

Anwar Wins Bid To Strike Out Nalla's, Utusan's Defence Statements On Previous Convictions
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PUTRAJAYA, May 29 (Bernama) -- The Court of Appeal here today granted Datuk Seri Anwar Ibrahim's application to strike out the majority judgement of his sodomy case in 1998 used by Senator Datuk S. Nallakaruppan and two others in their defence statements in the RM100 million suit filed by Anwar against them.

Leading the three-judge panel, Judge Datuk Abdul Aziz Abdul Rahim said they unanimously allowed this appeal and set aside the decision of the High Court.

The other two judges were Datuk David Wong Dak Wah and Datuk Abang Iskandar Abang Hashim.

The court also dismissed the cross-appeal filed by the three defendants and ordered them to pay cost of RM15,000 to Anwar.

On Dec 26, 2012, High Court Judicial Commissioner Vazeer Alam Mydin Meera allowed Nallakaruppan, Utusan Melayu (Malaysia) Bhd and its Editor-in-Chief Datuk Abdul Aziz Ishak to retain most of their statements of defence in case.

The only part which was allowed to be struck out by the Judicial Commissioner was the plea of justification.

Lawyer Muhammad Asmirul Asraf Fadli, who represented Utusan, told reporters that the decision was made based on Section 43 of the Evidence Act, which prohibits the evidence of previous convictions be used in civil case.

On March 26, 2012, Anwar filed a suit against the three defendants over Nallakaruppan's statements in a front-page article of Utusan Malaysia on March 20 titled "Anwar biseksual, tak boleh jadi Ketua Pembangkang - Nalla" (Anwar's bisexual, can't be Opposition Leader - Nalla).

Anwar's statement of claim said the words in the article were false, baseless and published with malicious intent.

He is seeking RM100 million in general, aggravated and exemplary damages, cost and other relief deemed fit by the court.

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