

Sedition charges against top Hindraf leaders retained
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A sedition charge against three Hindu Rights Action Force (Hindraf) activists for allegedly inciting racial hatred was retained today, when the Court of Appeal struck out their appeal.

A three-man quorum comprising Justices Hasan Lah, Ahmad Maarop and Sulaiman Daud unanimously upheld the High Court's decision in ordering lawyers P Uthayakumar, younger brother P Waytha Moorthy and V Ganabatirau to stand trial on the charge at the Klang Sessions Court.

The quorum struck out the trio's appeal on the grounds that their appeal was incompetent due to the absence of petition of appeal.

In their ruling, Hasan said the court accepted the argument by deputy public prosecutor Mohd Hanafiah Zakaria that the High Court's verdict was not appealable because it was not a final order.

One of their counsel, M Manoharan, however, told reporters after the verdict, that they would bring the matter up for appeal to the Federal Court.

On Nov 26, 2007, the Klang Sessions Court ordered that the three of them, who are lawyers, be discharged not amounting to an acquittal on a technicality, after ruling that the charge was improperly framed.

On Dec 10, the same year, the High Court reversed the decision after allowing the prosecution's application to review the Sessions Court's decision.

Unhappy with the decision, the three lawyers brought the matter up for appeal to the Court of Appeal.

In their appeal, the trio also sought extension of time to enable them to file their petition of appeal as they claimed they were unable to do it (file the petitions) on time because they were detained under the Internal Security Act.

Uthayakumar, 49, Waytha Moorthy, 44, and Ganabatirau, 37, were charged at the Sessions Court on Nov 23, 2007, with inciting a crowd through their speeches in Tamil at a restaurant in Batang Berjuntai between 8.30pm and 11.15pm on Nov 16, 2007.

They were charged under Section 4 of the Sedition Act 1948 (Revised 1969) and would be liable to a maximum RM5,000 fine or three years' jail, upon conviction.