

Nizar seeks five-member appellate court panel
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Pakatan Rakyat leader Mohammad Nizar Jamaluddin has applied for a five-member Court of Appeal panel to hear his application to set set aside an order which allowed a stay on the High Court's ruling in declaring him as the rightful menteri besar of Perak.

A letter was faxed to the Court of Appeal registrar by Nizar's lawyer Leong Cheok Keng this afternoon stating that his client is seeking a five-member panel.

Normally, the appellate court seating would have three judges hearing a particular proceeding.

Contacted later, Leong confirmed that the letter was sent to the Court of Appeal registrar at about 4pm and a copy was also sent via courier today.

"We are making the application out of public interest. Also owing to the fact that when the case was heard before the Federal Court, it was before a five-member panel as it involves constitutional issues," he said.

"So the lawyers thought it is vital that the appellate court has a similar composition, as this is a very important case," he said, adding he has yet to receive a response over his application for an early hearing date.

Appellate court can have three or more judges

Under Section 38 of the Court of Judicature Act, the composition of the Court of Appeal shall be heard and disposed of by three judges or such greater uneven number of judges as the president of the Court of Appeal may determine.

It is learnt that Leong has asked for the letter to be produced before President of the Court of Appeal Alauddin Md Sheriff for him to decide on the composition. There are presently 22 judges at the Court of Appeal.

Last Monday, Kuala Lumpur High Court judge Justice Abdul Aziz Abd Rahim declared Nizar as the rightful menteri besar, after it ruled the failure by Barisan Nasional to have a motion of no confidence against the Pakatan Rakyat leader was detrimental.

Abdul Aziz also disallowed an oral stay application by lawyer Cecil Abraham, who appeared for BN menteri besar Zambry Abd Kadir.

A day later, the Court of Appeal's Justice Ramly Ali allowed a stay of the declaratory order and decided not to impose any conditions on the stay although Nizar's counsel Sulaiman Abdullah, brought the matter up.

On Wednesday, Mohammad Nizar's lawyers filed an application to set aside the stay order at 2.20pm but was only informed at about 5pm on the hearing date which was to be today.

However on Friday, Leong got confirmation that the hearing of the stay has been postponed

to Thursday to accommodate the appeal proper filed by Zambry.

This led to Leong questioning the "special treatment" accorded by the appellate court for Zambry to give a fast-track stay order.

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