

Khair Toyo charge predicated on a 'lie', says defence
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SHAH ALAM, Dec 19 — Defence lawyers in Dr Mohd Khir Toyo's trial today argued that there was no proof the former menteri besar had used his influence to buy a luxury home and land at a discounted price, saying that he was innocent of the charge against him.

Dr Khir's lawyers spent most of the defence's closing submissions attacking the credibility of the prosecution's main witness, Datuk Shamsuddin Hayroni.

The former MB is alleged to have obtained for himself and his wife two lots of land and a house at No. 8 and 10, Jalan Suasa 7/1L here from Ditamas Sdn Bhd through its director Shamsuddin.

The property was purchased at RM3.5 million although Ditamas had bought it for RM6.5 million on December 23, 2004.

The transaction was alleged to have been made when Dr Khir (picture) knew that Shamsuddin had ties with his official duty as the Selangor menteri besar then.

"The entire case is predicated on a lie," defence counsel Kamarul Hisham Kamarudin told the High Court.

Kamarul charged that the prosecution's charge against Dr Khir hinged on Shamsuddin's testimony, saying that the latter had failed to show proof that he had been ordered by the Umno leader to buy the house and two plots of land in 2004.

Shamsuddin had been accused of abetting Dr Khir in the allegedly fraudulent deal involving the latter's Balinese-style mansion.

"There must be clear coercion... is there a jot of evidence to even suggest the accused said anything untoward? There is nothing in the past, present or future.

"The (claim) that SP2 (Shamsuddin) was fearful (of Dr Khir) was a complete perception on his part," said Kamarul.

The lawyer pointed out that Shamsuddin was charged with Dr Khir at the beginning of the trial, and that he had "inconsistently" changed his police statements.

"He is a fellow accused who has had his charge withdrawn. One has to view his testimony with suspicion."

Kamarul charged that it was Shamsuddin who was involved in the development of the building and land, and not Dr Khir.

"If the accused is the ultimate buyer, why would he not then take part in the development of the building?"

"Where is (proof) of contact between SP2 and the accused?" asked the lawyer.

He also said that there had been no reason to challenge the valuation report of the land which was put at RM3.5 million.

Choy Yue Kwong, a valuer from Rahim & Co, had testified that RM5.5 million was too high a value to put on the mansion, pointing out the unfinished building construction.

He was commissioned by HSBC to value the palatial home.

Dr Khir, the state assemblyman for Sungai Panjang, is alleged to have committed the offence at the official residence of the Selangor menteri besar at Jalan Permata 7/1, Section 7 here on May 29, 2007.

If found guilty, he faces two years' jail, a fine, or both under section 165 of the Penal Code.

The trial continues this afternoon with further submissions by the defence.

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