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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 278]

भोपाल, गुरुवार, दिनांक 26 सितम्बर 2024—आश्विन 4, शक 1946

विधि और विधायी (निर्वाचन) कार्य विभाग

भोपाल, दिनांक 26 सितम्बर 2024

फा.क्र. EP.09-2014-चार-वि.निर्वा.-187.- भारत निर्वाचन आयोग की अधिसूचना क्रमांक 82-म.प्र.-(09/2014)-2024, दिनांक 13 सितम्बर 2024 सर्वसाधारण की जानकारी हेतु प्रकाशित की जाती है.

राजेश कुमार कौल, सचिव.

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110 001

नई दिल्ली, तारीख 13 सितम्बर, 2024-22 भाद्र, 1946 (शक)

अधिसूचना

सं.-82/म.प्र./(09/2014)/2024- लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग वर्ष 2014 की निर्वाचन याचिका सं. 09 में माननीय मध्य प्रदेश उच्च न्यायालय (जबलपुर बेंच) के दिनांक 19.07.2024 के निर्णय/आदेश को एतद्वारा प्रकाशित करता है (श्री हरि सिंह रघुवंशी विरुद्ध श्री निशांक कुमार जैन एवं अन्य)

आदेश से,
हस्ता./-
(अमित कुमार)
सचिव,
भारत निर्वाचन आयोग.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

New Delhi, Dated 13th September, 2024 - 22 Bhadra, 1946 (Saka)**NOTIFICATION**

No. 82/MP/(09/2014)/2024 - In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgment order dated 19.07.2024 of the Hon'ble High Court of Madhya Pradesh (Jabalpur Bench) in the Election Petition No. 09 of 2014 (Sh. Hari Singh Raguvanshi Vs. Sh. Nishank Kumar Jain & Others).

By order,
Sd./-
(AMIT KUMAR)
Secretary,
Election Commission of India.

IN THE HIGHCOURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ELECTION PETITION No.09 OF 2014

HARI SINGH RAGUVANSHI

VERSUS

NISHANK KUMAR JAIN AND ORS.

APPEARANCE-

***(SHRI SHIVAM SHARMA ON BEHALF OF SHRI DEEPAK KHOT-
ADVOCATES FOR THE PETITIONER)***

(SHRI NAVAL KISHOR GUPTA- ADVOCATE FOR RESPONDENT NO.1)

Reserved on : 08.07.2024

Pronounced on : 19.07.2024

This petition having been heard and reserved for order, coming on for pronouncement this day, Justice Sanjeev S Kalgaonkar pronounced the following:

ORDER

This election petition under Section 80 of the Representation of the People Act is filed for declaring the election of respondent No.1 Nishank Kumar Jain as Member of Madhya Pradesh Legislative Assembly, 145 Basoda Constituency to be void and also declaring the petitioner as duly elected Member of Madhya Pradesh Legislative Assembly from the same constituency.

The petition *inter alia* states that he has submitted his nomination

form in the general election of Madhya Pradesh Legislative Assembly, 2013, for the Constituency No.145 Basoda in District Vidisha. Respondent No.1 also submitted his nomination papers on 07.11.2013. He has deliberately concealed the fact that he being a Director of Vijya Bank was holding the office of profit and as such, he is disqualified from contesting the election. Respondent No.1 was a Director of Vijya Bank and he was also indicted in various Committees of the Bank as member. He has received remuneration from Vijya Bank. Therefore, he was holding an office of profit under the Government. Respondent No.1 was ineligible for being elected as Member of Madhya Pradesh Legislative Assembly by concealing aforementioned fact. Respondent No.1 has obtained votes by corrupt practice, therefore, his election as Member of Madhya Pradesh Legislative Assembly from 145 Basoda Constituency is illegal and void. It is prayed that election of respondent No.1 be declared to be void and petitioner be declared as duly elected Member of Madhya Pradesh Legislative Assembly from 145 Basoda Constituency.

During pendency of this election petition, sole petitioner submitted I.A. No.3732/2024, an application for withdrawal of election petition along with the affidavit of petitioner Harisingh Raghuvanshi. It is stated in the petition that in recently conducted election of Madhya Pradesh Legislative Assembly, petitioner has been elected as Member of Madhya Pradesh Legislative Assembly. He does not wish to prosecute the petition and wish to withdraw the same. Therefore, the proceedings may be concluded and petitioner may be permitted to withdraw the election petition.

The notice of withdrawal of election petition was published in the official gazette dated 21.06.2024 under Section 109 (2) of the

Representation of the People Act, 1951. In compliance with the order dated 30.05.2024, copy of I.A. No.3732/2024 was supplied to all the respondents. Learned counsel appearing for respondent No.1 has no objection to withdrawal of the petition. None of the other respondents has submitted any objection till date. The petitioner has applied for withdrawal of this election petition for the reason that he has been elected as Member of Madhya Pradesh State Legislative Assembly in next election. There is nothing to suggest that application is induced by any bargain or illegal consideration or the withdrawal is done under any coercion or undue influence. The withdrawal appears to be genuine and voluntary. No public interest would be affected for the reason of withdrawal of petition.

Considering the aforementioned fact situation, **I.A. No.3732/2024** is allowed and the election petition is **dismissed as withdrawn**. The cost of respondents shall be incurred by the petitioner. The notice of withdrawal shall be published in the official gazette. If no person applies to be substituted within 14 days of such publication as provided under Section 110(3)(C) of the Representation of the People Act, 1951, the Registry shall report withdrawal of petition to the Election Commission under Section 111 of the Act, 1951.

Sd./-
(SANJEEV S KALGAONKAR)
Judge.