

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ELECTION PETITION NO. 15 OF 2025

Rohan Ramdas Satone

...Petitioner

V/s.

Union of India

...Respondent

Ms. Surbhi Agrawal i/b Arete Juris for the Petitioner.

Mr. Amit A. Karande for the Respondent No.6.

**CORAM : ABHAY AHUJA, J.
DATE : 23rd JUNE, 2025**

P.C. :

1. When the matter was called out in the morning session, Ms. Agrawal, learned Counsel appearing for the Petitioner sought some time to go through the orders passed by this Court in the matter and to address the Court accordingly. The matter was, therefore, kept back.

2. In the afternoon session, when the matter is called out, Ms. Agrawal, learned Counsel appearing for the Petitioner while making her submissions with respect to the concealment of the criminal antecedents by the Respondent No.5, purportedly leading to the corrupt practices and an unfair election affecting the democratic system although with no grievance made against the returned candidate viz. the Respondent No. 6 has submitted that this Court has the discretion to consider the Election Petition under Section 86.

3. Mr. Karande, learned Counsel appears for the Respondent No.6 and in response reiterates that an Election Petition has to be strictly in accordance with the Representation of the People Act, 1951 (the “Act”) and there is neither any ground as per Section 100 (d)(i) of the Act that the result of the election, in so far as it concerns the returned candidate has been materially affected nor the pleading, that the defect in the nomination paper was of a substantial character in accordance with Section 36(4) of the Act. That such an Election Petition is not a Petition in the eyes of the law. Mr. Karande has also submitted that copy of the Election Petition supplied to the returned candidate was also not the attested true copy, which submission has not been denied on behalf of the Petitioner. Mr. Karande, has accordingly submitted that the Petition be dismissed with costs. Learned Counsel has submitted that the costs be awarded in terms of the costs incurred as per the affidavit of costs tendered on the last occasion.

4. Ms. Agarwal, learned Counsel for the Petitioner in rejoinder and upon taking instructions from her client, the Petitioner, has requested for leniency in costs submitting that her client is desirous of withdrawing the Election Petition.

5. Upon this submission on behalf of the Petitioner, Mr. Karande, learned Counsel for the returned candidate, Respondent No. 6, has not only drawn this Court's attention to Section 109 of the Act, which concerns withdrawal of the Election Petition but also to Section 110 pertaining to the procedure for withdrawal of the Election Petitions and has submitted that even in the case of a withdrawal of the Election Petition costs would have to be paid by the Petitioner.

6. However, since Ms. Agarwal, learned Counsel appearing for the Petitioner has, on instructions, sought withdrawal, let an appropriate application in accordance with the Section 109 of the said Act be made and served on all concerned for seeking leave of the Court after which this Court will pass appropriate orders in accordance with Chapter IV of the Act.

7. While this order has just being dictated, Mr. Karande seeks deposit of security for costs under the Act, submitting that during the course of trial of an Election Petition, the High Court can at any time call upon the Petitioner to give further security or costs in addition to Rs. 2000/- as contained in Section 117(1) of the Act, and considering the conduct of the Petitioner and the affidavit of costs filed in this

Court, this Court may direct deposit of at least Rs. 5,50,000/- as security.

8. Considering the conduct of the Petitioner as recorded in the various orders of this Court, the request by Mr. Karande appears reasonable.

9. Mr. Karande had on 9th June, 2025, tendered across the bar an affidavit of evidence of costs of Rs. 5,50,000/- incurred till then. A perusal of the said affidavit indicates that the Respondent No.6 has incurred a costs of Rs. 3,50,000/- towards his Advocate as on 9th June, 2025. That Rs. 1 lac has been claimed as compensatory costs and Rs. 1 lac as punitive costs. After considering the same, I deem it appropriate to direct the Petitioner to deposit Rs. 3,50,000/- in this Court as security of costs within a period of two weeks.

10. List for compliance on **15th July, 2025, First on Board**. Let an appropriate application under Section 109 of the Act be filed by the Petitioner by then.

(ABHAY AHUJA, J.)

Nikita Gadgil

4/4