

ELECTION COMMISSION OF PAKISTAN

PRESENT

MR. SIKANDAR SULTAN RAJA, CHAIRMAN
MR. NISAR AHMED DURRANI, MEMBER
MR. SHAH MUHAMMAD JATOI, MEMBER
MR. JUSTICE (R) IKRAM ULLAH KHAN, MEMBER

CASE No.F.7(8)/2024-Law-III

Subject: PETITION UNDER SECTION 8, 9, OF ELECTIONS ACT 2017 READ WITH ALL OTHER ENABLING PROVISIONS OF THE ELECTION LAWS

Syed Muhammad Ali Bokhari

.....Petitioner(s)

VERSUS

Returning Officer, NA-48, (ICT-III), Islamabad

.....Respondent(s)

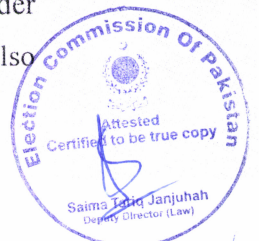
For the petitioner : In person alongwith Faisal Fareed, ASC.

Date of hearing : 11-02-2024

ORDER

Sikandar Sultan Raja, Chairman- Brief facts of the matter is that petitioner namely Syed Muhammad Ali Bokhari contested the General Election 2024 for the seat of National Assembly from constituency NA-48, (ICT-III), Islamabad. As per form 47, issued by the Returning Officer, petitioner obtained 59,851 votes while his opponent namely, Raja Khurram Shehzad Nawaz has obtained 69,699 votes in the contest and declared as leading/ returned candidate. Petitioner being aggrieved with the result issued by the Returning Officer has filed instant petition.

2. Petitioner appeared in person alongwith his counsel Mr. Faisal Fareed, ASC and argued that as per Form-45 issued by the Presiding Officers of 257 out of 261 polling stations, petitioner has obtained 74,425 votes whereas Raja Khurram Shahzad Nawaz obtained 30,345 votes. Learned counsel submitted that as per the Form-45 obtained by their Polling Agents from the offices of Presiding Officers, he is the winning candidate of the constituency. The counsel has also submitted the photocopies of all the Form-45 which are taken on record. He argued that the application on the same day was given to the Returning Officer for correction of result. He submitted that the recount may be ordered in the constituency NA-48 and in the meanwhile the Commission may order stay of Consolidation proceedings and Notification of Returned Candidate. He also



referred to the provisions of Section 8(b), (c) of the Elections Act, 2017 and argued that the Commission has the power to make such orders which are best in the interest of justice. He also highlighted that the procedure provided under Section 90 of the Elections Act, 2017 was not followed by the concerned Returning Officer. Upon query regarding consolidation process he replied that the Returning Officer has given notice for consolidation of the result at 1:00 PM today. The counsel while concluding his arguments referred to the case of Miss Nosheen Iftikhar VS Ali Asjad Malhi (Daska Case) and prayed for setting aside the form-47 issued by the Returning Officer and preparation of a fresh while accepting his petition.

3. Arguments heard and record perused.

4. The office has informed that the Returning office has issued notice for consolidation under Section 95 of the Elections Act, 2017 for today i.,e 11-02-2024 at 1:00 PM. The matter cannot be decided without getting report from the concerned Returning Officer and without issuing notice to the Returned Candidate. Therefore, for just decision in the matter, it is directed that notice be issued to the Returning Officer alongwith copy of petition for his comprehensive report within three days which shall reach to this office before the next date of hearing. Furthermore, the process of consolidation shall remain suspended till the outcome of the case, if not already concluded. Notice be also issued to the Returned Candidate which shall be served through concerned DEC alongwith copy of application.

4. Office is directed to fix the matter after receipt of the report from the concerned Returning Officer and informed the concerned accordingly..

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Sikandar Sultan Raja
Chairman

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Nisar Ahmed Durrani
Member

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Shah Muhammad Jatoi
Member

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Justice (R)IkramUllah Khan
Member

