

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2179 of 2024

In
Civil Writ Jurisdiction Case No.3960 of 2023

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Smt. Mala Sinha wife of Sitesh Raman, resident of White House, Duplex No. 19, Hanuman Nagar, Kankarbagh, P.S.-Patrakar Nagar, District-Patna.

... .. Petitioner/s

Versus

1. Shri Rajiv Kumar, The Election Commission of India through the Chief Election Commissioner Nirvachan Bhawan, Ashok Road, New Delhi.
2. Dr. Deepak Prasad, The State Election Commissioner, Bihar, 7, Sardar Patel Marg (Mangles Road), Patna, Bihar.
3. Shri H.R. Srinivas, The Chief Electoral Officer, 7, Sardar Patel Marg (Mangles Road), Patna, Bihar.
4. Shri Anand Kishore, the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
5. Dr. Chandrashekhar Singh, The District Magistrate, Patna, Bihar.
6. Ashish Chandra Yadav @ Ashish Chandra @ Satyendra Yadav @ Satyendra Kumar son of Shri Raisakal Rai, Resident of Old Kankarbagh, Gate No. 15, P.O. Lohiya Nagar, P.s. Patrakar Nagar, District-Patna.
7. Shri Upendra Sah, Sub Judge-VII, District and Session Court, Patna Sadar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Chandra
For the Opposite Party/s : Mr. Siddhartha Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 23-08-2024 1. Heard learned counsel for the petitioner, the learned counsel for the Election Commission of India and the learned counsel appearing on behalf of the O.P. No.6.
2. The learned trial court in compliance of the order dated 12.07.2024, has submitted his report contained in letter no.110 dated 24.07.2024, wherein it has been recorded that the election petition was filed on 24.01.2023, admitted on



01.02.2023 and was transferred to the concerned court from the court of learned Sub-Judge-I, Patna on 13.02.2023 and after issuance of notice and paper publication, the opposite party appeared on 05.04.2023 and thereafter filed his written statement on 23.06.2023 and the issue was settled on 12.09.2023, thereafter, the opposite party filed a transfer petition in the court of learned District Judge, Patna being Misc. (Transfer) Case No.102/2023, accordingly, the record was called for on 08.11.2023 by the learned District Judge, Patna and thereafter the case record was returned on 21.12.2023. Thereafter, petitioner, witness no.1 evidence was recorded and concluded on 27.02.2024, thereafter, several petitions were filed by both the sides and the said petitions were disposed of on 30.04.2024 and 11.06.2024. It also records that the opposite party of the election petition filed a petition on 12.06.2024 and the said application was pressed on 01.07.2024, seeking time in view of the general letter issued by this Hon'ble court, bearing General Letter (Civil) No.3 of 1963, in which it is mentioned that when a party moves Sub-ordinate Court for granting an adjournment to bring stay order from superior court, ordinarily 15 days time excluding holiday may be granted for the purpose, as such, 20 days time was allowed to the opposite party for



bringing an appropriate order from the Hon'ble Court. The report also records that the learned Sub-Judge-VIII, Patna has joined as Presiding Officer on 25.06.2024 and is taking all sincere efforts to get the Election Petition No. 01/2023 disposed of on merit, as early as possible, without granting unnecessary adjournments to any party, within six months.

3. The learned counsel appearing on behalf of the petitioner at this stage submits that he completely concurs with the report and does not press the contempt application any further but then submits that on 17.07.2023, the petitioner had filed the certified copy of the F.I.R., instituted against the O.P. No.6 along with other relevant documents, for placing reliance during the time of trial, to prove that the O.P. No.2 concealing his criminal antecedent, had contested the election, as such, the election of the O.P. No.2 be set aside but then it is submitted that the entire original documents filed by the petitioner is missing from the file of the court, for which, the learned Presiding Officer has also issued a show-cause dated 14.08.2024 to the office staff that as to under what circumstances the application filed on 17.07.2023 is missing.

4. The Court for the present is not expressing any opinion on the merits of the said submission but then expects



that the learned Presiding Officer shall ensure that the election petition is disposed of within the time frame, as recorded in the letter no. 110 dated 24.07.2024.

5. The Contempt application is disposed of.

(Satyavrat Verma, J)

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