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Attack on Mahathir : Appeal struck out

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PUTRAJAYA: Businessman Datuk Nik Sapeia Nik Yusoff remains free as the Court of Appeal yesterday struck out the prosecution's appeal against his acquittal for allegedly causing hurt by spraying dangerous substances at former prime minister Tun Dr Mahathir Mohamad in 2006.

A three-member panel chaired by justice Datuk Mohtarudin Baki allowed a preliminary objection raised by Nik Sapeia's counsel, Tan Sri Muhammad Shafee Abdullah, to strike out the

prosecution's appeal.

Mohtarudin said the court found the questions in the prosecution's amended notice of appeal had included a mixture of legal questions and facts of the case.

Muhammad Shafee had argued that the prosecution's appeal was incompetent because the questions were not confined to legal questions as required under Section 50 (2) of the Courts of Judicature Act 1964. That section states an applicant must first obtain leave of the Appeals Court to appeal against matters arising

from the magistrate's court and the appeal shall confine to only questions of law.

The prosecution had obtained leave from the Appeals Court to appeal against Nik Sapeia's acquittal and had posed nine questions.

On Jan 29, 2012, the Kota Baru High Court allowed Nik Sapeia's appeal and acquitted him on a charge of voluntarily causing hurt by spraying a dangerous substance at Mahathir at the Sultan Ismail Petra Airport in Pengkalan Chepa about 100 km from Kuala Lumpur on July 28, 2006. - Bernama