

Court to decide Thursday on application to subpoena Dr M and 2 others
TheStarOnline
August 24, 2012
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KUALA LUMPUR: The High Court here set Aug 30 for its decision on whether to issue a subpoena to former prime minister Tun Dr Mahathir Mohamad and three others to testify in the application to strike out veteran lawyer Karpal Singh's seditious charge.

Karpal had allegedly uttered seditious words against the Sultan of Perak.

He submitted that the testimony of those to be subpoenaed were essential for the defense to prove the prosecution against him was selective.

He said "cases alike should be treated alike", referring to previous cases where others had allegedly spoken seditious words but had no charges brought against them as a consequence.

Karpal argued that his application was not an abuse of court process as the persons named were directly relevant to his case.

The other three individuals, whom the defense applied to be subpoenaed, include former attorney-general Tan Sri Abu Talib Othman, current Attorney-General Tan Sri Abdul Gani Patail and SFC Datuk Wira Kamaludin Said.

Karpal told reporters after the proceedings that Kamaludin had been issued a subpoena on May 15, but had yet to be served.

Deputy Public Prosecutor Noorin Baharuddin argued that all of the witnesses that the defense wanted the subpoena were not relevant to the case and could not aid in Karpal's defence.

"We cannot deny that a subpoena can be issued to anyone, but the court possesses the inherent jurisdiction to deny application for a subpoena to prevent it from being abused," she said.

Noorin said Karpal wanted to call on Dr Mahathir as he believed that the former prime minister had spoken words amounting to seditious, but was not charged by the AG.

On Jan 18, 1993, Dr Mahathir moved a motion to amend the Constitution to remove the immunity of Rulers and establish a Special Court to try them in their personal capacity for criminal and civil wrongdoings.

"The court is not a forum to discuss if Dr Mahathir had said something seditious, nor is it a place to question why the AG did not charge him," said Noorin, adding that was why Dr Mahathir, Abu Talib and Abdul Ghani would not be relevant to the case.

She said the court should not introduce such evidence, to ask a person of authority "why if I am charged, why are they not charged too".

High Court Judge Justice Azman Abdullah would decide on the relevancy of Karpal's submission to call these witnesses on Aug 30.

Karpal was charged under Section 4(1) of the Sedition Act 1948 for having allegedly uttered seditious words against the Sultan of Perak at his legal firm Messrs Karpal Singh & Co in Jalan Pudu Lama on Feb 6, 2010.

Karpal Singh, 71, was alleged to have said that the Sultan's removal of Mohamad Nizar as the Perak Mentri Besar and Datuk Seri Dr Zambry Abdul Kadir's appointment to the position could be questioned in a court of law.

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