

News

Shiv Sena Shinde faction MP Naresh Mhaske's election petition was denied by the Bombay High Court.



Mhaske's election was contested on the grounds that he neglected to reveal his criminal history in his nomination papers.

A petition contesting the Lok Sabha election of Shiv Sena (Eknath Shinde) MP Naresh Ganpat Mhaske from the Thane seat was denied by the Bombay High Court on Tuesday [**Rajan Baburao Vichare v. Naresh Ganpat Mhaske**].

Due to his failure to mention his conviction in a criminal case when submitting his nomination papers, Mhaske's election was contested. He did, however, move to reject the electoral plea.

Since the conviction had not resulted in a year or more in jail, **Justice RI Chagla** decided that **Mhaske** was exempt from disclosing it.

As a result, **Rajan Baburao Vichare**, a leader of the Shiv Sena **Uddhav** Thackeray group, had his election petition dismissed by the court.

"The contention of the petitioner that the present petition complies with all required pleadings under the 1951 Act would be irrelevant, particularly when the Election Petition is itself not maintainable on the ground that it fails to disclose a cause of action," the court stated.

The Court decided that the candidate must only reveal offenses for which he was found guilty and given a term of one year or more in jail under Section 33 of the Representation of the People Act.

Furthermore, the rules of Section 33A (1)(ii) cannot be violated by Entry 6 of Form 26 as modified in 2018 and falls within Rule 4A. As a result, it must be interpreted to refer exclusively to prior convictions in which the candidate is required to reveal a sentence of one year or more in jail. Entry 6 of Form 26 would be illegal and in violation of both the 1951 Act's Section 33A (1)(ii) and the law established by the Supreme Court in PUCL if it were given any other meaning or interpretation, the Court stated.

Rajan Baburao Vichare was represented by Senior Counsel Darius Khambata and Pankaj Sawant, along with attorneys Shreenandini Mukhopadhyay, Joshna D'Souza, and Sanjay Gawde.

Naresh Ganpat Mhaske was represented by Senior Counsel Vikram Nankani, along with attorneys Chirag Shah, Vishal Acharya, Shyamsundar Jadhav, Bhavya Shah, and Mehul Talera.

Additionally, attorney Hare Krishna Mishra represented a respondent.