

'Najib had no control over SRC'

Shafee: He didn't have the power to siphon RM42mil from company

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KUALA LUMPUR: Datuk Seri Najib Razak, who is accused of misappropriating RM42mil from SRC International Sdn Bhd's funds, did not have control over the said company, the High Court heard.

Lead defence counsel Tan Sri Muhammad Shafee Abdullah submitted that Najib, who was adviser emeritus at SRC, could not be said to have dominion because he did not have the power to dispose of any assets belonging to the company.

The prominent lawyer was rebutting the prosecution's argument that Najib was the "shadow director" of the 1Malaysia Development

Bhd (1MDB) subsidiary.

On Tuesday, Attorney General Tan Sri Tommy Thomas submitted that Najib was SRC's shadow director who benefited financially from its coffers.

Shafee said the prosecution had relied on Section 402A of the Penal Code, which mentioned the part of a "director", including a shadow director.

Section 402A was introduced into the Penal Code in 1993 through an amendment to the law.

"This amendment to incorporate shadow director is yet another attempt to make a person who is not a director but liable as a director," Shafee said here yesterday.

He also argued that there was

no connection between being a shadow director and having dominion over the funds.

He submitted that Najib had not shown any dishonesty or dishonest intention.

Shafee also maintained that Najib had no knowledge that the money came from illegal sources.

He urged the court to acquit Najib of all the charges.

"This is a case that Your Honour should not call for the defence, purely to satisfy the curiosity of what he (Najib) is going to say.

"You don't call for the defence just to know what he is going to say," Shafee added.

His submission wrapped up the two-day submission in the

prosecution's case.

Justice Mohd Nazlan Mohd Ghazali thanked both the prosecution and the defence for their comprehensive oral submissions.

The court will announce on Nov 11 if Najib has to answer the charges.

He is currently facing seven charges - three for criminal breach of trust, one for abuse of power and three for money laundering involving SRC International funds totalling RM42mil.

Watch the video
thestartv.com