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से भी डाउन लोड किया जा सकता है.



मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 101]

भोपाल, मंगलवार, दिनांक 21 अप्रैल 2026-वैशाख 1, शक 1948

विधि और विधायी (निर्वाचन) कार्य विभाग

भोपाल, दिनांक 21 अप्रैल 2026

फा. क्र. 9-2024-4-वि.निर्वा.-16.- भारत निर्वाचन आयोग की अधिसूचना क्रमांक 82-म.प्र.-वि.स.-
(9/2024)-2026, दिनांक 28 मार्च 2026 सर्वसाधारण की जानकारी हेतु प्रकाशित की जाती है.

संजय कुमार श्रीवास्तव, उपसचिव.

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110 001

नई दिल्ली, तारीख 28 मार्च, 2026-चैत्र 7, 1948 (शक)

अधिसूचना

सं०: 82/म०प्र०-वि०स०/(9/2024)/2026:- लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग वर्ष, 2024 की निर्वाचक याचिका सं० 9 में पारित मध्य प्रदेश उच्च न्यायालय (जबलपुर बेंच) के दिनांक 9 फरवरी, 2026 के निर्णय/आदेश को एतद्वारा प्रकाशित करता है (किशोर समरीते विरुद्ध म० प्र० राज्य निर्वाचन आयोग)।

आदेश से,

हस्ता./-

(बिनोद कुमार)

सचिव,

भारत निर्वाचन आयोग.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

New Delhi, Dated 28th March, 2026—Chaitra 7, 1948 (Saka)**NOTIFICATION**

No. 82/MP-LA/(9/2024)/2026:- In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgement/Order dated 09.02.2026 of the High Court of Madhya Pradesh (Jabalpur Bench) passed in the Election Petition No. 9 of 2024 (Kishore Samrite Vs. M.P. State Election Commission).

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL
SEAT AT JABALPUR (M.P.)**

ELECTION PETITION NO 9/2024**PETITIONER**

Kishore Samrite
S/o Shri Nanaji Samrite
Aged about 57 years,
Occupation-Ex-MLA R/o Lanji
Tehsil and District Balaghat
(MP)

Versus

1. **State Election Commission**
Through Chief Election Officer
Nirvachan Bhawan Bhopal,
District – Bhopal, M.P.
2. Returning Officer/SDO
109, Lanji, District- Balaghat, M.P.
3. Rajkumar Karrahe
S/o Late Shri Sadhuram Karrahe
Address- Ward No 3, Lanji, Tehsil
Lanji, District Balaghat, M.P.
4. Dr Girish Kumar Mishra
Returning Officer/SDO
109, Lanji, District- Balaghat, M.P.

ELECTION PETITION UNDER SECTION 80, 100 (1)(b) & (c)
AND 123 (1) (2) & (7) OF THE REPRESENTATION OF
PEOPLE ACT, 1951

The present election petition seeks to call in question the rejection of the nomination form of the election petitioner and setting aside election of respondent no. 3 as a Member of 109, Legislative Assembly Constituency of Lanji, Balaghat, Madhya Pradesh wherein, the polling was held on 17.11.2023 and election results were declared on 03.12.2023, *inter alia* on the following facts and grounds as under :

1) FACTS OF THE CASE

The election petitioner most humbly submits as under:

- a. That the election petitioner is a permanent resident of lanji District-Balaghat and being an ex-MLA from the said constituency filed his nomination form for the State Legislative Assembly elections 2023. The said elections were declared and vide notice of election dated 21.10.2023 the returning officer invited nominations for the said constituency. A Copy of the notice of election is being filed herewith as Annexure EP/1.
- b. That, the election petitioner on 27.10.2023 filed his nomination application from the Sanyukt Kranti Party having its election symbol as Mic in the requisite form for the MLA post for 109 lanji District-Balaghat, M.P. A Copy of the nomination application dated 27.10.2023 is being filed herewith as Annexure EP/2.

That, subsequent to the filing of the nomination form one private person having no locus as he is not even contesting the election preferred an objection before the returning officer dated 31.10.2023

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL

ON THE 9th OF FEBRUARY, 2026

ELECTION PETITION No. 9 of 2024

KISHORE SAMRITE

Versus

M.P. STATE ELECTION COMMISSION AND OTHERS

Appearance:

Shri Shivendra Pandey with Shri Abhimanyu Chauhan - Advocates
for petitioner.

Shri G.S. Baghel with Shri K.K. Raidas - Advocates for respondent 3.

Shri Dayaram Vishwakarma - Government Advocate for respondents
2 & 4.

ORDER

Heard on I.A.No.15308/2025, which is an application under Order 7
Rule 11(a) of CPC filed on behalf of the respondent 3.

2. Supporting the order of rejection of nomination form, learned
counsel for the respondent 3 submits that since on the date of submission of
nomination form, the petitioner was not eligible, therefore, no illegality is
there in the order of rejection and the petitioner has no cause of action to file
instant election petition, hence the petition deserves to be rejected/dismissed.

3. This Election Petition has been preferred by the petitioner
challenging rejection of the petitioner's nomination form.

4. Undisputedly, the petitioner submitted his nomination form on
27.10.2023 for the post of Member of Legislative Assembly, which was
rejected on 01.11.2023 on the ground that the petitioner was convicted and

sentenced for a period of five years for the offences under Sections 147, 332/149, 427/149, 435/149 of IPC and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 vide judgment of conviction and order of sentence dated 22.12.2009.

5. It is also undisputed fact that on the date of submission of nomination form, even though the sentence of the petitioner was suspended by this Court on 01.02.2010, but vide final judgment dated 06.05.2024, Criminal Appeal No.27/2010 filed by the petitioner had been dismissed, however in the appeal filed before the Hon'ble Supreme Court, sentence of the petitioner has been suspended vide order dated 04.11.2024.

6. In the present case, only point for consideration is as to whether upon suspension of sentence, the petitioner was eligible to submit nomination form to contest the election, but even after arguing at length, learned counsel for the petitioner has not been able to point out any illegality or perversity in the order rejecting petitioner's nomination form.

7. The Hon'ble Supreme Court has, in the case of K. Prabhakaran vs. P. Jayarajan, AIR 2005 SC 688 = 2005(1) SCC 754 held as under :-

"41. The correct position of law is that nomination of a person disqualified within the meaning of sub-section (3) of Section 8 of the RPA on the date of scrutiny of nominations under Section 36(2)(a) shall be liable to be rejected as invalid and such decision of the returning officer cannot be held to be illegal or ignored merely because the conviction is set aside or so altered as to go out of the ambit of Section 8(3) of the RPA consequent upon a decision of a subsequent date in a criminal appeal or revision.

42. What is relevant for the purpose of Section 8(3) is the actual period of imprisonment which any person convicted shall have to undergo or would have

undergone consequent upon the sentence of imprisonment pronounced by the Court and that has to be seen by reference to the date of scrutiny of nominations or date of election. All other factors are irrelevant. A person convicted may have filed an appeal. He may also have secured an order suspending execution of the sentence or the order appealed against under Section 389 of the Code of Criminal Procedure 1973. But that again would be of no consequence. A Court of appeal is empowered under Section 389 to order that pending an appeal by a convicted person the execution of the sentence or order appealed against be suspended and also, if he is in confinement, that he be released on bail or bond. What is suspended is not the conviction or sentence; it is only the execution of the sentence or order which is suspended. It is suspended and not obliterated. It will be useful to refer in this context to a Constitution Bench judgment of this Court in Sarat Chandra Rabha & Ors. Vs. Khagendranath Nath & Ors., (1961) 2 SCR 133. The convict had earned a remission and the period of imprisonment reduced by the period of remission would have had the effect of removing disqualification as the period of actual imprisonment would have been reduced to a period of less than two years. The Constitution Bench held that the remission of sentence under Section 401 of Criminal Procedure Code (old) and his release from jail before two years of actual imprisonment would not reduce the sentence to one of a period of less than two years and save him from incurring the disqualification.

“An order of remission does not in any way interfere with the order of the court; it affects only the execution of the sentence passed by the court and frees the convicted person from his liability to undergo the full term of imprisonment inflicted by the court, though the order of conviction and sentence passed by the court still stands as it was. The power to grant remission is executive power and cannot have the effect which the order of an appellate or revisional court would have of reducing the sentence passed by the trial court and substituting in its place the reduced sentence

adjudged by the appellate or revisional court.”

43. In *B.R. Kapur Vs. State of T.N. & Anr.*, (2001) 7 SCC 231, a similar question, though in a little different context, had arisen for the consideration of the Constitution Bench. Vide para 44, the Court did make a reference to *Vidya Charan Shukla's* case but observed that it was a case of an election petition and, therefore, did not have a bearing on the construction of Article 164 of the Constitution which was in issue before the Constitution Bench. Obviously the consideration of the correctness of the law laid down in *Vidya Charan Shukla's* case was not called for. However, still the Constitution Bench has made a significant observation which is very relevant for our purpose. The Constitution Bench observes (vide para 44)—

“There can be no doubt that in a criminal case acquittal in appeal takes effect retrospectively and wipes out the sentence awarded by the lower court. This implies that the stigma attached to the conviction and the rigour of the sentence are completely obliterated, but that does not mean that the fact of the conviction and sentence by the lower court is obliterated until the conviction and sentence are set aside by an appellate court. The conviction and sentence stand pending the decision in the appeal and for the purposes of a provision such as Section 8 of the Representation of the People Act are determinative of the disqualifications provided for therein”

(emphasis supplied).

To the same effect are observations contain in para 40 also.

44. We are, therefore, of the opinion that an appellate judgment of a date subsequent to the date of nomination or election (as the case may be) and having a bearing on conviction of a candidate or sentence of imprisonment passed on him would not have the effect of wiping out disqualification from a back date if a person consequent upon his conviction for any offence and sentenced to imprisonment for not less than two years was actually and as a fact disqualified from filing nomination and

contesting the election on the date of nomination or election (as the case may be)."

8. In view of aforesaid discussion, this Court does not find any illegality in the order rejecting nomination form of the petitioner or any cause of action available to the petitioner for filing the present election petition.

9. Resultantly, application under Order 7 Rule 11(a) of CPC is allowed and this Election Petition is hereby rejected/dismissed.

10. Pending application(s), if any, shall stand disposed of.

Sd./-
(DWARKA DHISH BANSAL)
Judge.

By order,
Sd./-
(BINOD KUMAR)
Secretary,
Election Commission of India.