

Retrial ordered for man freed from charge of causing death of teen motorcyclist

SIBU: A man ordered to be tried again in the Magistrates' Court after being acquitted in 2022 from a charge of causing the death of a teenage motorcyclist while operating a vehicle under the influence of alcohol, is to enter his defence after the court ruled yesterday that a prima facie case had been established against him.

Tang Ka Leong, who was represented by counsel Yap Hoi Liong, opted to give sworn evidence in the witness box in the defence call this Nov 14 and 15.

Magistrate Oon Kork Chern said he had carefully scrutinised the written submissions by prosecution and defence, including all the issues raised by the defence counsel in their submission in-reply.

"In order to establish a prima facie case, it is incumbent to note that the prosecution needs to prove the following; that on May

16, 2020 at approximately 10pm, the accused was driving a Toyota Wish along the Persiaran Brooke heading towards Jalan Wawasan, Sibu and caused the accident.

"That the alcohol level in the accused's body had exceeded the prescribed limit, which is 162mg of alcohol in 100ml of blood, and that the accused drove in a reckless manner which caused the death of the victim.

"At this juncture, this court found that the prosecution has successfully proved all the elements for the charge under Section 44(1)(b) and a prima facie is made out against the accused. Therefore, this court hereby calls upon the accused to enter his defence," he ruled.

On June 16 last year, High Court judge Wong Siong Tung set aside the acquittal and ordered a retrial of the case on the ground of possible miscarriage of justice.

In the re-trial case, a total of

11 prosecution witnesses were called to testify.

On Sept 26, 2022, the Magistrates' Court discharged and acquitted Tang from a charge of driving while under the influence and causing the death of Chipedo Lee Chi Zhen, at around 10pm along Persiaran Brooke on May 16, 2020.

The victim's family filed an application to the High Court to review the lower court's decision on Oct 24, 2022.

On June 16 last year, the High Court ordered the case to be remitted to the Magistrates' Court for retrial, prompting Tang to appeal the decision to the Court of the Appeal.

However, the appellate court dismissed the appeal.

Deputy Public Prosecutor Ayuna Yussoff prosecuted the case, while Lawyer Boston is holding a watching brief for the family of the victim.