VERIF. CODE : 12-1820876-8983273-10384586
ENCLOSURE NO. : 1
PAYMENT AMOUNT: RM 160.00

In the High Court of Sabah and Sarawak at Kota Kinabalu

(Judicial Review Application No. BKI-25-43-12/2025 **…… of 2025)**

IN THE MATTER OF

Order 53 **Rule 3(2)** of the Rules of Court 2012;

AND IN THE MATTER OF

section 25(2) and the Schedule to the Courts of Judicature Act 1964 (powers of judicial review, including certiorari, mandamus and declarations);

AND IN THE MATTER OF

Article 113 of the Federal Constitution (functions and duties of the Election Commission);

AND IN THE MATTER OF

sections 8, 9, 10, 11 and 32 of the Election Offences Act 1954 (Act 5) (treating, undue influence, bribery, and statutory grounds affecting the validity of an election);

AND IN THE MATTER OF

the conduct, administration, decisions, acts and/or omissions of the Election Commission of Malaysia in relation to the Sabah State Election for the State Legislative Assembly constituency N.37 KARANAAN, held on 29 November 2025, including the declaration and gazettement of the returned candidate.

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BETWEEN

NAOMI @ NEOMI FRANCIS
(NRIC No.: 661212-12-5074) **… Applicant**

AND

SURUHANJAYA PILIHAN RAYA MALAYSIA
(Election Commission of Malaysia) **… 1st Respondent**

DATUK MASIDI MANJUN
(Returned candidate for N.37 Karanaan) **… 2nd Respondent**

EX-PARTE APPLICATION FOR LEAVE FOR JUDICIAL REVIEW

(Order 53 Rule 3(2) of the Rules of Court 2012)

LET ALL PARTIES CONCERNED attend before the Judge in Chambers/Open Court on the ……4th DAY OF FEBRUARY, 2026 AT 9.00 am ..a.m/p.m__on the hearing of the Applicant, **Naomi @ Neomi Francis**, who will apply to the High Court at Kota Kinabalu for **leave to apply for judicial review** under Order 53 of the Rules of Court 2012. The Applicant seeks leave to challenge the conduct and result of the state election for the N.37 Karanaan constituency held on 29 November 2025, and upon obtaining leave, to seek the following reliefs:

1. **Leave to Apply for Judicial Review** against the decision of the 1st Respondent (Election Commission, “EC” or “SPR”) in declaring and gazetting the 2nd Respondent (Masidi Manjun) as the winner of the N.37 Karanaan state seat in the 2025 Sabah election.
2. An **Order of Certiorari** to quash the decision of the 1st Respondent dated on or about 29 November 2025 (gazetted on or about 8 December 2025)

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declaring the 2nd Respondent as the duly elected State Legislative Assembly member for N.37 Karanaan. This includes quashing the **result of the election for N.37 Karanaan** which was announced and gazetted by the 1st Respondent.

3. An **Order of Mandamus** compelling the 1st Respondent to **conduct a fresh election** for the N.37 Karanaan state constituency, within a time to be fixed by this Honourable Court, in accordance with the law.

4. **Declarations** that the election result for N.37 Karanaan (Sabah State Legislative Assembly) is **void and vitiated** due to **corrupt practices** and **illegal conduct**, in particular:

    a. **Bribery, treating and undue influence** perpetrated by or on behalf of the 2nd Respondent in connection with the election, contrary to Sections 10, 8 and 9 of the Election Offences Act 1954; and

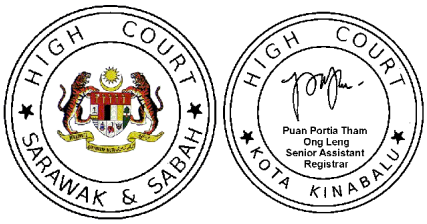
    b. **Substantial non-compliance with applicable electoral laws and procedures** by election officials and/or agents of the Respondents in the conduct of the election (including breaches of the Elections (Conduct of Elections) Regulations 1981 and Election Offences Act 1954), such that the election was not conducted in accordance with principles of fairness and legality and the result was affected.

5. A further **Declaration** that the 1st Respondent, in failing to prevent or address the extensive corrupt practices and irregularities in the N.37 Karanaan election, **breached its constitutional and legal duty** to conduct a free and fair election, thereby also violating the Applicant's and voters' legitimate expectation that the election would be carried out honestly, fairly, and in compliance with the law.

6. Such further or other relief as the Honourable Court deems fit and just (including any interim orders deeming the 2nd Respondent's status as elected representative to be suspended pending the determination of this application, if necessary).

7. An order that the **costs** of this application be in the cause (or such order as the Court deems just).

Dated: 26 December 2025.



Digitally Signed by PORTIA THAM ONG LENG
E-KEHAKIMAN SABAH & SARAWAK
Signing Date:31.12.2025 20:23:11 +0800

Deputy Registrar/Senior Assistant Registrar
High Court in Sabah and Sarawak

at Kota Kinabalu

This Application for Leave for Judicial Review is taken out on behalf of the Applicant by Messrs Priskila Akwila Advocates, whose address for service is at 8-1, 8th Floor, Suria Sabah Shopping Mall, 1, Jalan Tun Fuad Stephens , 88000 Kota Kinabalu, Sabah, Malaysia.