



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 92 OF 2025

APPLICANT : Bhojraj S/o. Narayan Totre,
Aged about 54 years, Occ. Service
(suspended), R/o. Near Shriram
Building, Ward No.3, Bhadech Layout,
Buldhana.

// V E R S U S //

RESPONDENTS :

1. State of Maharashtra,
Through Police Station Officer,
Police Station Buldhana City,
District Buldhana.
2. Returning Officer cum Block
Development Officer,
Panchayat Samiti Buldhana.

Ms. Payal Kaware, Advocate for applicant.

Shri A. R. Chutke, Additional Public Prosecutor for respondent
No.1.

Shri Anand P. Sadavarte, Advocate for respondent No.2.

**CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.**

DATE : 26/03/2025.

ORAL JUDGMENT : (PER ANIL S. KILOR, J.) :-

1. In the present matter, the offence is registered against the applicant for the offence punishable under Section 134 of the Representation of People Act, 1951 or disputing the notice given to the applicant. He failed to perform the assigned duty in relation to the State Assembly Elections. The FIR accordingly came to be

registered vide Crime No.1031/2024 under the above referred offence, which is sought to be quashed and set aside by the present application filed under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (For short, “BNNS, 2023”).

2. In the present matter, limited dispute involved is whether the applicant received the notice of election duty or not ? The learned counsel for the applicant is seriously disputing the receipt of such notice.

3. Learned counsel for the non-applicant No.2, in answer to said submission, pointed out a screen shot of the notice dated 06/11/2024 received by the applicant on his mobile. The said screen shot prima facie shows that the notice issued to the applicant was received by him on his mobile number. On the top of the said screen shot, the name of applicant as “*Totre Sar Nan*” is mentioned.

4. The said notice was in respect of assignment of election duty to the applicant.

5. Learned counsel for the applicant is seriously disputing the receipt of notice dated 05/11/2024. She points out that the

notice dated 05/11/2024 was served upon Mr.Shelke. Who allegedly informed that the service of notice was made on 06/11/2024 i.e. on the next date of training programme. Even if the argument of the learned counsel for the applicant is accepted that the notice of training was not received by the applicant before the date of training, the screen shot filed on record shows that the notice dated 06/11/2024 was prima facie served upon the applicant and he was directed to collect the EVM boxes and remain present on election duty.

6. The offence came to be registered against the applicant not for the reason that he did not attend the training, but for not attending the election duty on the date of election. Thus, according to us, there is material to show prime facie involvement of applicant in the alleged offence. In the circumstances, this is not a fit case for quashing of FIR.

7. Accordingly, application is rejected.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)