

Court Strikes Out Election Petition For Rungkup, BN Keeps Seat
Bernama
1 Aug, 2013

IPOH, Aug 1 (Bernama) -- The Election Court here has struck out with costs a petition by former PAS candidate to declare the 13th general election (GE13) results for the Rungkup state seat won by the Barisan Nasional (BN) as null and void.

Judge Datuk Umi Kalthum Abdul Majid rejected the petition on grounds that personal lawyer Chan Kok Keong, who represented petitioner Misbahul Munir Masduki, only filed a notice of acceptance of the appointment in court yesterday.

This is against Regulation 34 of the Election Petition Rules 1954 which requires the counsel to file the notice as soon as he was appointed.

For this, the judge ordered the petitioner to pay RM5,000 each to Rungkup assemblymen Datuk Shahrul Zaman Yahya and the Election Commission (EC).

Umi Kalthum said although the petitioner hired a personal lawyer, the petition was filed through Messrs Chan & Associates on June 13.

This is against Regulation 9 of the Election Rules 1954 which requires the name of the counsel representing the petitioner to be attached to the petition and only the petitioner or his lawyer could file the petition and not a law firm.

Umi Kalthum said the court found that the Malay version of the petition documents filed in the court on that date was signed by lawyer Chan Kok Keong to which it was confirmed by him during the proceedings today.

The is a very serious matter as it involved authority as Misbahul Munir as the petitioner has the authority to sign the documents, but he did not do so, she added.

She said however, the English version of the petition documents, which were used as a reference by the petitioner and the respondents, were not filed in court.

Umi Kalthum also ordered Misbahul Munir to pay RM30,000 each in costs to Shahrul Zaman and the EC.

Moments later, Misbahul Munir, who was seated in the public gallery, stood up and asked the court to use its discretion not to impose any costs on him or to reduce them.

Umi Kalthum, however, said the costs were arrived at after taking into account various aspects of the law and were not restricted to the election petition alone.

"An election petition is a serious matter. You have the right to take (legal) action, but you also have to take the risk. This is a serious legal action," she said, adding that the costs imposed were reasonable after considering the time and energy spent by the respondents to prepare for the proceedings.

-- BERNAMA

Copyright © 2013 BERNAMA

Source: <http://www.bernama.com/bernama/v7/newsindex.php?id=967721>