

Acquitted before the start of trial

Muhyiddin walks free from four charges of power abuse involving RM232.5mil

KUALA LUMPUR: The lack of details in the four charges of power abuse involving a RM232.5mil gratification against former prime minister Tan Sri Muhyiddin Yassin has caused the case to fall through.

Muhyiddin, who is the Bersatu president, walked away with an acquittal before the trial even started after the High Court here found his charges to be defective and vague.

While the four charges contained the details required under Section 153 of the Criminal Procedure Code (CPC) - which were the time, place, and person who gave the gratification - the court found that the charges did not contain details of how the offence was committed, as required under Section 154 of the CPC.

In his decision, Justice Muhammad Jamil Hussin said the accused could have been unable to give proper instructions to his team of lawyers due to this.

"The charges did not give enough notice for the applicant on the offences he is accused of.

"The applicant is prejudiced when he does not know the actual nature of the offence, making him unable to prepare a defence before the start of the trial," the judge said.

Justice Muhammad Jamil gave the example of the audit tampering case involving former prime minister Datuk Seri Najib Razak and former 1Malaysia Development Bhd (1MDB) CEO Arul Kanda Kandasamy, whose offences were framed under the same Section 23(1) of the Malaysian Anti-Corruption



Free to go: Muhyiddin speaking during a press conference at the Kuala Lumpur Court Complex after his acquittal. - Bernama

Commission (MACC) Act and contained details of how the offences were committed.

Both Najib and Arul Kanda were discharged and acquitted by the High Court at the end of the prosecution's case on March 3.

The judge questioned why the offences faced by Muhyiddin under the same Section 23(1) of the MACC Act did not contain details like those in the Najib and Arul Kanda case, such as making a decision or taking action in relation to the offence.

"I disagree with the Deputy

Public Prosecutor that the way or how the applicant allegedly abused his position need not be stated in the charge sheets but could be proven through testimonies during the trial.

"The prosecution did not refer this court to any law authorities to support that argument," Justice Muhammad Jamil said here yesterday.

He also said that the applicant (Muhyiddin) should not be forced to go through a criminal proceeding that ignored the legal requirement under Section 154 of the CPC.

"To allow the trial to continue with charges that breach the law would be a clear abuse of the court process," he said.

The court then allowed Muhyiddin's application to strike out the charges and ordered for a discharge and an acquittal.

Muhyiddin, who came to court with his wife, appeared calm as loud cheers and chants of "Allahuakbar" (Allah is great) erupted in the public gallery after the court delivered its decision.

The 76-year-old Perikatan Nasional president filed a notice

of motion on April 18 to request that he be acquitted and discharged of all four charges brought against him at the Sessions Court on March 10.

Through a supporting affidavit filed with the notice of motion, he claimed that all four charges were flawed and not according to the law.

According to the first to fourth charge sheets, Muhyiddin, who was a public servant and the prime minister then and the Bersatu president, had abused his position for gratification from three entities and an individual for his ally, Bersatu.

He allegedly abused his position for gratification of RM200mil from Bukhary Equity Sdn Bhd; RM1mil from Nepturis Sdn Bhd; RM19.5mil from Mamfor Sdn Bhd and RM12mil from one Azman Yusoff.

All offences were allegedly committed at the Prime Minister's Office, Putrajaya, between March 1, 2020 and Aug 20, 2021.

The charges are framed under Section 23(1) of the Malaysian Anti-Corruption Commission Act 2009 and carry imprisonment of up to 20 years, and a fine of no less than five times the amount of gratification or RM10,000, whichever is higher, upon conviction.

Muhyiddin has three other existing charges involving money laundering at another Sessions Court.