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High Court overturns acquittal and orders Magistrate to reconsider false trading case

23 Jan 2014

The Court of First Instance today allowed the Securities and Futures Commission's (SFC) appeal of the acquittal of Mr Chan Wing Fai of false trading, and ordered that the case be remitted back to the Magistrate.

Chan, a retail investor, faced eight charges of manipulating the shares of Sonavox International Holdings Limited and PacMOS Technologies Holdings Limited in 2009 and was acquitted by the Eastern Magistrates' Court in January 2012 (Note 1).

Today's order, handed down by the Honourable Mr Justice Fung, followed an application to the Court of First Instance by the SFC. The SFC argued and the Court of First Instance agreed that the decision to acquit Chan was based on legal errors (Note 2).

No date has been set for the hearing.

End

Notes:

- 1. Please see the SFC's press release dated 13 January 2012.
- The Court of First Instance's judgment (HCMA 401/2013) will be available on the Judiciary's website (www.judiciary.gov.hk).

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高等法院推翻虛假交易案的無罪裁定並下令裁判官再度考慮

2014年1月23日

證券及期貨事務監察委員會(證監會)早前就陳永輝(男)獲裁定虛假交易罪名不成立提出上訴,原訟法庭今天判決證 監會上訴得直,並下令將案件發還予原審裁判官。

散戶投資者陳於2009年就操縱上聲國際控股有限公司及弘茂科技控股有限公司股份被控八項控罪,但於2012年1月獲 東區裁判法院裁定罪名不成立 (註1)。

馮驊法官作出今天的頒令前,證監會向原訟法庭提出申請。證監會指裁定陳無罪是基於法律錯誤,而原訟法庭亦接納此 論點(註2)。

聆訊日期待定。

完

備註:

- 1. 請參閱證監會於2012年1月13日發出的新聞稿。
- 2. 原訟法庭的判案書 (HCMA 401/2013) 將登載於司法機構的網站(www.judiciary.gov.hk)。

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