

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 31707 of 2015 (K)

PETITIONER:

**SHON PELLISSERY
ADVOCATE
PELLISSERY HOUSE
SANJO NAGAR
MURINGOOR
CHALAKUDY
TRISSUR DISTRICT**

**BY ADVS.SRI.JOMY GEORGE
SRI.SEBASTIAN THOMAS
SRI.P.REJINARK
SMT.K.B.SONY
SRI.DEEPAK MOHAN
SMT.A.MINI JOSEPH
KUM.M .ANJU THOMAS**

RESPONDENTS:

- 1. STATE ELECTION COMMISSIONER
OFFICE OF THE STATE ELECTION COMMISSION
THIRUVANANTHAPURAM - 695 001**
- 2. RETURNING OFFICER FOR ELECTION TO THE DISTRICT
PANCHAYAT, THRISSUR (DISTRICT COLLECTOR)
THRISSUR - 680 001**
- 3. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001**

**R1 BY SRI.MURALI PURUSHOTHAMAN, SC, K.S.E.COMMISSION
R2 & R3 GOVERNMENT PLEADER SRI. BOBY JOHN PALIKKAPARAMBIL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE EXTRACT OF THE VOTERS LIST WHICH SHOWS THAT THE PETITIONER IS A VOTER IN 13TH WARD IN MELOOR PANCHAYATH**
- P2 : COPY OF THE JUDGMENT DATED 17.01.2011 IN C.C. NO. 955/2008 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY**
- P3 : COPY OF THE ORDER DATED 28.1.2011 IN CRL. M.P. NO. 278/2011 IN CRL. APPEAL NO. 65/2011 OF THE SESSIONS JUDGE, THRISSUR**
- P4 : COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT ON 15.10.2015**
- P5 : COPY OF THE PROCEEDINGS DATED 15.10.2010 OF THE RETURNING OFFICER, CHALAKUDY ACCEPTING THE NOMINATION SUBMITTED BY SHIBU VALAPPEN**
- P6: COPY OF THE REPRESENTATION DATED 15.10.2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 31707 OF 2015

Dated this the 16th day of October, 2015

JUDGMENT

The conviction of the petitioner by criminal court stands and only the imposition of sentence has been suspended pending appeal. Whether the offence alleged against the petitioner involves 'moral turpitude' or not is a matter for evidence.

2. The petitioner has an effective remedy to challenge the rejection of his nomination in an election petition. There is a constitutional bar under Article 243 O(b) of the Constitution of India to entertain the writ petition at this juncture.

The writ petition fails and is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS