



2026:RJ-JP:23284

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Election Petition No. 1/2023

Purushottam Lal S/o Shri Charansingh

-----Petitioner

Versus

Ritu Banawat W/o Shri Rishi Bansal & Ors.

-----Respondents

For Petitioner(s)	:	Petitioner in person
For Respondent(s)	:	Mr. Bipin Gupta
		Mr. Abhishek Singh
		Mr. Ravi Chirania
		Mr. Deen Dayal Sharma
		Mr. Raj Kumar Goyal
		Mr. G.S. Gill, AAG

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

15/04/2025

1. Heard the petitioner and counsel for the respondent No.1 on the applications (4/2025 & 5/2025).
2. Application No.5/2025 filed by petitioner under Order 7 Rule 14 r/w Section 151 CPC, 1908, to take on record the copy of application dated 11.11.2023 through which petitioner obtained the certified copies of few documents, enclosed with the election petition, under Rule 93 (2)(ख) of Conduct of Election Rules, 1961, copy of receipt of depositing the requisite fee, copy of the Register showing the certified copies and Certificate issued under Section 63 of Bharatiya Sakshya Adhiniyam, 2023.
3. Respondent has not filed reply to the application No.5/2025.
4. The documents sought to be produced along with the application are evidence at least to consider another application No.4/2025, seeking permission to produce secondary evidence



and genuineness of documents are not in question, hence same is allowed. The documents are allowed to be taken on record.

5. Accordingly, the application No.5/2025 stands disposed of.

6. Vide application No.4/2025, petitioner is praying to grant permission to lead secondary evidence in various number of documents enclosed with the election petition and referred in the application.

7. It has been pointed out that the documents referred in para No.2 were obtained under Rule 93 (2)(ख) of Conduct of Election Rules, 1961, documents referred in para 3 of the application were obtained under Right to Information Act, 2005 (RTI) and documents referred in para 4 were obtained under Rule 12.1 (A) of the Rajasthan Motor Vehicle Rules, 1990.

8. It has been urged that documents were issued by the Government authorities from the Public Office and fall within purview of Section 58 (i) r/w Section 60(f) of the Bharatiya Sakshya Adhiniyam, 2023, hence petitioner be granted permission to adduce these documents as secondary evidence.

9. Respondent No.1 who is contesting party to the election petition has filed reply to the application No.4/2025, raising first objection that as far as documents referred in para No.3 of the application and allegedly obtained under Rule 93 (2)(ख) of Conduct of Election Rules, 1961 are concerned, same are suspicious for the reason that in the previous application, petitioner alleged to obtain these documents under RTI Act, 2005.

Second objection is that these documents were provided to petitioner under RTI, 2005 are not admissible in evidence since



same cannot be equated with the certified copies issued under Section 58 (I) of Bharatiya Sakshya Adhiniyam, 2023.

Third objection is that petitioner has not served any notice under Section 64 of Bharatiya Sakshya Adhiniyam, 2023 to the respondent No.11- Returning Officer from whose possession, the copies of such documents have allegedly been obtained.

10. Having adverted to the rival contentions of both the parties, this Court is of considered opinion that the documents on which secondary evidence has been prayed for, are admittedly in power and possession of Returning Officer and genuineness of documents, have not been doubted by the respondent. The objection in respect of admissibility of documents provided under RTI is concerned, can be raised and considered at the time of exhibiting the documents.

11. As far as documents referred in para 3 of the application, contrary stand of petitioner in obtaining such documents under Rule 93 (2)(ख) of Conduct of Election Rules, 1961 is concerned, application dated 11.11.2023 has already been placed on record by the petitioner along with the application No.5/2025, which has been taken on record. Hence, as far as these documents are concerned, there is no contrary stand of petitioner to obtain such documents under Rule 93 (2)(ख) of Conduct of Election Rules, 1961.

12. In respect of non-issuance of notice under Section 64 of Bharatiya Sakshya Adhiniyam, 2023, in the given facts and circumstances, same cannot be held mandatory since the respondent No.11-Returning Officer is party to the election petition and he has not repudiated the prayer of petitioner for



grant of secondary evidence and has not denied the documents to be falling in the category of secondary evidence.

13. Undoubtedly, the documents on which secondary evidence has been prayed for, are foundational documents to make out a case by the petitioner to support the grounds of election petition. The documents have been obtained from the Public Office and are certified copies under the respective Acts. Thus, by keeping reserve the right of respondent No.1 to raise objection in respect of admissibility of either of the documents at the time of exhibiting of the documents, application No.4/2025 is allowed. Petitioner is permitted to lead secondary evidence of the documents, referred in the application subject to admissibility of the same.

14. Accordingly, the application No.4/2025 stands disposed of.

15. Since in the light of same order, two another applications (5/2025 & 6/2025) filed in S.B. Election Petition No.5/2024 have also been allowed, therefore, copy of this order be placed in the file of S.B. Election Petition No.5/2024.

16. List the matter for petitioner's evidence on 24.04.2025 in supplementary list.

(SUDESH BANSAL),J