

Aug 20 decision for Muhyiddin's review bid

PUTRAJAYA: The Court of Appeal has fixed Aug 20 to decide on former prime minister Tan Sri Muhyiddin Yassin's application to review its previous panel's decision to reinstate four power abuse charges involving RM232.5mil against him.

A five-member panel led by Judge Azizah Nawawi set the date yesterday after hearing submissions from Muhyiddin's lead counsel, Hisyam Teh Poh Teik.

Deputy public prosecutors Datuk Wan Shahrudin Wan Ladin and Datuk Mohd Dusuki Mokhtar appeared for the respondent.

"We need more time as the case involves serious issues. Therefore, we defer the decision to Aug 20," said Justice Azizah.

The other judges on the panel were Che Mohd Ruzima Ghazali, Ahmad Zaidi Ibrahim, Azman Abdullah and Azahari Kamal Ramli.

Muhyiddin, 77, filed the application on March 27, seeking the court to set aside the Court of Appeal's previous decision to reinstate the four charges against him that the High Court had struck out, reported Bernama.

In the notice of motion, Muhyiddin claimed the Court of Appeal's decision was null as it was made without the jurisdiction required under Section 50(1) of the Courts of Judicature Act 1964.

Muhyiddin, who is Bersatu president, was charged with using his position to receive bribes amounting to RM232.5mil from three companies: Bukhary Equity Sdn Bhd, Nepturis Sdn Bhd, Mamfor Sdn Bhd, and Datuk Azman Yusoff for the party concerned.

He is accused of committing the acts at the Prime Minister's Office, Bangunan Perdana Putra, in Putrajaya between March 1, 2020,

and Aug 20, 2021.

Muhyiddin also faces two charges of receiving money from illegal activities amounting to RM195mil from Bukhary Equity Sdn Bhd, deposited into Bersatu's CIMB Bank account.

He was charged with committing the offence at CIMB Bank Menara KL Branch, Jalan Stesen Sentral, between Feb 25 and July 16, 2021, and Feb 8 and July 8, 2022.

Earlier, Hisyam submitted that this is a fit and proper case for review as there are no other legal avenues or recourse available for his client, making it necessary to seek the presiding court's aid to rectify the injustice that had arisen from the impugned decision.

"In a nutshell, the failure of justice resulting from the impugned decision is so grave and apparent on the face of the records that it warrants the review intervention of this court," he said.

Hisyam also submitted that the Court of Appeal had jurisdiction to reopen an appeal that had already been determined to avoid real injustice in exceptional circumstances.

"The Appeals Court had powers to correct wrong decisions to ensure justice between the litigants involved and to ensure public confidence in the administration of justice," he added.

Meanwhile, Wan Shahrudin argued that the Court of Appeal panel has the jurisdiction to hear and dispose of appeals, including the appeal by the respondent (prosecution) under Rule 105 of the Rules of the Court of Appeal 1994 concerning the applicant's release.

"This review application is an abuse of the court process.

"Therefore, I request the court to dismiss this review application and return this case to the Sessions Court for trial," he said.