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`Penetration a mandatory ingredient not proven'

KUALA LUMPUR, Wed. - The uncorroborated evidence of an unreliable witness such as Azizan Abu Bakar must not be a ground for defence to be called, the High Court heard today.

Sukma Darmawan Sasmitaat Madja's counsel Jagdeep Singh Deo said the prosecution's failure to procure conclusive medical evidence raised doubts about its case.

Jagdeep Singh, submitting at the close of the prosecution case, said the law required such medical evidence and it would have been the strongest corroborative evidence to Azizan's testimony.

He said such evidence would have shown injuries or signs of penetration if in fact the allegations against Datuk Seri Anwar Ibrahim and Sukma were true.

Jagdeep Singh said that penetration was a mandatory ingredient which has not been proven by the prosecution through medical evidence and Azizan's own testimony was insufficient.

Further, he said, despite the importance of the medical evidence, investigating officer SAC I Musa Hassan saw it fit not to adduce such evidence.

"Why did the prosecution not call a medical expert to testify as regards whether such an examination, after such a long time, could have produced results?"

He said the prosecution had failed to prove its case against Sukma and called for his acquittal without his defence being called.

Earlier, Anwar's counsel Karpal Singh sought to draw the court's attention to certain statements made by the Prime Minister Datuk Seri Dr Mahathir Mohamad in New York and by Deputy Minister in the Prime Minister's Department Datuk Ibrahim Ali.

However, judge Datuk Arifin Jaka said he did not want the proceedings to be disrupted and told Karpal Singh to file a proper application.

Arifin added that the less everyone talked about the case both in the "opposition and the government", the better.

He also told Karpal Singh that he could lodge a report.

Karpal Singh said the court should send a message to these personalities not to comment on the trial but Arifin told him raise the matter later.

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