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67-EP-5-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

67 ELECTION PETITION NO. 5 OF 2025

Raju Ramrao Shinde

VERSUS

Election Commission Of India Through Its Principal Secretary And
Others

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Mr. S. S. Thombre, Advocate for the Petitioner.

Mr. Alok Sharma, Advocate for Respondent No.2 and 3.

CORAM : KISHORE C. SANT, J.

DATE : 31st JANUARY 2025

PC :-

1. Heard the learned Advocate for the petitioner.
2. Learned Advocate Mr.Thombre seeks leave to delete the name of Respondent Nos.21 and 22.
3. Leave granted. Deletion be carried out forthwith.
4. The learned Advocate for the petitioner submits that the present petition is filed challenging the election of Respondent No.4 as MLA from Constituency No.108-Aurangabad West (SC). He further submits that, in the petition, there are material allegations made against

Respondent No.4 having committed misconduct falling under Section 123 of the Representations of People Act, 1951 (for short “the said Act). His representatives were found distributing bribe. It also falls under Section 123 (1)(B)(b) of the said Act. He invites attention to the FIR and NC complaint lodged at the instance of the persons from the Election Commission, stating that, they have come across a video in the mobile wherein it is seen that some persons are distributing the amount to the voters, asking the voters not to go for voting. The FIR and NC complaint are lodged on the basis of statements recorded by said person. The FIR was lodged by one Sagar Gore, Chief of Flying Squad Team and NC complaint was lodged at the instance of one Satyanarayan Muradi, who was also working as a member of Flying Squad Team. He has also produced on record pen-drive and news paper cuttings.

5. Considering all above, this Court finds that, case is made out to issue notice to the respondents.

6. Issue notice to the respondents, returnable on 21st February 2025.

7. Learned Advocate Mr.Alok Sharma, waives service of notice for Respondent Nos.2 & 3. He submits that, he has received instructions to

appear for Respondent Nos.2 and 3 and would file *vakalatnama*.

[KISHORE C. SANT, J.]