

**High Court Dismisses PKR's 'GE13 Overspending' Lawsuit against Najib, 3 Others**  
**Bernama**  
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KUALA LUMPUR, Jan 21 (Bernama) -- Prime Minister Datuk Seri Najib Tun Razak and three others won their case after the High Court today dismissed a lawsuit by PKR alleging overspending by them in the 13th general election (GE13).

Judicial Commissioner Datuk Mohd Zaki Abdul Wahab granted the defendants' application to strike out the suit after finding that the plaintiffs' writ of summons and statement of claim had no legal standing.

Three others named with Najib in PKR's suit were Barisan Nasional (BN) secretary-general Datuk Seri Tengku Adnan Tengku Mansor, 1Malaysia Development Berhad (1MDB) and the Election Commission (EC).

PKR de facto leader Datuk Seri Anwar Ibrahim, who is serving a five-year sentence for sodomy, Lembah Pantai MP Nurul Izzah Anwar, Batu MP Chua Tian Chang, PKR former secretary-general Datuk Saifuddin Nasution Ismail and Gerakan Harapan Baru member Dr Dzulkefly Ahmad were the plaintiffs.

The judge ordered them to pay RM15,000 costs each to Najib and Tengku Adnan and RM10,000 each to 1MDB and the EC.

PKR filed the suit on Aug 12 last year alleging that Najib and the other defendants had overspent and broken election laws during the GE13.

Mohd Zaki in his decision said the plaintiffs did not have the locus standi to file the action against Najib and Tengku Adnan as they were neither public officers nor office bearers in PKR.

According to Section 9(c) of the Societies Act 1966, the judge said, any proceeding against an organisation or its office bearers could only be brought by a public officer or office bearer in the organisation.

"The first plaintiff (Anwar) is not a public officer or office bearer in the organisation while the other plaintiffs must show what interest they have in bringing the action but they only said it was their right as voters," he said.

On the plaintiffs' demand for a declaration of misconduct by the first defendant (Najib) in the 1MDB issue, the judge said the civil court did not have the jurisdiction to make the declaration.

"Only the Attorney-General can initiate or take action on a criminal case. Based on past cases it is clear that a civil case cannot act in a criminal case. This court is bound by that decision," he said.

Mohd Zaki further held that the plaintiffs had no locus standi to ask of the court to declare UMNO as an illegal party as only the Registrar of Societies could make the declaration under Section 41 of the Societies Act.

On the plaintiff's contention about the RM2.6 billion fund, Mohd Zaki said they had not presented facts but only hearsay in their affidavit.

He said the civil court could also not accede to the plaintiffs' demand for a declaration to declare the outcome of the GE13 as null and void as it did not have the jurisdiction to do so.

"Only the Election Court has the jurisdiction and could decide on the plaintiffs' claim," he said.

Meanwhile, outside the court, lawyer Datuk Mohd Hafarizam Harun who represented Najib and Tengku Adnan told reporters that he hoped the ruling would put all the issues involving RM2.6 billion to rest.

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