

HIGH COURT OF MADHYA PRADESH MAIN SEAT
AT JABALPUR

W. P. No. 28106/2018

Naresh Saraf

versus

Election Commission of India and others.

Shri Brian Di'Salva Senior Advocate with Shri
Samresh Katare Advocate for petitioner.

Shri Siddharth Seth, Advocate for respondent No. 1
and 2

Present:

Hon'ble The Chief Justice S.K. Seth, &

Hon'ble Shri Justice Vijay Kumar Shukla.

O R D E R

(Passed on 6th December, 2018)

Per Seth C.J.

This petition has been filed expressing concern over the alleged lack of sufficient security in some districts in respect of polled/unused EVMs and VVPATs in the assembly election in the State, which went to poll on November 28, 2018.

2. We have heard learned counsel for petitioner and the Election Commission of India at length.

3. Shorn of unnecessary details, certain instances have been alleged in the petition to contend that after the poll, attempts were made to temper with the polled EVMs/VVPATs used in Bhopal, Satna, Shajapur, Sagar and Khandwa. Petitioner has also filed the representation made in this regard (through I.A..No. 14197/18) to the Election

Commission of India and the Chief Electoral Officer, Madhya Pradesh.

4. Learned Counsel appearing for the Election Commission of India refuted all allegations/conetntions and submitted that all necessary instructions were issued by the Election Commission of India well in advance, for the safe upkeep of polled EVMs/VVPATs and unused/reserved EVMs/VVPATs at the end of poll. According to him, on the representation of the Madhya Pradesh Congress Committee, the Chief Electoral Officer, Madhya Pradesh on December 2, 2018 had submitted incident wise detail report to the Election Commission of India.

5. Again on December 4, 2018 the Chief Electoral Officer submitted further report to the Election Commission of India refuting the media reports on account of short term failure of CCTV camaras due to power cut in Bhopal and delay in depositing 3 unused EVMs/VVPATs machine in Khandwa.

6. Careful reading of the aforesaid reports, which were produced for our perusal, shows that the **strong rooms** for storing polled EVMs/VVPATs and warehouses for unused/reserved EVMs/VVPATs are separate buildings with separate security arrangements. It was further clear that the strong room with polled EVMs/VVPATs were sealed immdiately after poll to be opened on the day of counting i.e.on 11.12.2018. These strong rooms are under the security of Central Armed Paramilitary Forces with a triple cordon of security. The Election Commisson of India has also informed the Indian National Congress, New Delhi about the remedial measure already taken. Thus, we are of the

considered view that in light of above, we feel that no further action is required by us in this petition. The writ petition is accordingly disposed of.

7. Ordered accordingly.

(S.K.Seth)
Chief Justice

(Vijay Kumar Shukla)
Judge

rao