

On Karpal's birthday, A-G drops appeal to enhance sedition sentence, say family
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Attorney-General Tan Sri Abdul Gani Patail has withdrawn a cross-appeal to enhance the punishment against the late Bukit Gelugor MP, Karpal Singh, for sedition.

His son Ramkarpal Singh said the prosecution had filed a notice of withdrawal in the Court of Appeal.

The prosecution, which was earlier dissatisfied with High Court judge Datuk Paduka Azman Abdullah's sentence, filed the cross-appeal but on June 9 filed the notice of withdrawal.

Ramkarpal said the Court of Appeal registry had in a letter dated June 16 informed the family of the withdrawal.

Ramkarpal Singh, who was elected Bukit Gelugor MP last month, however, said the family would proceed to appeal against Karpal's conviction and sentence.

"No doubt, Karpal is no longer here, but the appeal will be lodged under the name of his widow and my mother Gurmit Kaur, who is the administrator of his estate," Ramkarpal said at a press conference in Air Itam today.

He said Gurmit would be deprived of her pension and other benefits if the court upheld the conviction.

The matter could go up to the Federal Court.

Lawyers told The Malaysian Insider days after Karpal's death that the administrator of Karpal's estate could remove the black mark – the sedition conviction – from his illustrious career by relying on a Federal Court decision in 1997.

That decision allows a deceased person's kin to appeal against the conviction and sentence provided the appellant was only fined.

They said Karpal had been merely speaking in his capacity as a lawyer and a lawmaker on a constitutional crisis following the power grab in Perak which saw the collapse of its 10-month-old government in 2009.

Karpal had filed his notice of appeal against the conviction and sentence and was awaiting the trial judge to provide the grounds of judgment before taking the matter to the Court of Appeal.

On February 21, the High court found Karpal guilty of uttering seditious words against the Sultan of Perak at the height of a constitutional crisis.

On March 11, Karpal was fined RM4,000 despite the then deputy public prosecutor Noorin Badarudin pressing for a deterrent sentence.

Karpal, who would have been 74 today, died in an accident along the North-South Expressway near Gua Tempurung on April 17.

A first-time offender under the Sedition Act can be fined up to RM5,000 or three years' jail, or both.

As a result, Karpal ran the risk of being disqualified as the Federal Constitution stated that an elected representative is disqualified from office if fined more than RM2,000 or jailed more than a year and has not received a free pardon.

Karpal committed the offence at his legal firm in Jalan Pudu Lama in Kuala Lumpur on February 6, 2009.

He had said the removal of Datuk Seri Mohammad Nizar Jamaluddin as menteri besar of Perak by the ruler could be questioned in a court of law.

Karpal's defence was that he offered a legal opinion and not a threat to the ruler, who was once the Lord President of the then Supreme Court.

His defence team also contended that the charge was framed in bad faith as there were others who made worse seditious remarks but no action was taken. – June 28, 2014.

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