

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3339 of 2017
Arising out of
Civil Writ Jurisdiction Case No.8405 of 2017

1. Surendra Kumar son of Late Ram Bahadur Mahto
2. Arbind Kumar son of Late Lala Sao
3. Gaurav Anand son of Sri Sachidanand Singh
All are resident of Mohalla - Bakhtiyarpur Bazar, P.S. - Bakhtiyarpur,
District - Patna.

... .. Petitioner/s

Versus

1. The State Election Commission, Bihar through The Chief Election Commissioner, Bihar, Patna Sone Bhawan, Birchand Patel Path, Patna
2. The State of Bihar through the District Magistrate-cum-District Election Officer (Nagar Palika), Bakhtiyarpur, District -Patna
3. The Secretary, State Election Commission, Bihar, Patna.
4. The Returning Officer Nagar Palika-cum-Sub-Divisional Officer, Barh, District - Patna.
5. Smt. Shyama, wife of Sri Awadhesh Kumar Singh, resident of Mohalla - Bakhtiyarpur Bazar (Behind of Post Office), P.S. - Bakhtiyarpur, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vipin Kumar, Advocate
For the State	:	Mr. Rakesh Ambashtha, AC to AAG 7
For the SEC	:	Mr. Amit Shrivastava along with Mr. Girish Pandey, Advocates

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Vipin Kumar, learned counsel for the petitioners; Mr. Rakesh Ambashtha, learned AC to AAG 7 for the State and Mr. Amit Shrivastava, learned counsel along with Mr. Girish Pandey, learned counsel for the State Election Commission.



3. The petitioners have moved the Court for the following reliefs:

“That the present application has been filed on behalf of the petitioners above-named for recall/modify the judgment/order dated 18.09.2017 passed by Hon’ble Mr. Justice Ahsanuddin Amanullah in C.W.J.C. No. 8405/2017 whereby the writ application has been disposed of considering the report submitted by Mr. Amit Shrivastava, learned counsel wherein it has been mentioned that the EVM for Ward No. 8 has been taken out from a blue box after breaking the seal which is false report.”

4. After hearing the matter for some time, the Court finds that what has been recorded in order dated 18.09.2017 passed in CWJC No. 8405 of 2017, with regard to the position which was reflected after viewing the CD relating to opening of the blue box in which the EVM was kept, the stand of the petitioners in the present case being that after going through copy of the CD provided to him, after disposal of the case, it does not show that the EVM was sealed, is not a ground for the Court to recall/modify the judgment/order dated 18.09.2017 passed in CWJC No. 8405 of 2017, for the simple reason that the report stated that the blue box, that is the cover in which the EVM is kept, was sealed which was reflected from the CD recording and not that the EVM was sealed.



The same has not been denied by the petitioners in the pleadings of the present case.

5. Having regard to the aforesaid, the Court does not find that any ground has been made out for interference.

6. Accordingly, the present application stands disposed off.

(Ahsanuddin Amanullah, J)

Anjani/-

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