

Lee Chow Meng alias Koh Loh Meng
alias Lim Peng Hun - - - - - *Appellant*

v

The Public Prosecutor, Malaysia - - - - - *Respondent*

FROM

THE FEDERAL COURT OF MALAYSIA

REASONS FOR REPORT OF THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL UPON PETITION FOR
SPECIAL LEAVE TO APPEAL *IN FORMA PAUPERIS* DATED
THE 10TH MAY 1979

Present at the Hearing :

LORD WILBERFORCE

LORD RUSSELL OF KILLOWEN

LORD KEITH OF KINKEL

[*Delivered by* LORD WILBERFORCE]

Their Lordships are of opinion that this petition must be dismissed. They consider that they have no jurisdiction to entertain it or to entertain an appeal. They consider that the effect of the amendment of section 74 of the Courts of Judicature Act, 1964, which is effected by section 13 of Act No. A328 of Malaysia, and in particular subsection (4) of that section 13, makes it perfectly clear that the amendment in question, which deletes the right of appeal in criminal matters, applies to all cases except those in which an appeal or an application for appeal is pending at the date of coming into force of the section, namely 1st January, 1978. It is not possible to say on any view of the matter that there was pending on 1st January, 1978, either an appeal or an application for appeal, and therefore their Lordships consider that the right of appeal in this criminal matter to the Yang di-Pertuan Agong is excluded. For this jurisdictional reason their Lordships are unable to entertain the petition.

In the Privy Council

LEE CHOW MENG alias KOH LOH
MENG alias LIM PENG HUN

v

THE PUBLIC PROSECUTOR,
MALAYSIA

DELIVERED BY
LORD WILBERFORCE

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