

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4218 of 2024

Leela Devi Wife of Birendra Nath Karn, Resident of Village Betauna, P.S. Benipatti, District Madhubani.

... .. Petitioner/s

Versus

1. Smt. Radha Prasad Wife of Uma Shankar Prasad, Resident of village Bachhra, P.S. Benipatti, District Madhubani.
2. The District Election Officer-cum-District Magistrate, Madhubani.
3. The Returning Officer-cum-Block Development Officer, Benipatti, District Madhubani.
4. Smt. Janki Devi Wife of Jai Kumar Mukhiya, Resident of Village Betauna, P.S. - Benipatti, District - Madhubani.
5. Smt. Kanchan Mishra, Wife of Sri Akhilesh Mishra, Resident of village Betauna, P.S Benipatti, District - Madhubani.
6. Yashmin Saba Kadri, Wife of Abdul Kadir, Resident of Village Bachhra, P.S. Benipatti, District Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arjun Kumar, Advocate
	:	Mr. Alok Kumar, Advocate
For the State	:	Mr. Zeeshan Kalim, AC to SC 26

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-09-2024 Heard the parties.

2. The present petition has been filed for the grant of following relief:-

“That the present civil writ application has been filed for setting aside/quashing the order dated 04.10.2023 passed in Election Petition No. 04 of 2021 (Radha Prasad Vs. District Election Officer-cum- District Magistrate, Madhubani) by learned Sri J.P. Verma, Judicial Magistrate-cum-



Munsif, Benipatti whereby the petition dated 26.07.2023 praying therein to follow the provisions of Evidence Act while accepting the application dated 01.12.2021 as evidence and putting exhibit marks on the said application; and/or any other order or orders which has been passed by this Hon'ble Court in the interest of justice.”

3. Learned counsel for the petitioner is aggrieved by acceptance of the photo copies of the originals put forward on behalf of the respondent no.1 (Smt. Radha Prasad) instead of getting it verified.

4. According to him, the concerned Court must have satisfied itself after looking into the originals before accepting the photo copies.

5. This Court has taken note of order dated 04.10.2023 and the concerned Court which has recorded that the case is at its nascent stage and sufficient opportunity will be before the present petitioner (Leela Devi) to look into the said matter.

6. This Court accepts the observations made by the learned Munsif. Photo copies have been attached and the person



who has put forward the photo copies, it is an assumption that he/she has the original copies with him/her. Accordingly, if and when it is required, he/she will have to produce the originals.

7. Learned counsel for the petitioner submits that he may be permitted to seek permission of the concerned court at an appropriate stage for production of original documents.

8. The said comment has already made by this Court in earlier paragraph. No further comment is required.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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