordingly.

Let this petition be listed on board for hearing after four months.

JUDGE

JUDGE