



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

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

07/05/2025

1. Heard petitioner in person and counsel appearing on behalf of contesting respondent No.1 in respect of the objections to exhibit documents, i.e., Annxs.2, 9, 10, 87-96, 98, 99, 164-166, 187, 192, 201, 204-206, 223 & 224 annexed with affidavit of petitioner.

2. As far as Annx.2, 98 & 99 are concerned, same are press notes, released by the Election Commission of India (for short, "ECI") and available on its Website, which have been allegedly downloaded by the petitioner from the website of ECI, hence, these documents are permitted to be exhibited as electronic record.

3. Annx.9 is the family data of respondent No.1 available on Website of Jan Aadhaar Yojana of the Government and has been stated to be downloaded by petitioner from the website of Government. Same is also permitted to be exhibited as electronic record.



4. Annx.10 is an online Nomination form, filled by respondent No.1 to contest the Election for Member of Legislative Assembly (MLA) Constituency B-76 in the year 2013. The objection by counsel for respondent No.1 is that same may not be treated as electronic record under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 (for short, "Adhiniyam-2023"). In order to meet out the objection, petitioner submits that such nomination form of respondent No.1 is available on the website of ECI from where he has downloaded this form in his own computer and by obtaining the hard print thereof, has placed this document along with his own certificate as required under section 63 of Adhiniyam-2023.

Taking into consideration the nature of document, which has been obtained from the website of ECI, the same is permitted to be exhibited as electronic record.

5. Annxs.87-96 are the photostat copies of the letters, allegedly sent by petitioner himself under his signature to the Returning Officer, pointing out complaints/ objections in respect of eligibility of the contesting candidates respondents No.1 to 10.

The objection of counsel for respondent No.1 is that these letter are neither carbon copy nor receipt of the Returning Officer is available thereupon, hence such photostat copies may not be held admissible in evidence.

This Court finds that as per affidavit of petitioner, the original copy of these letters has already been sent to the Returning Officer and the photostat copies procured through mechanical process and duly attested under the signature of petitioner has been placed on record, hence, same fall within purview of



secondary evidence under Section 58(ii) of Adhiniyam-2023, hence, such letters are permitted to be exhibited.

6. Annxs.164-166 and 204-206 are the documents obtained by petitioner under Right to Information Act, 2005. These documents are allowed to be exhibited, subject to objection of the respondent No.1, in respect of admissibility of these documents in evidence as secondary evidence, to be considered and decided at the time of final hearing. Accordingly, objection stand disposed of at this stage.

7. Annxs.187 & 192 are the letters dated 25.07.2024 & 06.09.2024 respectively, allegedly sent by respondent No.1 under her signature to the Chief Minister of Government of Rajasthan.

Petitioner sought to place these letters on record to show that respondent No.1, despite having knowledge about the pendency of the present Election Petition, evaded service of notices and did not put in appearance before the court.

However, in view of fact that respondent No.1 later on has put in appearance and submitted her reply to the Election Petition, petitioner does not press to exhibit these letters in his evidence.

Accordingly, the objection in respect of admissibility of Annxs.187 & 192 stands waived.

8. Annx.201 is the certificate furnished by petitioner under Section 65-B of Indian Evidence Act, 1972, which is permitted to be exhibited on no objection of the counsel for respondent No.1.

9. Annx.223 is the application, submitted by petitioner before the District Transport Officer to obtain an affidavit available on record of the Transport Office, allegedly sworn by Mr. Rishi Bansal (husband of respondent No.1). Pursuant to such application, the



affidavit of Mr. Rishi Bansal has been provided to petitioner, which has been placed on record as Annx.224.

The objection in respect of admissibility and relevancy of these documents, shall be considered at the time of final hearing of the Election Petition and subject to such objection, both Annxs.223 & 224 are permitted to be exhibited in petitioner's evidence.

10. Accordingly, all objections stand disposed of.

11. In view of above, except Annexures 187 & 192, other documents are permitted to be exhibited.

12. Let the matter be listed on 21.05.2025 in supplementary list at 08:00 AM for cross-examination of the petitioner by the counsel for respondent No.1.

(SUDESH BANSAL),J

RONAK JAIMAN/171-S