



*By Terrence Netto*

*First published in [Malaysiakini](#)*

**COMMENT** The Federal Court's [rejection](#) yesterday of Anwar Ibrahim's application to have Sodomy II struck out takes another leaf from its newfangled tradition of upending precedent.

Anwar's lawyers had sought to have the case struck out on grounds that the medical records showed no evidence of penetration of his accuser's rectum.

Judicial precedent in rape and sodomy cases holds that if there is no penetration, there can be no grounds for conviction.

And who determines if there has been penetration or not?

The doctors, of course. In Anwar's case, not one but three arrived at the same finding of no penetration.

No penetration, no conviction. This judicial precedent sits with a little click in the listener's mind, like the precise and gentle sound as a well-made wooden box snicks shut.

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