

ELECTION COMMISSION OF PAKISTAN

MR. SIKANDAR SULTAN RAJA, CHAIRMAN
MR. JUSTICE (R) IKRAM ULLAH KHAN, MEMBER

CASE No.F.7(132)/2024-Law-III

Subject: COMPLAINT UNDER SECTIONS 4, 8 AND 15 AND ALL OTHER ENABLING PROVISIONS OF THE ELECTIONS ACT, 2017

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Subject: COMPLAINT UNDER SECTIONS 4, 8 AND 9 AND ALL OTHER ENABLING PROVISIONS OF THE ELECTIONS ACT, 2017

Salman Akram Raja S/o Raja Mohammad Akram, R/o 33-C, Main Gulberg, Lahore

.....Applicant(s)

VERSUS

1. Kamran Afzal Bukhari, The Returning Officer for NA-128, Lahore,
2. Mohammad Awn Saqlain, resident of House No.23, Mohallah Ali Block, New Garden Town, Lahore
3. Liaqat Baloch, R/o House No. 108-C, New Muslim Town, Lahore
4. Asim Irshad Khan, R/o House No. 39-D, Mohallah Faisal Town, Lahore

.....Respondent(s)

For the applicant : In Person

Date of hearing : 13-02-2024

ORDER

Sikandar Sultan Raja, Chairman- Brief facts of the matter are that petitioner namely Salman Akran Raja contested the General Election 2024 for the seat of National Assembly from constituency NA-128, Lahore. As per Form-47 uploaded on the website of the Commission, the Petitioner has obtained 159024 votes and the returned candidate has obtained 172576. Petitioner being aggrieved with the result issued by the Returning Officer has filed instant application.

2. Petitioner appeared in person and submitted that as per Form 45 issued by the Presiding Officer to his polling agents, he has won the election from NA-128 by a lead of 82827 votes. He further submitted that his election agents were not allowed to enter the Returning Officer while preparation of Form-47. He argued that the Returning Officer has violated the Provisions of Section 92 and 95 of the Elections Act, 2017 read with Rule 84 and 85 of the Election Rules, 2017. He also requested the Commission to tally the votes casted by the voters of the National Assembly constituency with five



Provincial Assembly constituencies to ascertain the facts. He further contended that the overall turnout of PP-169 and NA-128 is more than 58 percent. He pointed out that the returning officer did not perform his duties as per the provisions of Elections Act, 2017, therefore he prayed for initiation of action against the Returning Officer of NA-128 under Section 55 of the Elections Act, 2017. He further prayed that directions may be issued to the designated officer by the Commission to get polling material, polling bags, ballot papers and counterfoils into safe custody. He further prayed that directions be also issued to the Returning Officer to immediately produce all the Form-45 on the basis of which he has prepared impugned Form-47 dated 09-02-2024. He while concluding his arguments requested that the notification of the returned candidate may be suspended till the final outcome of the petition.

3. Arguments heard and record perused.

4. The petitioner has informed the Commission that the process of consolidation has been completed by the concerned Returning Officer and Form-49 has been issued by him accordingly. The matter cannot be decided without getting detailed report from the concerned Returning Officer and without issuing notices to the contesting Candidates whose names have been provided by the applicant/ petitioner by amending list of respondents. Therefore, for just and fair decision in the matter, it is directed that notice be issued to the Returning Officer alongwith copy of applications for his comprehensive report within three days which shall reach to this office before the next date of hearing. Furthermore, the process of consolidation has been completed by the Returning Officer therefore the notification of the returned candidate shall remain suspended till the outcome of the case, if not already issued. Notices be also issued to the Respondent Nos. 2-4 (Contesting Candidates) which shall be served to them through the concerned DEC alongwith copy of applications.

05. Relist for 19-02-2024



Sd/-
Sikandar Sultan Raja
 Chairman

Sd/-
Justice (R) IkramUllah Khan
 Member