

Charges against Muhyiddin not discriminatory High Court hears

KUALA LUMPUR: The four charges against former prime minister Tan Sri Muhyiddin Yassin, for allegedly misusing his position to obtain bribes totalling RM232.5mil for his party Bersatu, were not discriminatory in nature, the High Court heard.

Deputy public prosecutor Datuk Wan Shahrudin Wan Ladin argued that Muhyiddin's application to strike out the charges was therefore unconstitutional.

He said that all the four charges met the requirement in Sections 152, 153, and 154 of the Criminal Procedure Code (CPC) by stating the form of the charge, particulars as to time, place and person (accused) and manner (how the offence was committed).

He said Muhyiddin's rights according to Article 5 of the Federal Constitution had not been violated because the trial of the case had not started.



Day in court: Muhyiddin (centre) and his wife Puan Sri Noorainee Abdul Rahman (in green scarf) arriving at the Court Complex.
- Bernama

"All the allegations by the applicant (Muhyiddin) are premature and the action in applying to strike out the charges can be ruled as an unconstitutional action.

"At this stage, the applicant's rights under Article 5(1) of the Federal Constitution are guaranteed because all procedures met existing laws, especially the CPC, which have been complied with

by the prosecution as the respondent," he said.

Meanwhile, DPP Ahmad Akram Gharib, who also appeared for the prosecution in the case, said the application was an abuse of the court process and based on a "misconception of law".

"At this stage, it is too early to say that the charges he is facing are flawed because the charges are complete in terms of

Muhyiddin being the prime minister and president of Bersatu. The bribes he allegedly received are from three companies. We don't understand what else the applicant wants," he said and urged the court to dismiss the application.

Muhyiddin's counsel Datuk Hisyam Teh Poh Teik argued that all four charges of abusing position were bad in law and defective in nature as the respondent had failed to particularise how his client had allegedly committed the offences.

"We respectfully pray that these four charges proffered under Section 23(1) of the MACC Act be struck off as they disclosed no known offence in law and therefore are an abuse of process," said Hisyam.

High Court judge Justice Muhammad Jamil Hussin fixed Aug 15 to decide on Muhyiddin's application.

Muhyiddin, 76, is charged with

using his position to obtain bribes amounting to RM232.5mil from three companies namely Bukhary Equity Sdn Bhd, Nepturis Sdn Bhd and Mamfor Sdn Bhd, and also from one Datuk Azman Yusoff, for the party.

He was charged with committing the offences at the Prime Minister's Office, in Putrajaya between March 1, 2020, and Aug 20, 2021.

In addition to the four charges, Muhyiddin also faces two charges of receiving proceeds from unlawful activities amounting to RM195mil from Bukhary Equity which was deposited into Bersatu's CIMB Bank account.

The Pagoh MP, who is Perikatan Nasional chairman, was also charged in the Shah Alam Sessions Court on March 13 with receiving proceeds from unlawful activities amounting to RM5mil and the case had been transferred to the Sessions Court here to be tried with the other cases.