

Karpal cannot appeal acquittal reversal, apex court rules
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PUTRAJAYA, March 26 — The reversal of Karpal Singh's acquittal of a sedition charge is final and may not be appealed, the Federal Court ruled today.

According to Bernama Online, a five-man panel headed by Chief Judge of Malaya Tan Sri Zulkefli Ahmad Makinuddin unanimously reaffirmed the Court of Appeal's order for the DAP chairman to enter his defence on the sedition charge related to the 2009 Perak constitutional crisis.

Karpal was earlier indicted under Section 4(1) of the Sedition Act 1948 for allegedly uttering seditious words against the Perak Sultan at his legal firm in Jalan Pudu Lama, Kuala Lumpur on February 6, 2009, during the Perak constitutional crisis.

He is alleged to have said that the removal of Datuk Seri Mohamad Nizar Jamaluddin as Perak menteri besar and the appointment of Datuk Seri Dr Zambry Abdul Kadir by the Sultan could be questioned in a court of law.

Karpal was later acquitted of the charges by trial judge Azman Abdullah.

The A-G's Chambers subsequently filed its appeal last year, contending that the judge had taken a wrong approach when he ruled the prosecution had failed to prove prima facie.

On January 20, the Court of Appeal overturned the acquittal and ordered the senior lawyer's defence.

Following the reversal, Karpal said he would challenge the decision on the grounds that his right to appeal meant the ruling was "not a final order and therefore not appealable".

Today, Zulkefli ruled that as the reversal meant the case was now pending before the High Court, Karpal's interpretation of Article 8(1) of the Federal Constitution on equality before the law was incorrect and must in this instance be read together with Section 3 of the Courts of Judicature Act 1964.

Section 3 of the CJA states that the court does not have the jurisdiction to entertain appeals on interlocutory matters which were decided in the course of a trial because the ruling is considered not a final order and does not finally dispose of the rights of the party.

Other sitting judges in today's hearing were Federal Court judges Datuk Hashim Yusoff, Tan Sri Abdull Hamid Embong, Datuk Suriyadi Halim Omar and Datuk Hasan Lah.

The case is awaiting trial at the High Court and was earlier fixed for hearing on May 30.

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