

**Court No. - 3**

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**Case :- WRIT - C No. - 1097 of 2022**

**Petitioner :- Suraj Singh**

**Respondent :- Election Commission Of India Nirvachan Sadan And 2 Others**

**Counsel for Petitioner :- Adil Aziz Khan,Amjad Siddiqui,Avinash Chandra**

**Counsel for Respondent :- Vijay Vikram Singh,C.S.C.**

**Hon'ble Attau Rahman Masoodi,J.**

**Hon'ble Narendra Kumar Johari,J.**

Heard Sri Avinash Chandra, learned counsel for the petitioner,Sri Vijay Vikram Singh, learned Counsel who has put in appearance on behalf of Election Commission of India.

The Election Commission of India is a repository of faith for full justice, maintaining dignified standard of freedom of speech and expression while the election process is set in motion and till its conclusion. It is for this reason that interference in the election process is restricted by virtue of Article 329 (2) of the Constitution of India.

We have no doubt that the democratic process being sacrosanct is well protected under the Constitution of India by placing a respectful restraint on the scope of judicial review under Article 226 or Article 32 of the Constitution of India .

In the instant case, the petitioner has complained of some tempering at one place in the EVM Machine using some adhesive and damage caused to the CCTV Cameras at some other place.

This is brought to our notice on the basis of a news report which we do not deem proper to take notice of due to its inadmissibility. Nevertheless the Election Commission of India has to remain vigilant to all such situations and not to allow doubts of any description arise.

In so far as the election of the constituency in question i.e. 296-Gonda is concerned, learned counsel for the Commission has pointed out that adequate measures have been adopted by the Election Commission to ensure free and fair election.

We have no reason to doubt the measures which the Commission must have taken.

With the hope and trust expressed above, we set the cause at rest and the writ petition is accordingly consigned to record.

**Order Date :- 24.2.2022**

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