

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORIGINAL APPELLATE JURISDICTION****INTERIM APPLICATION (L) NO. 26351 OF 2024****IN****ELECTION PETITION NO. 2 OF 2024**

Dy. District Election Officer

**....Applicant****IN THE MATTER BETWEEN**

Shahahji Nanai Thorat @

Shahajirao Dhondiba Thorat

**... PETITIONER****V/s.**The State of Maharashtra and Returning  
Officer & Ors.**....Respondents**

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**Mr. Tejas Deshmukh** with *Mr. Sagar Kursija and Mr. Ronak Utagikar, for the Applicant in IAL No.26351 of 2024.*

**Mr. Shahaji Nanai Thorat**, for the *Petitioner-in-Person in EP No. 2 of 2024.*

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**CORAM : SANDEEP V. MARNE, J.****Date : 2 SEPTEMBER 2024.****P.C. :**

1) This Interim Application is filed by the Deputy District Election Officer seeking a declaration of the Electronic Voting Machines involved in the present Election Petition are not necessary for adjudication or determining the dispute involved in the Election Petition. The Application also prays for a direction for release of 3374 Ballot Units and 1687 of Control Units which are kept in the custody of District Election Officer.

2) I have heard Mr. Deshmukh the learned counsel appearing for Applicant and Mr. Thorat - Petitioner-in-person, who has filed Affidavit-in-reply to the Interim Application.

3) It appears that the Election Petition has been filed calling in question the election of Respondent No.7. The grounds taken by the Petitioner seeking declaration of the election of Respondent No.7 to be void is about filing of alleged false and / or incomplete affidavit along with the nomination papers.

4) It appears that the Election Petition does not contain any averments with regard to the Electronic Voting Machines which were used in the election. In fact, in the Affidavit-in-reply filed by the Petitioner, this position is not disputed. The Petitioner-in-person states across the bar he has no objection for release of the concerned EVMs.

5) In that view of the matter, I do not see any impediment in allowing the Interim Application.

6) The Interim Application is accordingly disposed of by passing the following order :-

(i) It is declared that the grievance consisting of 3374 Ballot Units and 1687 Control Units which are in the custody of the District Election Office are not necessary for adjudication of the present

Petition or for determination of the dispute involved in the present Petition.

(ii) Accordingly 3374 Ballot Units and 1687 Control Units kept in custody of the District Election Officer are hereby directed to be released.

7) With the above directions, the Interim Application is disposed of.

8) List the Election Petition on **18 September 2024** as directed earlier.

**[SANDEEP V. MARNE, J.]**

GAYATRI  
RAJENDRA  
SHIMPI

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by GAYATRI  
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