

*ISSAK*  
v  
*THE KING & ORS*  
[2026] HCADisp 130  
A7/2026

- 1 Special leave to appeal is granted.
- 2 The grant of special leave be limited to the following question:
  - a. On a prosecution appeal against a directed acquittal under s 157(1)(b)(ii) of the *Criminal Procedure Act 1921* (SA), to what extent is it relevant to the grant of permission or exercise of discretion that the case to be presented on a retrial would be materially different from the case advanced by the prosecution at trial, in circumstances where the case as advanced at trial was incapable of sustaining a conviction?

Gageler CJ  
Gordon J  
Edelman J  
Steward J  
Jagot J  
Beech-Jones J

11 June 2026