

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.6002 OF 2004

MADHU SINGH
Appellant(s)

VERSUS

BIDESH SINGH & ORS.
Respondent(s)

(With appln. for exemption from filing O.T. and with office report)

Date : 28/07/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s)

Mr.Raju Ramachandran, Sr.Adv.

Mr. Rudreshwar Singh, Adv.

Mr. Shishir Pinaki, Adv.

Mr. Kaushik Poddar, Adv.

Mr. Prashant, Adv.

Mr. Sanjay Jain, Adv.

For Respondent (s)

Mr. L.R. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

The civil appeal is dismissed, in terms of the signed order. No costs

(N. Annapurna)

(V.P. Tyagi)

Court Master

Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6002 OF 2004

Madhu Singh
Appellant(s)

...A

Versus

Bidesh Singh & ORs.
Respondent(s)

...R

O R D E R

The elected candidate whose election was set aside by the High Court, in terms of

the impugned judgment, is the appellant before us. During the pendency of this appeal,

admittedly, fresh elections have taken place and, therefore, the challenge in this appeal to

the judgment of the High Court in setting aside the election of the appellant has become

infructuous.

The appellant had, however, filed a recrimination petition under Section 97 of the Representation of People Act, 1951 alleging that respondent No.1, election petitioner before the High Court, had committed several acts which amount to electoral malpractices. The

High Court, on detailed examination of material on record, including the oral testimony of witnesses such as R.W.Nos.5, 6, 11, 13, 15 and the appellant, R.W.41, came to the conclusion

that from the evidence on record the charges of corrupt practice levelled against respondent No.1 do not at all stand substantiated beyond reasonable doubt. It does not appear that the

plea of the appellant was rejected only on the ground of absence of contemporaneous

documents having been brought by him on record. In fact, it is on the appreciation of the

entire evidence that the plea was rejected. We see no reason to take a different view of

appreciation of evidence on the recrimination petition of the appellant.

In this view, the appeal is dismissed. No costs.

.....J.

(Y.K. SABHARWAL)

....J.

.....
(ARUN KUMAR)

.....J.

(B.N. SRIKRISHNA)

New Delhi,

July 28, 2005.