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Dr Mahathir's bid to cross-examine Najib fails

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IMPROPER

PURPOSE: High Court rules that bid by Dr M and two others was not bona fide

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THE High Court has barred Tun Dr Mahathir Mohamad and two others from cross-examining Datuk Seri Najib Razak over his purported contradictory affidavit that supports his application to strike out a lawsuit linked to the 1Malaysia Development Bhd (1MDB) issue.

Judge Abu Bakar Jais made the ruling in his chambers yesterday when he dismissed the bid by former prime minister Dr Mahathir, former Batu Kawan Umno vice-chairman Datuk Seri Khairuddin Abu Hassan and former Langkawi Wanita Umno member



(From left) Former prime minister **Tun Dr Mahathir Mohamad**, former Batu Kawan Umno vice-chairman **Datuk Seri Khairuddin Abu Hassan** and former Langkawi Wanita Umno member **Anina Saadudin**

Anina Saadudin.

Najib's lead counsel Datuk Mohd Hafarizam Harun confirmed the decision.

Hafarizam said Abu Bakar found that there was no need at this stage to cross-examine Najib as the issue (over public officer) should be decided only after Najib's application to strike out the suit filed by Dr Mahathir and two others is heard.

Hafarizam also said the court

had fixed Aug 4 for case management.

Counsel Mohamed Haniff Khatri Abdulla, who represented Dr Mahathir, Khairuddin and Anina, said he would discuss with his clients whether to appeal yesterday's decision.

Dr Mahathir, Khairuddin and Anina had applied to cross-examine Najib for the contradictions appearing in his affidavit over the

issue of public officer.

According to a copy of Abu Bakar's written grounds of judgment made available yesterday he noted that the three plaintiffs' position would not be prejudiced and compromised if the cross-examination bid was not allowed.

"At this stage, the focus of the court should only be whether there is a plain and obvious case for striking out of the plaintiffs' suit."

Abu Bakar said the plaintiffs' bid was not bona fide (sincere intent) as it was filed with improper or collateral purpose.

On March 23, Dr Mahathir, Khairuddin and Anina filed the lawsuit against Najib, who is also Umno president and Barisan Nasional chairman.

The three plaintiffs are suing Najib over alleged abuse of power to obstruct investigation into the 1MDB issue, involving the remittance of RM2.6 billion and RM42 million into Najib's personal account, among others.

Najib had, on April 19, filed the application to strike out the trio's suit on grounds that there were no elements of tort misfeasance and breach of fiduciaries in public office, as they had claimed.