

## **Tian Chua's fine issue to go to Federal Court**

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**By Hafiz Yatim**

Lawyers representing Gerakan candidate for Batu, Dr Dominic Lau, will file an application before July 9 to refer the issue of PKR vice-president Tian Chua's RM2,000 fine to the Federal Court for deliberation.

NONEThis follows Lau (right) requesting the apex court to interpret and determine whether the fine constituted a disqualification for Chua from contesting in the 13th general election based on Article 48 of the federal constitution.

Umno legal adviser Mohd Hafarizam Harun said that he will be filing the application soon.

"We want the Federal Court to determine on Article 48 (1) whether Chua should be barred from contesting," he said, after the matter came up for case management at the Kuala Lumpur High Court yesterday.

Under the federal constitution, a lawmaker loses his eligibility to contest after being fined RM2,000 or above, or one year's jail.

This matter forms a ground for Lau - the petitioner - to file the petition, dated June 11, against Chua, the returning officer and the Election Commission, who were named as respondents.

The PKR vice-president was initially fined RM3,000 by the magistrate's court. On appeal at the KL High Court in 2010, the court upheld the conviction, but reduced the fine to RM2,000 or in default, two months' jail.

In the High Court judgment, justice Ghazali Cha said that the fine does not warrant for the calling of another by-election.

Other election petitions

Besides the Batu petition, the other election petitions for Lembah Pantai, Setiawangsa and Titiwangsa also came before election judge Zabariah Yusof.

She fixed July 9 for the case management or hearing on preliminary objection by the respondents of the petition.

Lawyer Rajesh Kumar - representing petitioner Ibrahim Yaacob of PKR - said he will also submit an application for the discovery of postal and early voters, which has been a point of contention on the possibility of double voting.

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