

HONG KONG / JUDGMENT

YIM SUK HAN v. HKSAR

COURT

Court of Final Appeal

DECIDED

31 May 2007

CASE / FILE NUMBER

FAMC8/2007

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bjbj FAMC No. 8 of 2007 IN THE COURT OF FINAL APPEAL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION MISCELLANEOUS PROCEEDINGS NO. 8 OF 2007 (CRIMINAL) (ON APPLICATION FOR LEAVE TO APPEAL FROM HCMA NO. 945 OF 2006)

Between: YIM SUK HAN Applicant

- and - HONG KONG SPECIAL ADMINISTRATIVE REGION Respondent

Appeal Committee : Mr Justice Bokhary PJ, Mr Justice Chan PJ and Mr Justice Ribeiro PJ Date of Hearing : 31 May 2007 Date of Determination : 31 May 2007 D E T E R M I N A T I O N Mr Justice Bokhary PJ : Mr Khattak has, with great industry, put forward, in writing and in oral argument, everything that can possible be advanced on the applicant s behalf. His task is a difficult one. Appeals to the Court of Final Appeal on the substantial and grave injustice ground are reserved for rare and exceptional cases so rare and exceptional as to disclose a reasonably arguable complaint of a departure from accepted norms so seriously to the complainant s disadvantage as to justify a second criminal appeal even in the absence of any real controversy on a point of law of great and general importance, the resolution of such controversy being the primary function of the Court of Final Appeal in the administration of criminal justice. In our view, this is not a case of that nature. Accordingly leave to appeal is refused. (Kemal Bokhary) (Patrick Chan) (RAV Ribeiro) Permanent Judge Permanent Judge Permanent Judge Mr Shahmim K Khattak (instructed by Messrs C K Chan & Co) for the applicant Ms Mary Sin and Mr Isaac Tam (of the Department of Justice) for the respondent PAGE - PAGE - &`#\$ Normal.dot setup Microsoft Word 9.0 Judiciary Hong Kong Title Microsoft Word Document MSWordDoc Word.Document.8

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