

**Bizarre legal logic in recent court decisions**  
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COMMENT It's bizarre the paradoxes we are faced with in following the trail of logic in recent decisions of our courts.

Yesterday, the election court threw out Zaid Ibrahim's petition to declare the election of P Kamalanathan as MP of Hulu Selangor on April 25 void.

azlanPKR's Zaid and BN's Kamalanathan contested the vacant Hulu Selangor seat following the death of the incumbent PKR MP.

The election was hotly contested. The campaign was shrill with accusations of electoral roll tampering, vote-buying and character assassination.

In the end, Kamalanathan outpolled Zaid by 1,725 votes, a margin that highlighted the intensity of the contest.

The aftermath of the vote, like its prelude, was similarly fraught, with lawyer Zaid threatening to put a blowtorch to BN's election trail, in protest at its allegedly devious and undemocratic facets.

Few gave his recriminations much of a chance of success at overturning the result but most welcomed his attempt at legal redress on the grounds that though burglar alarms sometimes fail, that is not sufficient reason to rule them out as a deterrent.

Also, the corollary to the truism that justice must not only be done but seen to be done is that for injustice to cease, its warp and woof must be exposed. The resulting public aversion is considered as preventive.

Failure to furnish details

Zaid's petition could not even get to that initial stage of exposure because an application by Kamalanathan to strike out Zaid's suit was found by the judge to have merit.

Essentially, the judge found as fatal to Zaid's petition a failure to furnish details to back up his claims that the poll results were influenced by bribery and corruption.

The election judge held that the devil was in the details.

He said the absence of a comprehensive inventory of the instances in which the bribery was alleged to taken place rendered Zaid's petition nugatory.

azlanA similar void, or more accurately, a holding back, of the details – police reports, list of witnesses, medical reports – of the prosecution's ongoing case against Anwar Ibrahim for sodomy, details that are as a norm furnished to the defence at the start of a trial, is thus far held to have not been fatal to the prosecution's case.

They say legal doctrine cannot hold up without being buttressed by consistency in the arguments adduced.

But in some of our courts these days that consistency is elusive because what is sauce for the goose is not sauce for the gander.

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