

Najib 'aware of bank balance'

Prosecutor: This is because he had issued cheques for millions

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PUTRAJAYA: Datuk Seri Najib Razak would have known the balance in his personal bank accounts due to the millions of ringgit in cheques that he had issued, the Court of Appeal heard.

Ad hoc prosecutor Datuk V. Sithambaram said it was unbelievable that Najib had operated a large multi-million account without knowing the balance.

"The value of the cheques issued makes it inevitable that the appellant had knowledge of the account balance. If I had millions in my account, I would check it daily," the prosecutor said in jest.

Sithambaram also said any suggestion of ignorance of the bank balance was evidence that the appellant blatantly attempted to hide his knowledge of the bank balances.

He was submitting the prosecution's rebuttal at the hearing of an appeal by Najib against his conviction and sentence in the SRC International Sdn Bhd case here yesterday.

He said the High Court judge,

who convicted Najib, had correctly inferred that the three individuals tasked to manage Najib's accounts would have updated him with the balance of status of the accounts.

The three are late principal private secretary Datuk Azlin Alias, and fugitives former SRC CEO Nik Faisal Ariff Kamil and financier Low Taek Jho.

The prosecution also said the trial judge had conclusively found Najib to have knowledge of the credit and debit in his accounts based on his admission that Azlin and Nik Faisal told Low to put funds into his accounts to honour his cheques.

"Therefore, if those closely associated with the appellant knew of the appellant's account balance, the same knowledge would be inescapably imputed to the appellant as he then issued numerous cheques from the accounts," Sithambaram added.

During his defence trial, Najib had said he rarely checked his bank balance and depended on his mandate holders whom he entrusted to manage his bank accounts.

The court also heard the Pekan MP "abandoned" his own defence

that he was framed by Low, or better known as Jho Low, in the misappropriation of RM42mil from SRC's funds when he admitted that he gave instructions to Low to ensure his bank account was padded.

Sithambaram also submitted that throughout the prosecution trial, Najib maintained that Low had manipulated his account and caused the RM42mil to flow into his personal bank accounts without his concurrence and knowledge.

"Hence, it was a defence that the appellant had been framed by Jho Low and purportedly by the bankers to make it appear that he had indeed committed the criminal breach of trust offences.

"This defence was however abandoned by the appellant in the defence case, thereby showing that his was a *mala fide* defence advanced in the prosecution case," he said.

Sithambaram further submitted that Najib's defence lacked ingenuity and credibility as he himself had readily admitted it was he who instructed Low, Azlin and Nik Faisal to ensure his bank accounts had ready monies to enable him to issue count-

less cheques running into millions.

"This contradictory stance of the defence as to the source of the funds is the clearest evidence that the defence of the appellant having no knowledge of the SRC funds is a sham and self-serving defence to avoid being found committing the offences for which he has been charged," Sithambaram said.

On July 28 last year, the Kuala Lumpur High Court sentenced Najib to 10 years' jail on each of the three counts of criminal breach of trust as well as each of the three counts of money laundering.

Najib, 68, is currently out on bail of RM2mil in two sureties pending appeal.

The appeal hearing continues today before a three-man panel chaired by Justice Abdul Karim Abdul Jalil.

Other judges on the panel were Justices Has Zanah Mehat and Vazeer Alam Mydin Meera.