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JAWATANKUASA PEGUAM PULAU PINANG PENANG BAR COMMITTEE

Criminal Law 5/17

21 Aug 2017

To Members of the Penang Bar,

Delivery of Documents under Section 51A Criminal Procedure Code

This Subcommittee was informed by criminal law practitioners in Penang of a recent directive from the State Prosecution Director imposing charges for the delivery and supply of documents to defence counsel in Criminal cases.

Section 51A of the Criminal Procedure Code ("CPC") requires the prosecution before the commencement of the trial to deliver to the accused certain documents. This provision makes no mention of payment or fees for the said documents.

Upon being informed of the so-called directive, the Subcommittee wrote to the State Prosecution Director for clarification. A reply dated 18 July 2017 was received from the State Legal Advisor's office, which is hereby reproduced for members' information:

PENYERAHAN DOKUMEN DI BAWAH SEKSYEN 51A KANUN ACARA JENAYAH

Dengan hormatnya saya merujuk kepada perkara di atas dan surat tuan bertarikh 10 Julai 2017 adalah berkaitan.

2. Untuk makluman tuan, Ketua Bahagian Pendakwaan melalui surat bertarikh 19/03/2009 telah memberikan arahan sepertimana berikut:

- i) Pegawai Penyiasat hendaklah menyerahkan dokumen-dokumen berikut kepada tertuduh atau peguamnya iaitu:
 - a) laporan maklumat pertama;
 - b) pernyataan-pernyataan tertuduh;
 - c) gambar rajah;
 - d) gambar-gambar;

3. Pegawai Penyiasat daripada Polis Diraja Malaysia yang mengemukakan dokumen-dokumen ini hendaklah mengenakan bayaran mengikut Peruntukkan Peraturan-Peraturan Polis 1952 (LN 636/195).

4. Selain daripada dokumen yang dinyatakan di para 2, akan diserahkan oleh Timbalan Pendakwa Raya dan tiada sebarang bayaran dikenakan.

Sekian, terima kasih.

“BERKHIDMAT UNTUK NEGARA”

Saya yang menurut perintah,

s.d.

(DATO' RAZALI BIN CHE ANI)

Pengarah Pendakwaan Negeri
Pulau Pinang

This issue has since been brought to the attention of the Bar Council's Criminal Law Committee.

The Subcommittee has made a stand that defence counsel will not pay for documents in accordance with the law and provisions of Section 51A of the CPC.

Members who are asked to pay for documents are requested to inform the undersigned and provide relevant details.

V. Parthipan
Chairman
Criminal Law Subcommittee