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Freed of hurting Dr M

SPRAYING INCIDENT: Judge sets aside Nik Sapeia's conviction

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THE High Court here yesterday allowed the appeal of businessman Datuk Nik Sapeia Nik Yusof who had been sentenced to six months' jail for causing hurt to former prime minister Tun Dr Mahathir Mohamad and three others by spraying a dangerous substance at them more than five years ago.

Kuantan High Court judge Datuk Mariana Yahya, who heard the appeal, in her judgment said she found that the magistrate's court was wrong in facts and law when it found the appellant guilty.

"After considering the evidence of witnesses and arguments from both the prosecution and defence, I find the appellant (Nik Sapeia) has succeeded in raising a reasonable doubt in the case.

"I, therefore, release and discharge him from the charge. The sentence



Family members and supporters rejoice with People's Progressive Party vice-president Datuk Nik Sapeia Nik Yusof following the verdict. Pic by Zulkifli Che

against him is also set aside," said Mariana, who took about 90 minutes to read her judgment.

Nik Sapeia, who was wearing a dark suit, was seen wiping his tears in the dock after the judge completed reading her judgment.

Immediately afterwards, he was mobbed by his family and supporters who filled the court.

The People's Progressive Party vice-president was found guilty of committing the offence at the Sultan Ismail Petra airport on July 28, 2006, by magistrate Azman

Mustaffa two years ago.

Nik Sapeia was charged under Section 324 of the Penal Code with injuring Dr Mahathir, Pasir Mas member of parliament Datuk Ibrahim Ali, Dr Mahathir's former physician Dr Mohd Nasir Muda and Suberi Shahidan by spraying a harmful substance at the airport.

In yesterday's proceedings, he was represented by lawyers Datuk Seri Dr Shafee Abdullah, Datuk Ramli Yusoff, Badrul Munir Bukhari, Y. Sheelan Samvagam and Zainal Abidin Mustafa, while

deputy public prosecutor Idham Abdul Ghani, assisted by Lilawati Ali, appeared for the prosecution.

Mariana, in her judgment, also said there were several flaws and inconsistencies in the evidence given by the prosecution witnesses, especially on the exact timing and position when the incident happened.

She said from the evidence, there were five different versions of the place, time and the person involved in the incident.

"One witness said the spraying happened when Tun Dr Mahathir was about to enter a Pajero, another said it happened when Tun Dr Mahathir was in the vehicle, while another said he saw the spraying at the main entrance to the airport terminal."

The judge said the prosecution also failed to produce the item it claimed was used as a weapon to harm all the victims.

"Without the evidence, the court could not identify the exact content of the spray and whether it was really dangerous and harmful."

Nik Sapeia, who spoke briefly to his supporters, said he was grateful that his appeal had been accepted and thanked those who had come to court and prayed for him.