

Supreme Court of India

Lal Shyamshah vs Sujaniram And Anr. on 18 October, 1954

Equivalent citations: AIR 1956 SC 335

Author: V Aiyar

Bench: B Mukherjea, Bose, V Aiyar

JUDGMENT Venkatarama Aiyar, J.

1. This is an appeal by special leave against the decision of the Election Tribunal, Nagpur, setting aside the election of the appellant to the Legislative Assembly, Madhya Pradesh, from the Chauki Constituency on the ground that he had appointed one Raisingh, the Patel of the village of Suroli to act as his polling agent, and had thereby committed a major corrupt practice under Section 123(8).

2. The Tribunal has also found that Raisingh did not actually use his influence in support of the appellant. We have held in -- 'Satya Dev Busheri v. Padam Dev', (A) and in -- 'Satya Dev Busheri v. Padam Dev, (S) (B) that the mere appointment of a Government servant as polling agent without more is not an infringement of Section 123(8). Following that decision, we allow the appeal, set aside the decision of the Election Tribunal, and dismiss the election petition with costs throughout.