

Khair Toyo: 12 Months Jail And Properties To Be Confiscated
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SHAH ALAM, Dec 23 (Bernama) -- Former Selangor menteri besar Dr Mohamad Khir Toyo was sentenced to 12 months in prison after he was found guilty by the High Court here today on a charge of obtaining for himself and his wife a valuable property at a consideration he knew was insufficient, four years ago.

Judge Datuk Wira Mohtarudin Baki (now Appeal Court Judge) found that the defence had failed to raise a reasonable doubt on the case against Dr Mohamad Khir, 46.

The Court ordered the sentence, under Section 165 of the Penal Code, to be effective from today.

Mohtarudin further ordered the confiscation of the said properties and to be handed back to the government under Section 36(1) of the Anti-Corruption Act 1997.

However, the court granted a stay of execution pending his appeal.

Dr Mohamad Khir was earlier ordered to enter his defense on the charge of obtaining for himself and his wife Zahrah Kechik, 46, two lots of land and a bungalow at No 8&10, Jalan Suasa 7/1L through Ditamas Sdn Bhd director Shamsuddin Hayroni.

The properties were bought at RM3.5 million, in contrast to the price of RM6.5 million paid for it by Ditamas on Dec 23 2004.

Dr Mohamad Khir had committed the offence with the knowledge that Shamsuddin had dealings with him in his official capacity as Selangor Menteri Besar at the time.

In his judgment, Mohtarudin said the RM3.5 million which was paid by Dr Mohamad Khir for the properties was "inadequate consideration" and "it was clear the accused was interested in the properties much earlier".

The prosecution managed to establish a prima facie case on the essence of their charge against Khir, which was, as a public servant he obtained something valuable through Ditamas Sdn Bhd director Shamsuddin Hayroni for a consideration he knew was inadequate, added Mohtarudin.

He further said a prima facie case was established against Khir on the fact that he knew Shamsuddin had dealings with him in his official capacity as Selangor Menteri Besar at the time.

Mohtarudin said: "In this case, where public interest is in conflict with private interest then public interest must prevail."

"This clearly shows the court will not compromise in such cases. A fine is not sufficient in this case and a prison sentence on a state government chief executive needs to be emphasised."

"Therefore, the court finds that the accused misused his position (in this case) and I order 12 months in prison, effective today."

In relation to Shamsuddin's three conflicting verbal statements to the Malaysian Anti-Corruption Commission on the exhortation of Dr Mohamad Khir, Mohtarudin said he considered the statements as a 'reasonable explanation' because the defence did not apply to challenge the witness' credibility.

Earlier in his summation, DPP Masri Mohd Daud applied to the court for a sentence commensurate with the offence as the case involved public interest and could have led to serious bribes.

"In this case, the accused didn't buy the properties unintentionally or unawares at such a low price (RM3.5 million) but planned to own it since 2004 to 2007.

"Even though there was no direct request from the accused, he ought to have been aware of the consequences of accepting something from someone who had dealings with him."

"So a sentence commensurate with the offence should be handed down to deter civil servants and for them to be cautious in carrying out their duties," he said.

Meanwhile, Dr Mohamad Khir's lawyer M. Athimulan said his client will file an appeal before 5 pm today, when met outside the court.

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