

**Election Court To Decide On Titiwangsa Petition
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KUALA LUMPUR, July 23 (Bernama) -- The Election Court has fixed Wednesday to decide on whether to strike out or proceed with a full trial of the petition filed by a voter against the election result for the Titiwangsa parliamentary constituency in the 13th general election (GE13).

Justice Datin Zabariah Mohd Yusof fixed the date after hearing submissions on the preliminary objections, by counsel Azhar Arman Ali who is representing the petitioner Rusli Yasmin, counsel Alice Loke Yee Ching representing Titiwangsa GE13 election officer Abdul Halim Ismail and the Election Commission, and counsel Sunthar Thulasi for the constituency's MP Datuk Johari Abdul Ghani.

In his submission, Azhar said the preliminary objections by the three respondents should be struck out with costs as the petition had satisfied the requirements.

He said the facts, points and grounds raised could only be proven after a full trial, which was by calling the witnesses and tendering the relevant documents.

Meanwhile, Alice submitted that the petitioner had failed to comply with the mandatory provisions of Rule 4(1)(b) and 4(4) of the Election Petition Rules 1954.

She said under the rule, a petitioner was obliged to plead in the petition itself such material facts with such particulars where necessary to show that he had a cause to complain.

"The petitioner is relying on Section 32(b) to void the election. He must not only narrate the facts complained of but must also relate or associate the complaints with the provision of the election laws said to have been transgressed," she said.

Alice also said the petitioner alleged that about 30 other voters had made police reports that the indelible ink used to mark their fingers was easily washed off, but did not state the facts to show how and in what manner the regulation 19(4) of the Elections (Conduct of Elections) 1981 was not complied with.

"Apart from pleading that 'dakwat yang digunakan pada jari pengundi adalah tidak kekal' there are no facts to show how the results of the election had been affected," she said.

In asking the court to dismiss the petition, Sunthar said the petitioner failed to state the particulars of the person(s) or the name of the agent(s) whom the petitioner alleged to have committed the act of giving cash voucher(s) of RM50, mineral water and packed food as well as the name of voter(s) who had received the same.

"These facts were not particularised or stated at all in the election petition and neither did the election petition identify who these 'pekerja-pekerja BN' are who gave out the items mentioned and voters who received the same as required by Regulation 4(1)(b) of the Election Petition Rules 1954.

"Further, the elements which constitute the offence within Section 10(a) of the Election Offences Act 1954 are not pleaded," Sunthar said.

In the GE13, Johari defeated PAS' candidate Ahmad Zamri Asa'ad Khuzaimi with a majority of 866 votes.

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