

# COURT DISMISSES NAJIB'S APPLICATION

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## Decision on SRC appeal to be announced today

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**A** DRAMATIC day ended in disappointment for Datuk Seri Najib Razak yesterday after the Court of Appeal threw out his bid to introduce new evidence in his SRC International Sdn Bhd case before a decision on his appeal is announced today.

The former prime minister failed to convince three judges that he had anything new to bring to the table, which would warrant them listening to additional evidence concerning his case apart from what had already been heard at the High Court.

In rejecting Najib's application, judge Datuk Abdul Karim Abdul Jalil said Najib had failed to cumulatively satisfy the requirements of the law besides failing to show any exceptional circumstances on why his application

should be allowed.

Karim noted that any new evidence that Najib wanted to introduce must be evidence that was not available during trial, relevant, credible and created reasonable doubt in the prosecution's case.

"Under the circumstances, we find no exceptional circumstances were shown for the court to take additional evidence in the appeal.

"This application is therefore dismissed. Now the delivery of decision tomorrow (today) will proceed as fixed at 9am," he said.

The other judges on the panel were Datuk Has Zanah Mehat and Datuk Vazeer Alam Mydin Meera. Karim later ruled that the decision on would be announced via Zoom proceedings.

This was because Najib's lead counsel, Tan Sri Muhammad Shafee Abdullah, said he and his client, along with other members of the defence team, were forbidden to enter the court premises

due to their close contact with a Covid-19 positive person.

Najib had filed a last-minute application to introduce new evidence before the court decides on his appeal to set aside his conviction and sentence for misappropriating RM42 million of SRC money.

In his application, Najib said he wanted to call Malaysian Anti-Corruption Commission (MACC) chief Tan Sri Azam Baki and SRC investigating officer Rosli Hussein to provide new evidence on the case.

He said this was because the MACC had on Nov 19 confirmed that RM65 million in 1Malaysia Development Bhd-linked funds were recovered from companies controlled by former Bank Negara Governor Tan Sri Zeti Akhtar Aziz and that gave her the motive to conceal information from him.

However, lead prosecutor Datuk V. Sithambaram countered that Najib was relying on mere conjecture and speculation to establish a so-called conspiracy to

suppress evidence relating to the trial.

He said whatever 1MDB money linked to Zeti's family was transacted way before SRC was even established and therefore had nothing to do with the case.

The senior counsel also noted that Zeti had been offered to Najib as a defence witness during the SRC trial but she was never called to give evidence by the accused.

"They did not even bother to interview her," he said, adding that Zeti's evidence was at best relevant only to Najib's ongoing 1MDB trial and not the SRC appeal.

Earlier, at the onset of yesterday's hearing, a no-show by Najib and his bailors enraged Karim, prompting him to warn that a warrant of arrest could be issued against the Pekan member of parliament and the duo who had posted his RM2 million bail.

The judge also did not spare lawyer Harvinder Singh Sidhu, who had turned up in court to explain what had happened to Najib and other members of the defence team.

Harvinder tried to get yesterday's proceeding adjourned to another date but the judge-wanted nothing of that sort to happen.

He ordered proceedings to be conducted via Zoom from 12.30pm and made it clear that the decision against Najib's appeal would be announced today.

He warned that the defence's failure to turn up for the Zoom hearing could end up with a warrant of arrest being issued against Najib.

Sithambaram, when asked by the judge to address the court over Najib's no-show, said the SRC case had been riddled with defence applications for adjournments.

He said the latest stunt appeared to be another last-minute attempt by Najib to scuttle yesterday's hearing and today's decision.

He said the court must ensure the law was applied fairly to everyone, especially when it was a case of no-show in court.

Najib is appealing against his conviction and 12 years' jail and RM210 million fine after he was convicted of seven corruption and abuse of power charges.

