

(2) The provisions of the Indian evidence Act, 1872 (1 of 1872) shall, subject to the provisions of the Regulation and these rules, be deemed to apply in all respects to the trial of an election petition.

120. **Documentary Evidence:** Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

121. **Secrecy of voting not to be infringed:** No witness or other person shall be required to state for whom he has voted at an election.

122. **Answering of criminating questions and certificate of indemnity:** (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may tend to expose him of any penalty or forfeiture.

Provided that –

(a) A witness, who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the District Court; and

(b) An answer given by a witness to a question put by or before the District Court shall not, except in the case of any criminal proceedings for perjury in respect of evidence, be admissible in evidence against him in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under any law, arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by Regulation or any other law.

123. **Expenses of witnesses:** The reasonable expenses incurred by any person in attending to give evidence may be allowed by the District Judge to such person and shall, unless he otherwise directs, be deemed to be part of the costs.

124. **Recrimination when seat claimed:** (1) when in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned or any other party may give evidence to prove that the election of such candidate would have been void if he has been the returned candidate and a petition had been presented calling in question his election:

Provided that the returned candidate or such other party, as aforesaid, shall not be entitled to give such evidence unless he has, within fourteen days from the date of commencement of the trial, given notice to the District Judge of his intention to do so and has also given the security and the further security referred to in rule 138.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and particulars required by rule 116 in the case of an election petition and shall be signed and verified in like manner.

125. **Decision of the District Judge:** At the conclusion of the trial of an election petition, the District Judge shall make an order –

(a) Dismissing the election petition; or

(b) Declaring the election of the returned candidate to be void; or

(c) Declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.