

Najib and Irwan's DNAA bid denied

High Court: No more postponement, CBT trial to begin in November

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KUALA LUMPUR: The High Court here has dismissed an application by former prime minister Datuk Seri Najib Razak and former Treasury secretary-general Tan Sri Mohd Irwan Serigar Abdullah for a discharge not amounting to an acquittal (DNAA) in a criminal breach of trust case involving RM6.6bil.

High Court judge Justice Muhammad Jamil Hussin made the dismissal yesterday and told both parties that they must be

prepared as this would be the final postponement and the trial would proceed on Nov 14.

"No more postponement," he said.

The trial was initially fixed to begin yesterday.

However, at the outset of the proceedings, lawyers Muhammad Farhan Muhammad Shafee, who represented Najib, and Datuk Seri K. Kumaraendran, who represented Mohd Irwan, made oral applications for their clients to be granted a DNAA on the grounds that the defence had yet to receive complete documents

from the prosecution.

Kumaraendran said they were informed that the prosecution did not know when the documents in the case would be declassified.

"If the prosecution insists for the trial to continue without documents, my client will not get a fair trial.

"Therefore, I am asking for this case to be granted a DNAA.

"When they are prepared with the necessary documents, my client will be ready to face the charges," Kumaraendran said.

Deputy public prosecutor Muhammad Saifuddin objected

to the DNAA application, saying that the declassification of the documents depended on the ministries involved and the prosecution had no power over it.

Justice Muhammad Jamil subsequently dismissed the DNAA application.

He also adjourned the proceedings to November to give time for the prosecution to sort out and declassify documents that would be used for the trial.

On Oct 25, 2018, Najib, 70, and Mohd Irwan, 66, pleaded not guilty to six charges of criminal breach of trust amounting to

RM6.6bil in government funds involving payments to International Petroleum Investment Company.

Najib and Mohd Irwan were jointly accused of committing all the offences at the Finance Ministry Complex in Putrajaya between Dec 21, 2016 and Dec 18, 2017.

They were charged under Section 409 of the Penal Code read together with Section 34 of the same Code, which provides for a maximum 20-year jail term and whipping as well as a fine, upon conviction.