

**Decision on bid to strike out Zaid's petition on Aug 5**  
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The Election Court has fixed Aug 5 to decide Hulu Selangor MP P Kamalanathan's application to strike out an election petition filed by PKR supreme council member Zaid Ibrahim.

Election judge Justice Azahar Mohamed fixed the date this morning after hearing four days of submissions from counsels representing Zaid, Kamalanathan, returning officer Nor Hisham Ahmad Dahlan and the Election Commission.

Zaid's counsel Malik Imtiaz Sarwar said the court was now presented with the opportunity to set a policy in rejecting the striking-out application and let the matter proceed in a full trial.

But history showed that almost 90 percent of such petitions end up being thrown out without a trial being heard.

"Nobody can interfere with the election process which is a rightful democratic process, (throwing out the petition) frustrates the attempts of the general electorate who wants to see justice," Malik submitted.

Kamalanathan's counsel, Firoz Hussein Ahmad Jamaluddin (right), mainly submitted on technical issues to demand that the petition be struck out.

Firoz Hussein told the court that the petition's charges should provide evidence beyond reasonable doubt, following an apex court ruling that corruption did indeed take place.

He submitted that the petitioner had failed to provide such evidence within the required threshold, and hence the petition should be struck out.

"It is difficult for my client to respond to the charges as there is a degree of ambiguity," Firoz submitted.

Zaid had filed the petition on May 24 to invalidate the April 25 poll results on grounds that there attempts to induce voters by the BN chairperson and the coalition's candidate Kamalanathan was aware of this.

Kamalanathan was present in court today, while Zaid was not.

Twitter posting an issue

Earlier today, Kamalanathan's other lawyer Mohd Hafarizam Harun brought the court's attention to several Twitter posts by lawyer Edmund Bon.

Edmund Bon (left), who is a Bar Council committee member, said there were grounds to recuse Justice Azahar as he was a DPP in Anwar Ibrahim's 1998 corruption trial, where the prosecution was accused of fabricating evidence.

Bon argued that since Anwar was Zaid's immediate superior in PKR, therefore Justice Azahar should not hear the trial.

In reply, Justice Azahar brushed off the argument and said he was only interested in performing his duties.

Kamalanathan had claimed in his striking-out petition that Zaid's petition was defective.

The Hulu Selangor MP said the grounds set were trivial and an abuse of the court process.

He claimed that Zaid had failed to identify the people said to have been offered bribes by - or to have received these - from the premier during the election campaign, as alleged in the petition.

Kamalanathan further alleged Zaid had failed to abide by the election petition rules in filing the petition.

He said the pleading in the petition does not fall under Section 32(c) of the Election Offences Act 1954 (EOA), as the "alleged offences" do not fall within the meaning of corrupt practices as stipulated under Section 10(a) of the Act.

Zaid had lost by a majority of 1,725 votes in the by-election.

Yesterday, his lawyers had argued there was a bargain, inducement and an admission made by Najib to suggest bribery did indeed take place.

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