

BN Retains Lubok Merbau State Seat, Federal Court Dismisses Appeal

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PUTRAJAYA, May 12 (Bernama) -- Barisan Nasional (BN) retains the Lubok Merbau state seat in Perak as the Federal Court here today dismissed a voter's appeal to annul the result for the seat in the 13th General Election.

Chief Justice Tun Arifin Zakaria, chairing a five-member panel unanimously dismissed the appeal brought by Mohd Ridzuan Asit against an Election Court decision in rejecting his election petition.

Arifin held that there were no merits on the issues of res judicata and the locus standi of the senior federal counsel to represent the Election Commission which was raised by Mohd Ridzuan's counsel.

(Res judicata denotes an important legal doctrine that once a matter is judicially determined, it is fully decided. The doctrine bars relitigation of matters that have already been determined in adjudication.)

On the third issue regarding the locus standi of lawyer Chan Kok Keong to appear as counsel for Mohd Ridzuan, Arifin said the Election Court was correct to rule that Chan could not represent Mohd Ridzuan because his signature was not in the written notice of appointment.

He also ordered Mohd Ridzuan to pay RM15,000 in legal costs each to BN's Lubok Merbau assemblyman Datuk Siti Salmah Mat Jusak and the Election Commission.

Chief Judge of Malaya Tan Sri Zulkefli Ahmad Makinudin, Federal Court judges Tan Sri Abdull Hamid Embong, Datuk Zainun Ali and Court of Appeal judge Datuk Azahar Mohamed presided on the panel with the chief justice.

On Aug 13, last year, the Election Court in Ipoh struck out Mohd Ridzuan's election petition to annul the result for the Lubok Merbau state seat.

On Dec 23, last year, the Federal Court allowed Mohd Ridzuan's appeal and remitted the matter back to the Election Court to hear the merits of the petition.

On Jan 16, this year, the Election Court once again rejected Mohd Ridzuan's election petition, ruling that his petition was defective prompting Mohd Ridzuan to appeal to the Federal Court.

At the 13th General Election, Siti Salmah defeated PAS candidate Mohd Zainudin Mohd Yusof by 53 votes.

Datuk Abu Bakar As-Sidek represented Siti Salmah while Senior Federal Counsel Alice Loke appeared for the Election Commission.

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