



MAHKAMAH PERSEKUTUAN MALAYSIA,
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Ruj. Tuan:

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Jld.III

Tarikh: /O April, 1996

Hakim-Hakim Mahkamah Persekutuan

Hakim-Hakim Mahkamah Rayuan

Hakim-Hakim/Pesuruhjaya Kehakiman
Mahkamah Tinggi Malaya/Sabah dan Sarawak

Hakim-Hakim Mahkamah Sesyen Malaysia

Pendaftar
Mahkamah Rayuan/Tinggi Malaya/Sabah dan Sarawak/Khas

Timbalan Pendaftar/Penolong Kanan Pendaftar
Mahkamah Persekutuan/Rayuan/Tinggi Malaya/Sabah dan Sarawak/Khas

Mejistret
Mahkamah Mejistret Semenanjung/Sabah dan Sarawak

Y.A. Tan Sri/Dato'/Datuk Wira/Datuk/Datin Paduka/
Tuan/Puan

Pekeliling Ketua Pendaftar Bil. 1/1996
Teguran Terhadap Saksi Dan Peguam

1. Adalah saya dengan hormatnya diarah oleh Y.A.A. Ketua Hakim Negara untuk mengedarkan semula Surat Pekeliling Sulit No. 42 dalam RSC 126/52 bertarikh 14 April 1959. Surat Pekeliling itu berbunyi seperti berikut:-

"1.The Chief Justice is seriously perturbed by the number of reports which have recently appeared in the press of observations being made by Presidents and Magistrates which are not strictly relevant to the cases they are trying and in particular of observations reflecting on the Police.

...2/-

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2. His Lordship fully appreciates that the conduct of prosecutions by the Police and the conduct of individual Police Officers may at times leave something to be desired. Nevertheless it must be remembered that the Police have their own difficulties to contend with and that repeated public strictures on individual Police Officers, which always seem to attract a great deal of press publicity, may do a great deal of harm in shaking public confidence in the Police.
3. In the circumstances I am to ask you to exercise the greatest possible restraint when you are on the Bench and make every effort to avoid saying anything which is not strictly relevant to the issue before you which, in a criminal prosecution, is whether or not the accused person is guilty. There is, of course, no reason why the errors of a Police prosecutor should not be pointed out to him privately after the conclusion of a case but if on reflection you are of the opinion that a Police Officer has behaved badly the proper course is to bring the matter to the notice of his superior officer. If you do not receive a satisfactory reply the matter should be reported to me."

(Signature)

S.S. Gill

REGISTRAR

2. Y.A.A. Ketua Hakim Negara juga menasihatkan Y.A. Tan Sri/Dato'/Datuk Wira/Datuk/Datin Paduka/Tuan/Puan agar tidak :-

- i) menegur para peguam dan pegawai-pegawai Kerajaan secara terbuka;
- ii) menyakitkan hati pihak-pihak yang bertikai;
- iii) mengasari saksi-saksi; dan
- iv) menyinggung perasaan orang-orang awam yang turut mengikuti prosiding.


..3/-

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3. Bagaimanapun sebarang teguran, jika ia perlu dibuat, hendaklah dibuat secara yang lebih sopan dan tidak menyinggung perasaan pihak-pihak berkenaan.

4. Pekeliling ini adalah terpakai kepada semua Hakim/Pegawai Kehakiman/Pembantu Undang-Undang di Mahkamah Persekutuan/Khas/Rayuan/Tinggi di Malaya dan di Sabah dan Sarawak/Sesyen/Majistret seluruh Malaysia.

5. Pekeliling ini berkuatkuasa serta merta.


(ZAINUR HT. ALI)
Ketua Pendaftar
Mahkamah Persekutuan.

s/k:-

Y.A.A Ketua Hakim Negara
Mahkamah Persekutuan

Y.A.A. Presiden
Mahkamah Rayuan Malaysia

Y.A.A. Hakim Besar Malaya
Mahkamah Persekutuan

Y.A.A. Hakim Besar Sabah dan Sarawak
Mahkamah Tinggi Kuching