

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 31309 of 2015 (K)

PETITIONER:

**V.P.MOOSANKUTTY, AGED 40 YEARS
S/O. ABDUL RAHMAN
VANNATHANVALAPPIL PUTHIYAPURAYIL HOUSE
NADUVIL P.O.,
KANNUR DISTRICT - 670 582**

**BY ADVS.SRI.P.A.MOHAMMED SHAH
SRI.SOORAJ T.ELENJICKAL
SMT.MARY RESHMA GEORGE
SMT.P.M.MAZNA MANSOOR**

RESPONDENTS:

**1. THE STATE ELECTION COMMISSION
REPRESENTED BY ITS SECRETARY
CORPORATION OFFICE COMPLEX
LMS JUNCTION, PALAYAM
THIRUVNANTHAPURAM - 695 033**

**2. RETURNING OFFICER
NADUVIL GRAMA PANCHAYATH
NADUVIL P.O.,
KANNUR DISTRICT - 670 582**

**BY SRIMURALI PURUSHOTHAMAN, SC, KERALA STATE
ELECTION COMMISSION**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 31309 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE ORDER DATED 19.04.2013 IN CRL. APPEAL NO. 502/2013

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 31309 OF 2015

Dated this the 14th day of October, 2015

JUDGMENT

It transpires that only the sentence imposed on the petitioner stands suspended. There is no stay of conviction of the petitioner in the criminal case. Therefore the prayer of the petitioner to accept his nomination cannot be acceded to. There is also a constitutional bar to entertain this writ petition.

The writ petition fails and is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS