

NAJIB FAILS TO HALT A-GC APPEAL

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Fresh evidence creates new legal issues requiring court consideration, says judge

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DATUK Seri Najib Razak has failed in his final attempt to stop the Attorney-General's Chambers' (A-GC) appeal against his bid to seek a judicial review of a purported addendum order allowing house arrest.

This came after a three-member bench of the Federal Court, led by Chief Judge of Malaya Tan Sri Hasnah Mohammed Hashim, dismissed his preliminary objec-

tion to prevent the A-GC from presenting its arguments on why the court should allow its appeal yesterday.

Hasnah, in delivering the unanimous decision, said the questions regarding the introduction of fresh evidence in the case were new legal issues that required further consideration by the court.

The court also noted a clear contradiction in how the lower courts viewed the A-G's role, particularly regarding the failure to file a rebuttal affidavit during the leave stage of the judicial review application.

Hasnah said this issue needed to be clarified and thoroughly examined by the top court.

"The issue of whether the addendum is a subject matter that is justiciable and can be reviewed by this court is also relevant to Article 42 of the Federal Constitution (power to grant pardon).

"Hence, it is our considered

view that all the questions raised by the A-G were neither academic nor hypothetical in nature.

"We, therefore, unanimously dismiss the preliminary objection by the respondent," she said yesterday.

Other members of the bench were Federal Court judges Datuk Zabariah Mohd Yusof and Datuk Hanipah Farikullah.

The hearing continues today.

Najib, 71, was represented by senior lawyer Tan Sri Muhammad Shafee Abdullah, while A-G Datuk Mohd Dusuki Mokhtar appeared for the government.

On Jan 6, a three-member Court of Appeal panel led by Datuk Azizah Nawawi, in a split decision, also allowed the former prime minister to adduce additional affidavits to support his application.

The former Pekan member of parliament claimed that a royal addendum allows him to serve the remainder of his jail term un-

der house arrest.

He is seeking a mandamus order compelling the respondents to confirm and disclose the existence of the alleged additional document dated Jan 29, 2024.

Najib is currently serving a six-year prison sentence after being convicted of misappropriating RM42 million from SRC International Sdn Bhd.

The High Court had sentenced him to 12 years in prison with a fine of RM210 million, a verdict that was upheld by the Court of Appeal and the Federal Court.

However, his prison sentence was halved to six years and his fine reduced to RM50 million following his petition for a royal pardon.

Najib later filed an application concerning an alleged addendum order signed by the 16th Yang di-Pertuan Agong that allows him to serve the remainder of his sentence under house arrest.



“The issue of whether the addendum is a subject matter that is justiciable and can be reviewed by this court is also relevant to Article 42 of the Federal Constitution.

TAN SRI HASNAH MOHAMMED HASHIM
Chief Judge of Malaya