

**PKR Election Petition For Setiawangsa Struck Out  
Bernama  
23 July, 2013**

KUALA LUMPUR, July 23 (Bernama) -- The Election Court today struck out the petition filed by the Parti Keadilan Rakyat (PKR) candidate for the Setiawangsa constituency in the Federal Territory on the grounds that the petition was defective.

Justice Zabariah Mohd Yusof in her decision said the petitioner, Ibrahim Yaacob, failed to fulfil the mandatory requirements of the election law in filing the petition.

She ordered cost of RM50,000 to be paid to the returning officer (RO) of the Setiawangsa constituency and the Election Commission (EC).

Zabariah also ordered cost of RM20,000 to be paid for the first respondent, Ahmad Fauzi, who was also the Barisan Nasional candidate.

In a nine-page judgment, the election judge stated that after perusing through the election petition, the petitioner had failed to plead sufficient facts with clarity to support the alleged contravention by the respondents.

"The facts pleaded by the petitioner in most complaints did not support the alleged breaches or transgression of the various provisions of the election law," said Zabariah.

She also noted that the petitioner heavily relied on Section 32 (b) of the Election Offences Act 1954 and Section 4(g) of the Act to establish non-compliance by the second and third respondents (RO and EC), which was misconceived and wrong in law.

Zabariah said the sections which the petitioner could rely on were Section 32(a) and Section 32(c) of the Act and not as stated in the petition.

On the allegation of contravention of Rule 19 of the Election (Postal Voting) Regulations 2003, she said no facts were pleaded on two postal voters having voted on the polling day.

She said it was unclear which two voters were registered as postal voters or advance voters, where the facts provided were insufficient to establish that the ballot boxes for postal voters had been tampered with by looking at the results.

On another complaint of manipulation of ballot papers as observed by PKR polling agents, she said it was mere speculation and conjecture.

"There were no facts pleaded to establish the nexus between the ballot papers and the failure of the presiding (returning) officer to reject the ballot papers," added Zabariah.

She also ruled that it was mere conjecture and speculation on the petitioner's claim that the ballot boxes for the postal voters had been tampered with by looking at the results that he obtained from postal voters.

In the recent general election, Ibrahim lost to the Barisan Nasional candidate, Ahmad Fauzi, by 1,390 votes.

During today's proceeding, Ibrahim was represented by counsel Rajesh Kumar Sharma, and Ahmad Fauzi, by counsel T.Sunther.

Senior federal counsel Alice Loke represented the RO and EC.

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