

Muhyiddin allowed to transfer Jana Wibawa case to High Court

KUALA LUMPUR: The High Court yesterday allowed former prime minister Tan Sri Muhyiddin Yassin's application to transfer his case involving seven abuse of power and money laundering charges from the Sessions Court to the High Court.

Judge Datuk Muhammad Jamil Hussin, in delivering his decision, said the application was allowed as the case met the requirements for the transfer.

"The applicant fulfilled the requirement under Section 417 (1)(b) Criminal Procedure Code.

"Although I have full confidence that the Sessions Court judge has the legal knowledge and expertise to preside over the trial, it is more expedient for the three questions to be determined by the High Court."

Jamil said he made the decision after reading and considering the affidavits and submissions of Muhyiddin's lawyer, Datuk Hisyam Teh Poh Teik, and the prosecution, led by deputy public prosecutor Datuk Wan Shahaaruddin Wan Ladin.

Jamil set July 14 for case management to decide which High Court will hear the case.

Wan Shahaaruddin said the prosecution would file a notice of appeal against the High Court's decision.

Earlier during submissions, Teh said Muhyiddin's application met the requisite threshold and there were merits for the High Court to exercise its additional powers as provided for under Section 12 of the Courts of Judicature Act.

"A number of critical questions of law of unusual difficulty are likely to arise in these criminal proceedings and it is for the ends of justice that the same shall be



Former prime minister Tan Sri Muhyiddin Yassin at the Kuala Lumpur Courts Complex yesterday.
NSTP PIC BY AMIRUDIN SAHIB

transferred to and tried before the High Court," he said.

Teh said one of the questions of law of unusual difficulty that was very likely to arise was assuming all the basic facts set out in Section 23(2) and Section 50(1) of the Malaysian Anti-Corruption Commission (MACC) Act could be proven by the prosecution, whether, in law, the learned trial judge may invoke against the applicant both presumptions as provided in these provisions or only the presumption set forth in Section 23(2) of the same act.

"The second question was whether, in law, the monies allegedly received by Bersatu (Parti Pribumi Bersatu Malaysia) in accordance with the Section 23 charges constitute unacceptable gratification or legitimate political donation.

"The third question was whether the word 'organisation' in the context of the MACC Act can be interpreted and construed to also include a political party

like Bersatu, which has been duly registered pursuant to Section 7 of the Societies Act 1966."

In a rebuttal, Wan Shahaaruddin said Muhyiddin's contention that legal questions would arise was premature as the trial had yet to begin and his application did not carry weight and was merely his hypothetical stand.

The prosecutor had asked the judge to reject Muhyiddin's application as he had failed to show that the Sessions Court judge cannot handle constitutional matters and complicated or extraordinary issues that would arise in proving the charges against him.

Wan Shahaaruddin said: "We have no doubt at all on the competence and ability of the Sessions Court judge in adjudicating any legal issues that may be tried, including questions of law.

"The Sessions Court judge has legal qualifications and vast experience, having been in service as a judge at the special corrup-

tion court in Kuala Lumpur.

"The Sessions Court judge has been a judge for over 13 years and boasts experience of close to 30 years in public service."

He said Muhyiddin should not be accorded privileges because he is a former prime minister.

"This is a public interest case. The applicant (Muhyiddin) is a (public) figure, politician, member of parliament and the president of Bersatu."

On March 10, 2023, Muhyiddin was charged with four counts of using his position as then prime minister and Bersatu president to obtain bribes totalling RM232.5 million in connection with the Jana Wibawa project from three companies — Bukhary Equity Sdn Bhd, Nepturis Sdn Bhd and Mamfor Sdn Bhd — as well as Datuk Azman Yusoff, for the party.

He was also charged with three counts of receiving proceeds from illegal activities totalling RM200 million from Bukhary Equity.