

NAJIB'S ACQUITTAL UPHELD

Prosecution fails to meet deadline to submit petition of appeal

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A BLUNDER by the Attorney-General's Chambers yesterday led the Court of Appeal to strike

out an appeal over Datuk Seri Najib Razak's acquittal in the 1Malaysia Development Bhd (1MDB) audit report tampering case.

The appellate court said the decision to strike out the appeal was made due to the prosecution's failure to meet the deadline to submit a petition of appeal.

The three-judge panel of the court chaired by Datuk Hadharah Syed Ismail, together with Datuk Ahmad Zaidi Ibrahim and Datuk Azmi Ariffin, unanimously rejected the prosecution's request to file the appeal petition outside the time limit.

The deadline for the prosecution to file the appeal petition was on July 6, which was within 14 days after the appeal record was obtained, which was on June 26.

Deputy public prosecutor Datuk Yusaini Amer Abdul Karim, when arguing his case, said the delay in filing the case was because they needed more time to study the case, adding that the decision to file for the petition came from the new Attorney-General Datuk Ahmad Terrirudin Salleh.

Najib's legal representatives in a statement, however, said no petition of appeal was made by the prosecution team as they could not find any grounds to appeal.

"In alignment with Section 53 of the Courts of Judicature Act 1964 and Rule 65 of the Rules of the Court of Appeal 1994, if there's a valid ground for appeal, the appellant has 10 days from when the Records of Appeal become available to file a 'petition of appeal'.

"Absence of such a petition renders the appeal void and prone to dismissal. In this case, the prosecution evidently found



no grounds for appeal, resulting in no petition being filed.

"This led to the Court of Appeal's decisive action to strike off the prosecution's appeal against Najib and (former 1MDB chief executive) Arul (Kanda Kandasamy)," the statement said.

The prosecution's decision to abstain from pursuing the appeal, they added, underscores the robustness and unimpeachable nature of the High Court's ruling.

It also reinforced that Najib and Arul Kanda were innocent, they said.

"Given the overwhelming evidence presented in court, charges should never have been filed against our client in the first place.

"This decision alone has caused additional hardship to our client over the past five years — let alone if the appeal against the acquittal of the High Court decision had continued.

"We extend our gratitude to everyone who strived for the truth and the upholding of justice.

"We ardently hope that this definitive outcome allows both Najib and Arul to proceed with their lives, liberated from these baseless allegations," the statement said.

The High Court on March 3 had acquitted the former prime minister from his trial over the removal of key information from the auditor-general's 2016 report on 1MDB.

Najib and Arul Kanda were charged under Section 23(1) and 24 (1) of the Malaysian Anti-Corruption Commission Act 2009 (MACC Act 2009).