

**Khuman Singh Vs. the State of Madhya Pradesh Judgement Given By:
Hon'ble Shri Justice Keshav Kumar Trivedi**

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Court : Madhya Pradesh

Decided On : Feb-12-2014

Appellant : Khuman Singh

**Respondent : The State of Madhya Pradesh Judgement Given By: Hon'ble Shri
Justice Keshav Kumar Trivedi**

Advocate for Pet/Ap. : Shri. K.S.Rajput

Judgement :

WRIT PETITION No.12830/2010 1 12.02.2014 Shri K.S.Rajput, learned Counsel for the petitioner.

Heard on the question of admission.

This petition under Article 226 of the Constitution of India is directed against the order dated 10.08.2010 passed in Revenue Case No.10-A/1989 Year 2009-2010 by the Sub Divisional Officer, Harsood, District Khandwa.

The petitioner in fact was the election petitioner, who filed the election petition challenging the validity of election of returned candidate/respondent No.4.

It was contended that the election was not properly conducted, counting of votes was not rightly done and illegally the respondent No./returned candidate was

declared elected.

Allegations of corrupt practice were also made in the election petition.

The election petition was entertained by the Election Tribunal.

Notices were issued to the respondents and after obtaining reply and recording the evidence, the order was passed holding that all the grounds raised by the petitioner with respect to the illegalities committed in conducting the election were not proved.

The election petition was thus dismissed.

It is contended by learned Counsel for the petitioner that if the evidence adduced by the petitioner is looked into, it would be clear that the election was not properly conducted.

The documents relating to evidence have not been filed to show which part of the evidence was not looked into by the Election Tribunal.

Some of the statements have been filed by the petitioner, which are not indicating WRIT PETITION No.12830/2010 2 any fact that the statements of witnesses were not properly evaluated by the Election Tribunal.

The Election Tribunal has in fact framed the issues and one by one decided the issues, with respect to the objections raised by the petitioner in his election petition, on the basis of the evidence.

Proper evaluation of evidence is done by the Election Tribunal and contradictions in the statements of witnesses have also been noted properly.

If an election petition is decided in such a manner, interference in the order of Election Tribunal is not called for unless it is demonstrated that the relevant evidence produced by the petitioner was not looked into by the Election Tribunal.

In view of the aforesaid, there is no force in the writ petition, which has remained pending for about a period of four years without even entertaining the same.

The writ petition is accordingly dismissed without notice to the other side.

(K.K.Trivedi) Judge Skc

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