

Court to deliver decision on Najib's appeal today

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► Move follows dismissal of application by former prime minister for new evidence to be adduced in SRC case

PUTRAJAYA: The Court of Appeal will deliver its decision on Datuk Seri Najib Abdul Razak's appeal over his 12 years jail sentence and a fine of RM210 million for misappropriating RM42 million in SRC International Sdn Bhd funds, today as scheduled.

This follows a decision by a three-member bench, led by Justice Datuk Abdul Karim Abdul Jalil, in dismissing the former premier's application to allow new evidence to be adduced in his appeal. Also presiding over the hearing were Justices Datuk Has Zanah Mehat and Datuk Vazeer Alam Mydin Meera.

Abdul Karim, in a unanimous decision, said the court was of the view that Najib had failed to cumulatively satisfy Section 61 of the Courts of Judicature Act, that fresh evidence was required for justice in the case.

"Under the circumstances, we find the additional evidence not necessary for the appeal. There were no exceptional circumstances or exceptional conditions shown for the court to take additional evidence in the appeal.

"Hence, the application is dismissed. The delivery of the decision (on Najib's SRC appeal)

tomorrow will proceed as fixed," said Abdul Karim during the online proceeding yesterday.

Abdul Karim: I advise Datuk Seri Najib and Tan Sri Muhammad Shafee Abdullah to appear in court or via Zoom application at 9am tomorrow.

Muhammad Shafee: They (Najib and some defence lawyers) are forbidden to enter the court as they are casual contacts.

Abdul Karim: Yes, that is why I am giving the option to conduct it online. Can we conduct it online?

Muhammad Shafee: Yes.

On Dec 1, Najib applied to the Court of Appeal to allow and to direct for *viva voce* (oral) evidence to be taken from Malaysian Anti-Corruption Commission (MACC) Chief Comm Datuk Seri Azam Baki; MACC investigating officer Rosli Hussein, who was the 57th prosecution witness in the SRC case; as well as evidence of any other witnesses in relation to the case.

Najib, 68, made the application following the MACC's press release last Nov 19, on the recovery of fund assets of 1Malaysia Development Berhad (1MDB) inter alia from Singapore. The Singapore government had repatriated a sum of US\$15.4 million (RM65.17 million) to Malaysia relating to an account of Cutting-Edge Industries Ltd, owned by Datuk Dr Tawfiq Ayman, the husband of former Bank Negara Malaysia governor Tan Sri Dr Zeti Akhtar Aziz.

On Nov 23, the Court of Appeal fixed Dec 8 for a decision and on the same day, Najib applied to the court to vacate the decision date

as he would be in Singapore until Dec 5. However, the court rejected Najib's application the next day.

Muhammad Shafee argued that Najib was charged right after the 14th general election, while Zeti and her family, who may have received over RM42 million from 1MDB, were still being investigated by the authorities.

"This clearly shows a lopsided action against Najib," he said.

Deputy public prosecutor Datuk V. Sithambaram countered that Najib's last-minute application was *mala fide*, and there was no nexus between the additional evidence sought and the charges against Najib.

"In his application, Najib had asked the court to allow and to direct for *viva voce* evidence to be taken from Azam Baki, Rosli Hussein as well as evidence from any other witnesses in relation to the case. They didn't mention any other witnesses' names. They will call any number of witnesses. They are actually trying to get a retrial.

"SRC International's funds totalling RM42 million were transferred into the appellant's account, it had nothing to do with BNM or Zeti. Therefore, I'm asking this court to dismiss this application."

Najib had filed an appeal against the Kuala Lumpur High Court's decision on July 28 last year, which sentenced him to 12 years' jail and fined him RM210 million after finding him guilty of seven charges involving criminal breach of trust, money laundering and abuse of position, involving SRC International funds totalling RM42 million. - Bernama