

Muhyiddin fails in bid to review reinstated charges

> Former PM argues prosecution's appeal was incompetent but judges believe court had requisite jurisdiction

PUTRAJAYA: The Court of Appeal has dismissed former prime minister Tan Sri Muhyiddin Yassin's application to review the decision of its previous panel that reinstated, four power abuse charges involving RM232.5 million against him.

A five-member panel led by judge Datuk Azizah Nawawi unanimously held that the earlier panel had a requisite jurisdiction to hear and adjudicate the prosecution's appeal.

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

Azizah said Muhyiddin argued that the prosecution's appeal to the appellate court was incompetent as it did not meet the statutory requirements of Subsection 50(1) of the Courts of Judicature Act (CJA) 1964 and the court exceeded its jurisdiction when it heard and granted the appeal on Feb 28.

"The applicant submits that the decision of

the High Court judge in invoking the inherent jurisdiction to strike out the charges against him does not fall within paragraph 50(1)(b) of the CJA 1964 as the learned judge was not exercising its revisionary jurisdiction regarding any criminal matter decided by the Session Court."

However, she said the court is of the considered opinion that such an interpretation would lead to an absurdity that was not intended by Parliament.

Muhyiddin, 77, filed the application on March 27, seeking the court to set aside the Court of Appeal's previous decision, Bernama reported.

On Feb 28, a Court of Appeal panel of justices Datuk Hadhariah Syed Ismail, Datuk Azmi Ariffin and Datuk S.M. Komathy Suppiah allowed the prosecution's appeal to reinstate the charges and ordered the case remitted to the Kuala Lumpur Sessions Court.

High Court Judge Datuk Muhammad Jamil

Hussin discharged and acquitted Muhyiddin on Aug 15 last year after finding that the four charges against the Pagoh MP were defective, unsubstantiated and vague.

Muhyiddin, as the prime minister and Bersatu president at the time, is charged with using his position to obtain RM232.5 million in bribes from Bukhary Equity Sdn Bhd, Nepturis Sdn Bhd, Mamfor Sdn Bhd and Datuk Azman Yusoff for his political party.

He is accused of committing the act at the Prime Minister's Office in Bangunan Perdana Putra, Federal Government Administration Centre in Putrajaya between March 1, 2020 and Aug 20, 2021.

He is also facing two charges of receiving money from illegal activities amounting to RM195 million from Bukhary Equity Sdn Bhd, which was deposited into a Bersatu CIMB Bank account.

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

After the proceedings, Muhyiddin's defence lawyer Datuk Hisyam Teh Poh Teik said they need time to study the judgment before deciding on the next action.



Muhyiddin speaking at a press conference after the Court of Appeal rejected his application at the Palace of Justice yesterday. - **BERNAMAPIC**