



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**APPLICATION IN EP NO. 74 OF 2025
IN EP/18/2025**

**WITH ELECTION PETITION NO. 18 OF 2025
WITH APPLICATION IN EP NO. 75 OF 2025
WITH APPLICATION IN EP NO. 76 OF 2025**

**THE ELECTION COMMISSION OF INDIA THRU.
CHIEF ELECTION COMMISSIONER
VERSUS**

SHRI. PROF RAM SHANKAR SHINDE AND ORS.

.....
Advocate for Applicant/ECI : Mr. Sharma Alok Madangopal
Advocate for Respondents : Mr. Mukul S. Kulkarni in EP/18/2025
.....

**CORAM : Y.G. KHOBRAGADE, J.
DATE : 26.03.2026**

PC.:-

ORDER BELOW EXHIBIT-11 IN ELECTION PETITION NO.18 OF 2025

1. Heard advocate Mr. Sharma the learned counsel appearing for the applicant/ECI and returning officer and advocate Mr. Kulkarni the learned counsel appearing for the non-applicant no.1/original petitioner at length. None appeared for the non-applicant nos.2 to 11.

2. By the present application, the returning officer/applicant no.2 seeks permission for removal of EVM machines from the strong room. The

learned counsel appearing for the applicant/returning officer canvassed that the non-applicant no.1/original petitioner has filed the election petition on the ground that the non-applicant no.2 and his election agents have indulged into corrupt practices and distributed money to the voters while campaigning for elections and as such there is no allegation of malfunction of EVMs machines or tampering of EVMs / memory card. The non-applicant no.1/original petitioner has filed reply at Exh.14 and strongly opposed the application.

3. Advocate Mr. Kulkarni the learned counsel appearing for the present non-applicant no.1/original petitioner canvassed that the petitioner has specifically raised pleading that the petitioner present non-applicant no.1 submitted an application on 23.11.2024 with the returning officer for re-calculation of votes due to some miscalculation and on 23.11.2024 itself the returning officer passed an order and rejected the said application. Therefore, in case, in future the petitioner proves about necessity for recounting of votes in that event, the petitioner will not get an opportunity for recounting of votes. Hence, prayed for rejection of the application.

4. It is further canvassed that, the petitioner has already applied for checking and verification of burnt memory / micro controller of EVMs on 28.11.2024 and deposited the required fees of Rs.8,02,400/- but till date the returning officer has not decided the said application. Therefore, the EVM

machines are required to be preserved till the conclusion of the trial. It is submitted that the election result was declared on 23.11.2024 of Karjat-Jamkhed constituency, wherein, the present non-applicant no.1 was declared defeated by a margin of 1243 votes and the present non-applicant no.2/original respondent no.2 was declared as the elected candidate.

5. On perusal of pleadings, it does not reveal about any malpractice being committed in counting of votes, however, the present non-applicant no.1 defeated candidate filed an application on 23.11.2024 and alleged about miscalculation of the votes. On 23.11.2024, the returning officer itself passed an order and observed that as per Form No.17-A the total 260380 votes were reported on EVM machines and after counting of votes the figure was also 260380 and as there was no difference in the number of votes polled and counted, the request for re-calculation was rejected. Therefore, considering the grounds set out in the election petition, it will be just and proper to permit the returning officer to remove the EVM machines after storing all the data of votes on a permissible electronic mode and the data shall be preserved till the conclusion of the trial.

6. In view of above, Exhibit-11 an application for permission for removal of EVM machines is allowed. The returning officer shall store all the data of EVM and votes on any permissible electronic mode and shall keep the

same preserved under seal.

7. Place the election petition on 16.04.2026.

[Y.G. KHOBRAGADE, J.]