

PAS Candidates Fail In Appeal To Reinstate Civil Suits

Bernama

Oct 16, 2014

PUTRAJAYA, Oct 16 (Bernama) -- Two PAS 13th general election (GE13) candidates have lost their appeal to reinstate their civil suits seeking to disqualify two Perak Barisan Nasional (BN) assemblymen from representing two state constituencies.

Jamil Dzulkarnain and Mohd Misbahul Munir Masduki was told by the Court of Appeal chaired by Justice Datuk Mohamad Ariff Md Yusof today, that the proper avenue for them to challenge the election of a candidate was through an election petition.

"This is provided for in Article 11 of the Federal Constitution," said Mohamad Ariff, adding that the court would provide the grounds of judgement at a later date.

The three-member panel which also comprised Court of Appeal judges Datuk Mohd Zawawi Salleh and Tan Sri Idrus Harun, did not make any orders on costs.

The appellants filed the originating summons in July last year, against Mohamed Kamil Shafie and Datuk Shahrul Zaman Yahya on grounds that the two BN assemblymen were not residents of the state when they contested in the GE13 in May, last year.

The assemblymen in their defence, maintained that they were residents of Perak, and that any disqualification of elected representatives must be done through an election petition.

On April 10, this year, the High Court in Kuala Lumpur allowed the BN assemblymen's application to strike out the two civil suits.

The court ruled that it was improper for the PAS candidates to challenge the results of the general election by way of an originating summons.

In the GE13, Jamil was defeated by Mohamed Kamil for the Manong seat, by a 231-vote majority while Mohd Misbahul lost to Shahrul Zaman by a 613-vote majority.

The appellants were represented by counsel Chan Kok Keong while the respondents, by Datuk Hafarizam Harun and Choo Shi Jin.

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