

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Election Petition No. 5/2024

Purushottam Lal S/o Shri Charansingh

-----Petitioner

Versus

Sanjana W/o Shri Kaptan and ors.

-----Respondents

For Petitioner(s)	:	Petitioner present in person
For Respondent(s)	:	Mr. R.D. Meena, Mr. Hemant Kumar Singh for respondent No.1 Mr. Abhishek Mewara for respondent No.2. Mr. Anurag Sharma for Election Commission of India.

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

16/10/2025

1. The Election Petition comes up on three misc. applications filed by petitioner.
2. Heard petitioner in person and counsel appearing for contesting respondent No.1-returning candidate.
3. Application I.A. No.11/2025 has been filed by petitioner to summon three witnesses (i) Branch Manager, Rajasthan Gramin Bank, Branch Kherli, Tehsil Kathumar, District Alwar, (ii) District Transport Officer, District Alwar and (iii) Returning Officer and District Magistrate i.e. District Election Officer, Bharatpur.
4. Summoning of Branch Manager, Rajasthan Gramin Bank has been found relevant and necessary for clarification in respect of Bank Account of respondent No.1 bearing no. 44240100015168. The Bank Officer issued letter Exhibit A/8 stating *inter alia* that such Bank Account has closed on 30.12.2023, whereas according to petitioner, such Bank Account was active and in operation even

in month of March, 2024 as was reflecting in Jan Aadhar Card of respondent No.1 but respondent No.1 did not disclose details of this Bank Account in her nomination form submitted on 28.03.2024. Hence, petitioner questions the validity/sanctity of documents Exhibit A/8, issued by the Bank, in respect of closure of such Bank Account. For such reasons, permission to summon the Bank Manager of Rajasthan Gramin Bank with relevant record of Bank, having nexus with issuance of documents Exhibit A/8 dated 26.08.2025, is granted. On filing summons and requisite fee, same be issued for appearance of Branch Manager, along with record, before this Court to depose his statements on the next date of hearing.

5. In respect of summoning of District Transport Officer, Alwar, his relevance is far fetched, as the transfer/sale of two motorcycles in question, by husband of respondent No.1 in favour of third person Yaduveer Singh as stated by petitioner in para no.9 of the Election Petition are not disputed facts and secondly petitioner did not ask any question in cross examination of respondent No.1. In that view, petitioner does not press his prayer to summon District Transport Officer, Alwar.

6. So far as summoning of Returning Officer i.e. District Election Officer, Bharatpur is concerned, he is already respondent No.6 and duly represented through counsel. He is otherwise expected to appear in evidence, being material and relevant witness. Hence, summons be issued to respondent No.6, Returning Officer cum District Magistrate, Bharatpur who acted as District Election Officer, Bharatpur in the Lok Sabha Election-2024, in constituency of Bharatpur, to appear before this Court, along

with record, to depose his evidence/statements. Petitioner and respondent No.1 shall be at liberty to ask questions from him.

7. Accordingly, application (I.A. No.11/2025), filed by petitioner, stands disposed of.

8. Vide application No.(IA No. 12/2025), petitioner has prayed to produce certain additional documents, which have been provided to him by the Election Officer, pursuant to his applications dated 18.09.2025 under Rule 88 of the Conduct of Election Rules, 1961 (for short, 'the Rules of 1961'). It is noteworthy that previous applications dated 17.12.2024, filed by petitioner to provide such documents, was not allowed vide reply dated 08.01.2025, however, later on copies of documents have been provided in absence of subsequent application dated 18.09.2025. These documents includes, appointment of Agent Bhupendra by respondent No.1 as her Agent, details of expenditure of register showing day to day expenses incurred in election campaign, orders passed by Media Certificate and Monitoring Committee (MCMC) and advertisements of candidature of respondent No.1 in the daily newspaper Dainik Bhaskar and Rajasthan Patrika. Petitioner wanted to produce these documents during cross-examination of respondent No.1 and relevant questions, in respect of non-disclosure of the persons, who bore expenses of publication of advertisement in newspaper, were asked question No.23, can be looked into. Respondent No.1 denied to reply such questions in absence of these documents on record. Thus, the additional documents are found to be relevant to the issues involved in this Election Petition and petitioner has

furnished sufficient explanation for not being able to produce these documents earlier.

9. In addition, it is noteworthy to record the statements of petitioner in person made at bar that in order to exhibit and prove these additional documents, if allowed to be taken on record, petitioner shall not recall/summon respondent no.1 again. He would seek only permission to exhibit these documents by filing his own affidavit.

10. In view of the above discussion and the statements of petitioner in person, this Court finds it fit to take these additional documents on record.

11. Accordingly, application (IA No.12/2025) stands allowed.

12. Another application (I.A. No.13/2025) has been filed by petitioner under Sections 58 and 60 of Bhartiya Sakshya Adhiniyam, 2023 supported with affidavit that these additional documents are part of Government record which have been supplied to him under Rule 88 of the Rules of 1961 from the Returning Officer, hence, can be held admissible in evidence. This application, being a supportive application to consider the admissibility of additional documents as per Sections 58 and 60 of the Bhartiya Sakshya Adhiniyam (Indian Evidence Act, 2023) are also allowed.

13. Petitioner is permitted to produce an additional affidavit marking exhibit of additional documents. Respondent No.1 shall be at liberty to cross examine the petitioner on these additional documents, if so desire, as also respondent No.1 may appear in person to depose her statements/evidence on these additional documents, if she so chooses.

14. On filing summons and requisite fee, if any, Branch Manager, Rajasthan Gramin Bank, Branch Kherli, Tehsil Kathumar, District Alwar and Returning Officer and District Magistrate i.e. District Election Officer, Bharatpur, be summoned before this Court on 13.11.2025. Petitioner is ready to own responsibility to serve the summons in person upon the respective authorities.

15. List the matter on 13.11.2025 in the supplementary cause list.

(SUDESH BANSAL),J