

ITEM NO.52

COURT NO.12

SECTION X

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

Petition(s) for Special Leave to Appeal (C) No(s). 20926/2017

(Arising out of impugned final judgment and order dated 02-06-2017 in WPPIL No. 57/2017 passed by the High Court Of Uttarakhand At Nainital)

RAMESH PANDEY

Petitioner(s)

VERSUS

ELECTION COMMISSION OF INDIA & ANR.

Respondent(s)

(IA No.74169/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 03-12-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Devadatt Kamat, Adv.
Mr. Javedur Rahman, Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Aditya Bhat, Adv.
Mr. Gautam Talukdar, AOR
Mr. Ashwin G. Raj, Adv.

For Respondent(s) Mr. Amit Sharma, AOR
Mr. Dipesh Sinha, Adv.
Ms. Ayiala Imti, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard the learned counsel for the parties.

Application for exemption from filing certified copy of the impugned order is allowed.

The Public Interest Litigation, as was filed before the High Court was concerning the Assembly Election held in February-March, 2017 and raising a specific plea about the stand taken by the Election

Commission about the effectiveness of EVMs at the relevant time.

That aspect does not warrant any further consideration, as we agree with the High Court to that extent.

However, the High Court in the impugned judgment has made further observation, which reads thus :

“xxx xxx xxx

We, however, in the larger public interest restrain all the recognized National Political Parties, recognized State Political Parties, other political parties, Non-governmental Organizations (NGOs) and individuals from criticizing the use of EVMs in the recently conducted elections of the State Assemblies even by approaching the Electronic Media, Press, Radio, Facebook, Tweeter etc. till the decision of the election petitions.”

xxx xxx xxx

The above observation in the impugned judgment be deemed to have been effaced from the record for all purposes in terms of this order, to which both the parties have no objection. We order accordingly.

The special leave petition is disposed of in the above terms.

(NEETU KHAJURIA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER