

SUPREME COURT OF INDIA

Lal Shyamshah

Vs.

Sujaniram

C.A.No.55 of 1954

(B. K. Mukherjea, Vivian Bose And T. L. Venkatarama Ayyar, JJ.)

18.10.1954

JUDGEMENT

VENKATARAMA AIYAR, J. : 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 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 S. 123 (8). 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' AIR 1954 SC 587 (A) and in - 'Satya Dev Busheri v. Padam Dev, (S) AIR 1955 SC 5(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.

Appeal allowed.

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