



Civil and Criminal Appeals in Malaysia, Fourth Edition

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**From the Foreword by
Tun Tengku Maimun binti Tuan Mat
Chief Justice of Malaysia**

This publication provides comprehensive and detailed exposition of the law governing the conduct of appeals in civil and criminal matters. It considers all practical issues faced by the litigator in conducting an appeal. The procedural requirements are analysed in depth to clarify the multitude of technicalities inherent in appellate practice. An essential reference for both civil and criminal appellate practice in Malaysia, it provides thorough and well-researched guidance for successful practice in appellate litigation.

This edition has been extensively revised and updated to include the recent statutory amendments to the Rules of Court 2012, the Rules of the Court of Appeal 1994, the Rules of the Federal Court 1995, the Courts of Judicature Act 1964 and the Criminal Procedure Code as well as case law relevant to appeals over the past seven years since the third edition. This is the one and only book in Malaysia which covers the appellate practice and procedure in both civil and criminal appeals annexed with relevant ancillary materials for the handy reference of busy court advocates and appellate court judges.

ABOUT THE AUTHOR



Tan Kee Heng is an Advocate of the High Court in Sabah and Sarawak who has been in active legal practice for about 25 years. He has vast experience in corporate matters and has been involved in numerous civil suits and appeals involving diverse areas of law.

He has had a key role in some of the leading legal publications in Malaysia published by Sweet & Maxwell. He is the Editor of *Borneo Law Reports* (10 Volumes), an Advisory Editor and Contributor to *Malaysian Civil Procedure* (Sweet & Maxwell, 2013, 2015, 2018 & 2021), and also a Contributing Editor to *Bullen & Leake & Jacob's Malaysian Precedents of Pleadings*, Third Edition.

Kee Heng has been appointed as a Commissioner for Oaths by the Chief Justice of Malaysia since 2007 and is also a Notary Public practising in Kuching, Sarawak. He served as a Commission Member of the Companies Commission of Malaysia (SSM) from 2018 to 2020. Under his leadership as the Managing Partner of SK Ling & Tan Advocates (Kuching), the firm was awarded "East Malaysia Law Firm of the Year" for the years 2017, 2018, 2019 & 2022 by Asian Legal Business.



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KEY FEATURES:

- Step-by-step examination and explanation of the processes in both civil and criminal appeals in a practical manner.
- Fully up-to-date incorporating latest statutory amendments and key case law.
- Clear and insightful discussion of appellate practice and procedure supplemented with convenient checklists.
- Valuable collection of sample documents revised and updated particularly on Application for Review in the Court of Appeal and the Federal Court (to review the decision refusing leave to appeal by a single judge and to review the decision of a previous Panel).
- Discussion on the appealability of an interlocutory decision.
- Practical consideration of the technical matter of the proper approach for the filing of notice of appeal or cross-appeal against multiple orders in the same action.
- Discussion on the court's duty to give reasons for its decision.
- Consideration of the Revision of Sentence of Death and Imprisonment for Natural Life (Temporary Jurisdiction of the Federal Court) Act 2023 and the Abolition of Mandatory Death Penalty Act 2023 in the context of a criminal appeal at the apex court.
- Brief Note on Appellate Advocacy and Appellate Jurisdiction of the Highest Appellate Court in Other Countries.
- Extracts of updated statutory provisions relevant for appeals.



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