



CRIMINAL JUSTICE IN MALAYSIA
ISSUE OF DELAYS IN DELIVERING
WRITTEN JUDGMENT

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APPRECIATION

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CRIMINAL JUSTICE IN MALAYSIA: ISSUES OF DELAYS IN DELIVERING WRITTEN JUDGMENTS

1.1 INTRODUCTION

The issue of delays in the process of trial is not new to our society. The term ‘justice delay is justice denied’ has been a norm that still has validity since the establishment of court system. When the process of justice is delayed, the freedom of liberty such as the freedom of speech, freedom of movement, and the right to be heard as laid in the Federal Constitution¹ are being violated. The violation of these rights has been a frequent injustice made by the judiciary division of the government. It arises from not only the trial lengthy procedure but also caused by sloppy investigations made by police in carrying out their investigation report.

Lawyers also can be blamed for their part because they often to repeatedly postponed their cases. They also can be held responsible in failure to produce the petition of appeal within 14 days after the appeal record was made. Because of these reasons and their inability to cope with the arrangement of trial dates has caused their clients time and cost. The lawyer’s failure to acquire cooperation from the witness and accused also brings delay to the court. This had caused the victim to be detained in jail or lock-up and witnesses to be absent on the day of hearing.

The major factor here is that lawyers failed to file notice of appeal within 14days to the high court or lower court. After such notice is filed, the registrar of the court in which the case was heard will transmit the notice to the appellate court and it will be registered by the appellate court. On the application or petition of appeal, this application cannot be made if the lawyers had not obtained the grounds of judgment from the court. This can also be caused by the lawyers default in cases where the lawyer had failed to inform the court of change of address,

¹ Federal Constitution; Article 10 and Article 9