

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

CIVIL APPLICATION (CAO) NO. 582 OF 2020 (Exh.8) IN ELECTION
PETITION NO. 21 OF 2019

Shivaji S/o Daulatrao Sonsare Vs. Raju Devnath Parwe and another

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

Court's or Judge's orders.

Mr. Uday Dable, Advocate for the petitioner
Mr. Firdos Mirza, Advocate for the respondent No.1
Mr. N.S. Rao, AGP for the respondent No.2 / State

CORAM : V.M.DESHPANDE, J.

DATE : 22nd DECEMBER, 2021.

The respondent No.2-Returning Officer of Legislative Assembly-51, Umred, (Scheduled Caste) has moved this application praying for release of EVMs and VVPATs for shifting the same from the present location to any other suitable location so as to make them free for using in future for other elections.

2. Election petition is filed against the respondent No.1.

3. Shri. Uday Dable, learned counsel for the election petitioner submitted and concurred with the submissions made by the learned Additional Government Pleader for the Returning Officer that the election of the returned candidate is challenged only on the ground that the Returning Officer has wrongly accepted the nomination papers of the returned candidate.

4. The merits and demerits in respect of the order passed by the Returning Officer accepting the nomination

papers of the returned candidate will have to be decided on its own merits. However, surely for deciding the said question, the EVMs and VVPATs are not at all necessary. Even, the learned counsel for the election petitioner also has no objection for releasing the same.

5. Looking to the challenge set up in the election petition against the returned candidate, I am of the view that there is a merit in the application moved by the Returning Officer. Therefore, the application is allowed and the EVMs and VVPATs, which are kept in strong room at Bhiwapur, as stated in paragraph 2 of this application is permitted to be shifted to any other suitable location so as to make them free for using in future for other elections.

6. Civil Application (CAO) No. 582/2020 (Exh.8) is allowed and disposed of.

CIVIL APPLICATION (CAO) NO. 553/2020 (Exh.9)

This is an application moved by the Returning Officer. Shri N.S. Rao, learned Additional Government Pleader for respondent – Returning Officer submits that at this stage he is not pressing this application.

Civil Application (CAO) No.553/2020 (Exh.9) is disposed of as ‘not pressed’.

JUDGE

MP Deshpande

Digitally signed by:MILIND
P DESHPANDE
Signing Date:22.12.2021
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