

Man set free after appeal is upheld

KUALA LUMPUR: An unemployed man was set free by the High Court here yesterday after it upheld his appeal against his conviction on a charge of possessing 12.06gm of heroin.

Judicial Commissioner Datuk Suleiman Hashim made the ruling after hearing arguments by Deputy Public Prosecutor A.C. Fernandis and counsel for Lim Kok Leong, Kitson Foong.

Citing a Supreme Court ruling, Suleiman said that a court should not misuse its power to summon and examine any person (as a witness) with the intention to make "emergency repairs" to the prosecution case.

Lim, 34, was sentenced to 15 years' jail and ordered to be given 10 strokes of the rotan by a Sessions Court when he was found guilty of committing the offence in front of the Kentucky Fried Chicken outlet in Jalan Bukit Bintang on Sept 9, 1991.

Earlier, Foong contended that the trial judge had misused his power when he reopened the prosecution's case and ordered a chemist to testify.

He said the Court's action had prejudiced Lim.

But Fernandis said the chemist testified before the defence opened its case.

Drug case appeal ^{14/9/93} allowed

KUALA LUMPUR, Tues. — The High Court today allowed an appeal by an unemployed man who was convicted by the Sessions Court last year for dadah possession.

In allowing an appeal by Lim Kok Leong, Judicial Commissioner Datuk Suleiman Hashim said the provisions of section 425 of the Criminal Procedure Code (CPC) were not to make "emergency repairs".

(The section enables the calling of any witness by the court.)

Lim, 32, was sentenced on May 14 last year to 15 years' jail and ordered to be given 10 strokes of the rotan after he was found guilty of having 12.06gm of heroin in front of a Kentucky Fried Chicken restaurant in Jalan Bukit Bintang on Sept 9, 1991.