

P. Prabhakaran Vs. P. Jayarajan

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Court : Supreme Court of India

Decided On : Jan-11-2005

Reported in : AIR2005SC688; 2005(79)DRJ305; JT2005(1)SC173; 2005(1)KLT510(SC); (2005)2MLJ27(SC); (2005)1SCC754

Judge : R.C. Lahoti, C.J.,; Shivaraj V. Patil,; K.G. Balakrishnan,; B.N. Srikrishna and;

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 71, 143, 148, 149, 302, 303, 307, 323, 325, 326, 353, 427 and 447; Prevention of the Damage of the Public Property Act, 1984 - Sections 3(2); [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 31, 389 and 401; Representation of People Act, 1951 - Sections 2, 8, 8(1), 8(2), 8(3), 8(4), 36(2), 67A, 100, 100(1) and 116A; [Arms Act, 1959](#) - Sections 25 and 27; [Constitution of India](#) - Articles 14, 164, 191 and 286(1); [Companies Act, 1956](#) - Sections 630

Appeal No. : Civil Appeal Nos. 8213 of 2001 and 6691 of 2002

Appellant : P. Prabhakaran;ramesh Singh Dalal

Respondent : P. Jayarajan;nafe Singh and ors.

Advocate for Pet/Ap. : L. Nageswara Rao,; K.K. Venugopal, Sr. Advs.,; Roy Abraham,

Disposition : Petition dismissed

Prior history : From the Judgment and Order dated 05.10.2001 of the Kerala High Court in E.P. No. 1 of 2001

Books referred : Black's Law Dictionary sixth Edition;

Judgement :

ORDER

73. In view of the majority opinion, Civil Appeal No. 8213 of 2001, K. Prabhakaran v. P. Jayarajan, : [2002]SUPP3SCR1 is allowed. The judgment of the High Court dated 5.10.2001 is set aside. The election petition filed by the appellant is allowed. The election of the respondent P. Jayarajan from No. 14 Kuthuparamba Assembly Constituency to the Kerala State Legislative Assembly, which was declared on 13.5.2001, is set aside. The respondent No. 1 shall bear the costs of the appellant throughout.

74. Civil Appeal No. 6691 of 2002 is also allowed. The judgment of the High Court dated 5.7.2002 is set aside. The election petition filed by the appellant shall stand allowed. The election of the respondent Nafe Singh from 37-Bahadurgarh Assembly Constituency is declared void as he was disqualified from being a candidate under Section 8(3) of the Representation of the People Act, 1951. The respondent No. 1 shall bear the costs of the appellant throughout.

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