

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

BEFORE

THE HON'BLE MR.JUSTICE V.GOPALA GOWDA

ELECTION PETITION No.26/1999

BETWEEN:

K.M.Narayana,  
S/o.K.Madda Krishnappa,  
R/o No.4'C' Street Fort,  
Kalasipalyam,  
Bangalore.

...PETITIONER

(By Smt.Geetha Menon - Adv.,)

AND:

R.V.Devaraj,  
S/o R.V.Venkatshappa  
R/o No.50'C',  
Street Fort,  
Bangalore.

...RESPONDENT

(Respondents 2 to 14 are deleted  
v/o dtd:29.5.2001, G.V.Shantha Raju for  
Respondent)

DECREE IN ELECTION PETITION

This election petition is filed under Section 81 of the Representation of the People Act 1951, by the petitioner-Candidate at 1999 elections to the Karnataka Legislative Assembly Constituency held on 5.9.1999, praying that this Hon'ble Court may be pleased to;

(a) Declare that the declaration of result of Respondent No.1 from No.81 Assembly Constituency as null and void.

(b) Declare that the respondent No.1 has committed corrupt practices under Ss.123(2) and 123(6) r/w Sec.100(1)(b) and 100(1)(d)(ii) of R.P.Act;

(c) Declare that the result of the election of the respondent No.1 as having been materially affected under Section 100(1)(d)(iii) & (iv) of the Representation of Peoples Act.

(d) Direct repoll to the No.81 Chamarajpet Assembly Constituency.

(e) Declare that the Section 61(a) of the Representation of Peoples Act and consequent rules under Chapter 2 of the Conduct of Elections Rules, 1961, as unconstitutional.

(f) Declare that the elections under Electronic Voting Machine held in No.81 Chamarajpet Assembly Constituency as null and void.

(g) Name respondent No.1 as having committed corrupt practices under section 98 of the Representation of Peoples Act and such other persons who have committed the corrupt practice.

(h) Award costs of the petition.

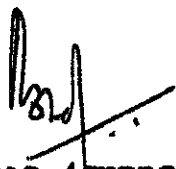
(i) grant such other relief or consequential reliefs as this Court deems fit in the facts and circumstances of the case.

This Election Petition coming on for orders on I.As. II & V filed by Respondent No.1 under Order-6 Rule-16 and Order-7 Rule-11(a) of the CPC, r/w Sec.87 of the Representation of the People Act 1951, for striking off the paragraphs 7 to 34 in the above Election Petition and dismissing the Election Petition on the ground that it is not maintainable, between 28.3.2002 to 4.6.2002 and for pronouncement of orders on 11.6.2002 in the presence of Smt.Geetha Menon, Advocate for petitioner, and Sri.G.V. Shantharaju, Advocate for Respondent No.1, and for the reasons stated in the Order, while allowing I.As II & V it is ordered and decreed that the Election Petition

be and the same is hereby dismissed.

And it is further ordered and decreed that the petitioner do pay the cost of Rs.10,000/- (Rupees Ten thousand only) to the first Respondent.

Given under my hand and the seal of this Court, this the 11th day of June 2002.

  
REGISTRAR (JUDICIAL)

*25/6/02*  
*25-6-02*  
*PK 25/6/02*