

Tian Chua granted leave to appeal against 'biting' conviction
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KUALA LUMPUR - The Court of Appeal has granted Batu MP Tian Chua leave to appeal against his conviction for biting a police officer three years ago.

Appellate court judges, Justices Suriyadi Halim Omar, Hasan Lah and Ahmad Maarop, unanimously ruled Monday that the High Court had erred in its judgment by not considering all the evidence when it upheld the magistrates court's conviction against Tian Chua.

Justice Suriyadi raised the question on how High Court Judge Ghazali Cha was able to conclude that the earlier conviction by the magistrate's court was valid, when he did not view a DVD video clip documenting the incident., The Star reported.

He noted that when Tian Chua had appealed his case at the High Court, it was considered a re-trial, which therefore, required the judge to review all the evidence tendered in the previous trial in the magistrate's court.

With leave for appeal granted, Tian Chua now has 14 days to file his notice of appeal through his lawyers Ranjit Singh and Amer Hamzah Arshad.

Representing the prosecution was deputy public prosecutor Hanafiah Zakaria.

Tian Chua had raised a total of 12 questions of law in his appeal.

Apart from the relevance of the DVD video clip, among the questions Tian Chua raised was whether the magistrate's court could rely on a document (another DVD video clip) as evidence, when it had not yet been admitted as evidence and marked as an exhibit.

Tian Chua also raised the question of whether a person was entitled to resist an arrest by the police, if the arrest was illegal or unlawful.

On June 17, this year, the High Court set aside a magistrate court's six-month jail sentence and RM3,000 fine on Tian Chua, 47, for causing hurt to a policeman two years ago and substituted the sentence with a RM2,000 fine or two months' jail.

Justice Ghazali Cha said if the earlier sentence meted out on Tian Chua were to stand, it would disqualify him from remaining an MP and a by-election would have to be called.

Tian Chua was found guilty on Oct 22 last year of causing hurt to Constable Rosyaidi Anuar, 22, of the Kuala Lumpur Narcotics Division, on the road leading to the Parliament building here at 10.45am on Dec 11, 2007.

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