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JAWATANKUASA PEGUAM PULAU PINANG PENANG BAR COMMITTEE

Criminal Law 4/19

25 July 2019

To Members of the Penang Bar,

Issues from Meeting with State Director of Prosecution

Members of the Penang Bar Committee and Criminal Law Subcommittee recently paid a Courtesy Call on the State Director of Prosecution, Y Bhg Tuan Yusaini Amer Abdul Karim (PPN) and other Deputy Public Prosecutors (DPPs).

A summary of the issues discussed during the said meeting is produced below for members' information and attention:

Correspondence

As there are 22 DPPs serving in Penang, Members are reminded to state the case number and attention any correspondence (Untuk Perhatian) to the respective DPP in charge. This will assist them in identifying the case and file for the relevant DPP to respond accordingly.

Absence of counsel

The PPN and DPPs noted that some lawyers, notably from outstation, have been absent from Court, and they send another lawyer to mention on their behalf and request for another date. An example cited was a recent instance involving 6 accused persons and 4 counsel where the case was fixed for Pre-Trial Conference but only 2 counsel were present on that day.

Members are advised to ensure their presence in Court and to inform both the Court and the DPPs of any reasons for delay or absence in advance. At the same time, the Committee will inform our counterparts from the other State Bar Committees of this issue as well.

Representations

For part-heard cases, requests for representations must be made to the Attorney-General's Chambers in Putrajaya.

For fresh cases, requests can be made to the PPN but cases involving capital punishment, Anti-Trafficking in Persons and Anti-Smuggling of Migrants (ATIPSOM) and other cases of interest will be referred to Putrajaya.

Members are however to take note that the above are merely guidelines and at the end of the day, the PPN will decide each one on an individual basis depending on the facts and circumstances of each case.

Requests to the PPN can be sent via e-mail to yusaini@agc.gov.my

The PPN assured us that upon receipt of representation requests, his office will provide a written acknowledgment to state that that matter is under consideration i.e. "dalam perhatian" or "dalam kajian".

Lack of DPPs at the Sessions Courts

Our members brought up the issue of DPPs who have to handle cases at both the High Court and Subordinate Courts, which causes delays at the Subordinate Courts sometimes.

We requested that the counsel on record be informed beforehand if the DPPs have other cases and to have the matters stood down so they too can schedule their own cases for the day.

The PPN acknowledged that this problem is due to a shortage of DPPs and that they will look into ways to overcome this problem.

Charge sheets

The issue of not having access to charge sheets for cases in the Subordinate Courts via the E-Filing System (EFS) was brought up.

It was agreed that this matter would be brought to the attention of the Courts and the Bar Council Court Liaison Committee.

We once again urge members to inform us of any Criminal practice-related issues or problems by submitting them in writing to the Penang Bar Secretariat (e-mail: secretariat@penangbar.org / fax: 04-262 8664).

V Parthipan
Chairman
Criminal Law Subcommittee