

# Court rejects Najib and Mohd Irwan's bid for DNAA

By NURBAITI HAMDAN  
nurbaiti@thestar.com.my

**KUALA LUMPUR:** Former premier Datuk Seri Najib Razak and former Treasury secretary-general Tan Sri Mohd Irwan Serigar Abdullah failed in a bid to seek a discharge not amounting to an acquittal (DNAA) on six counts of criminal breach of trust involving RM6.6bil that they are facing since 2018.

High Court judge Justice Muhammad Jamil Hussin dismissed the application after considering that the prosecution is ready to proceed with the trial.

He said the trial dates - fixed for a 32-day hearing in September last year - was previously scheduled but the dates have been vacated as requested by the prosecution and not objected by the defence teams of both men.

"The application to grant a discharge not amounting to an acquittal in adherence to Section 254 of the Criminal Procedure Code can only be allowed if the prosecution has no intention to pursue the case," the judge said in open court proceedings yesterday.

Justice Muhammad Jamil then fixed April 1-4, April 8-11 and the entire May of next year for the new trial dates.

Najib and Mohd Irwan's defence teams had made the application on grounds that the case against their clients had not been heard until now.

Earlier, Mohd Irwan's lawyer Datuk K. Kumaraendran asked that



**'On trial:** Najib arriving at Kuala Lumpur Court Complex with Mohd Irwan (right).  
- Bernama

his client be granted the DNAA as the case had been stalled for three and a half years and mentioned in court 14 times since October 2018.

"The case has been suspended because there were no suitable trial dates as the first accused, Najib, is still being tried for his other cases in different courts and we were informed by his lawyers that the only dates available are in 2023," he said.

Najib's lawyer Wan Aizuddin Wan Mohammed echoed Kumaraendran's argument and said the hearing in the case against Najib has not started despite being

charged four years ago.

"At the same time, several documents we sought from the prosecution under Section 51A of the Criminal Procedure Code (CPC) are yet to be completed," he said.

Deputy Public Prosecutor Muhammad Saifuddin Hashim Musaimi objected to the application and said it would be unfair for the court to allow both men to be granted a DNAA at this stage when the hearing has not begun.

He said the prosecution was ready to proceed and document handovers have been done three times so far.

"The prosecution is representing 34 million public members who want to see this case being tried, not for (the accused to be granted) a DNAA.

"We are ready to prove the charges against both accused," he said.

On Oct 25, 2018, Najib, 68, and Mohd Irwan Serigar, 64, pleaded not guilty to six charges of CBT amounting to RM6.6bil in government funds involving payments to International Petroleum Investment Company (IPIC) at the Finance Ministry Complex, Putrajaya between Dec 21, 2016, and Dec 18, 2017.