Appellate court sets aside Bersih 3.0 rally ban
MalaysiaKini.com
Jan 6, 2014

The Court of Appeal has today unanimously set aside the order by Kuala Lumpur Magistrate Zaki Asyraf to ban the Bersih 3.0 rally in 2012, under Section 98 of the Criminal Procedure Code (CPC).

A three-member panel, headed by Justice Linton Albert, deemed the ban order defective, following an appeal filed by PKR deputy president Azmin Ali (left) and Rembau PKR chief Badrul Hisham Shaharin.

The duo had argued that the order went against the federal constitution.

The other judges on the panel were Justices Zakaria Sam and Wong Dak Wah.

Azmin was represented by CV Prabhakaran while former deputy solicitor-general Mohd Yusof Zainal Abiden, who has since retired and joined private practise, while lawyer Sankara Nair represented Badrul Hisham, or better known as Chegubard.

Zaki had issued the order on April 26, 2012, two days before the mammoth rally.

The duo filed their appeal last year to strike out charges against them under the Peaceful Assembly Act 2012 (PAA) on the grounds that the order issued by Zaki to ban the rally was ultra vires of the PAA, which had come into force on Jan 30, 2012, and that the magistrate had acted beyond his jurisdiction.

It was reported that Azmin and Chegubard had earlier failed to strike out the charges at the Kuala Lumpur High Court.

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Source: http://beta.malaysiakini.com/news/251028