

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**902 CIVIL APPLICATION NO.12743 OF 2022
IN EP/16/2019**

THE RETURNING OFFICER ELECTION OF LOHA ASSEMBLY
NANDED AND OTHERS
VERSUS
MUKTESHWAR KESHAVRAO DHONDAGE AND OTHERS

...
Mr.Alok Sharma Advocate for Applicants.
Mr.R.I. Wakade Advocate for Respondent No.1.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 27th SEPTEMBER, 2022

ORDER :

1. By this Application, the applicants seek permission of this Court to permit them to remove the Electronic Voting Machines (for short "EVMs") from the strong room. It has been contended in the Application and learned Advocate for the applicants submits that the petition has been filed on the ground that respondent No.1 (returned candidate) did not disclose in Form No.26 as to whether FIR / case has been registered against him and under said circumstance when there are no allegations against the malfunction of EVMs they are seeking permission to remove the EVMs from the strong room.

2. Learned Advocate for respondent No.1 has no objection.

3. Learned Advocate for the applicants has produced on record copy of the order dated 6th September 2022 in Civil Application No.12569 of 2022 (in Election Petition No.15 of 2019) passed by co-equal Bench (**CORAM: MANGESH S PATIL, J.**), allowing the similar prayer. It is to be noted that the said application was allowed subject to condition that if so directed in future, the EVMs would be produced.

4. At the outset, it is to be noted that EVMs are stated to be kept in strong room by the applicants as a precaution and not under the orders of this Court, nor the petitioner, who is now respondent No.1 in this Application, is seeking any relief as regards the preservation of the data therein. Under such circumstance, the applicants are at liberty to dispose of or take out the EVMs, if they so desire.

5. The Civil Application stands disposed of accordingly.

[SMT. VIBHA KANKANWADI, J.]