



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [APL] NO.203 OF 2023

[Lomesh Bhimrao Walke .vs. State of Maharashtra and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.R. Fule, Advocate for Applicant.
Ms. Shamsi Haider, APP for Non-Applicant No.1/State.
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CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.

DATE : APRIL 03, 2025.

1. The applicant is the Village Development Officer of Gram Panchayat, Nagepalli, Tahsil-Aheri, District-Gadchiroli. He has been made an accused in Crime No.27/2023 dated 28.01.2023 registered with Police Station Aheri, District-Gadchiroli for the offence punishable under Section 188, 171-F of the Indian Penal Code and Section 129 (2) and 129 (3) of the Representation of the People Act, 1950, 1951 and 1989.

2. The prosecution story is that, in a stone laying ceremony of compound wall of Kabrastan, the applicant was present. It is alleged that at the relevant time and date, the Code of Conduct was in force.

3. To show that the applicant being a Village Development Officer was prohibited from participating in such function or holding such function, a reliance is placed on a

Press-Note dated 29.12.2022, issued by the Election Commission of India, more particularly on Clause (I) of the instructions.

4. However, after going through the said Press-Note, it is evident that such instructions are applicable to the Ministers. In the circumstances, as these instructions are not applicable to the applicant, it cannot be said that there is a breach of such conditions or applicant has committed any offence.

5. In that view of the matter, as no offence constitutes as alleged, we are of the considered view that the present application needs to be allowed. Accordingly, it is allowed in terms of prayer Clause (i).

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)