

Court Dismisses Mkini's Bid To Replace Judge In PM's Defamation Suit
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KUALA LUMPUR, June 22 (Bernama) -- The High Court today dismissed an application by news portal Mkini Dotcom Sdn Bhd and two others to replace the trial judge assigned by the Chief Judge of Malaya to hear the defamation suit brought by Prime Minister Datuk Seri Najib Tun Razak against them.

Judge Datuk Asmabi Mohamad made the decision in chambers in the presence of senior federal counsel Amarjeet Singh and Suzana Atan who represented the Chief Judge of Malaya, as the respondent.

Counsel Datuk Mohd Hafarizam Harun represented Najib and UMNO executive secretary Datuk Ab Rauf Yusoh, who was also named as a respondent.

Lawyer Ashok Kandiah represented Mkini Dotcom and its editor-in-chief Steven Gan and chief editor Fathi Aris Omar, as the applicants.

Ashok told reporters that the court dismissed the application after finding that the Chief Judge of Malaya had the absolute power to direct any judge to hear a case in court in accordance with Section 20 of the Courts of Judicature Act 1964.

The lawyer said the court also ordered Mkini to pay RM5,000 costs to the Attorney General's Chambers which represented the Chief Judge of Malaya.

On June 12, Mkini and two others filed an application to obtain a judicial review to quash the decision of the Chief Judge of Malaya who appointed High Court Judge Datuk Wira Kamaludin Md Said to hear Najib's defamation suit.

The trio filed the application on the grounds that Kamaludin had been transferred to the Seremban High Court. Prior to this, the judge had served at the Kuala Lumpur Civil High Court.

Following the decision, Kamaludin will hear the defamation suit. However, no date has been fixed for the hearing.

On May 30 last year, Najib, in his personal capacity and Ab Rauf, as the plaintiff, filed a defamation suit against Mkini, Steven and Fathi Aris, as the defendants, over a series of readers' posts published on their website. The suit centres on two articles published by Malaysiakini on the www.malaysiakini.com portal on May 14 last year.

The two plaintiffs also claimed that the publication of the two articles had allegedly marred their reputation and sparked allusions that UMNO was incompetent as a political body and the backbone of the Barisan Nasional.

They claimed that the defamatory words allegedly implied that UMNO was misusing power in the interest of the party and that it was an undemocratic organisation.

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