

Prosecutors maul 'inconsistent' Khir defence

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By Shazwan Mustafa Kamal

SHAH ALAM, Dec 19 — As Dr Mohd Khir Toyo's land fraud trial draws to a close, prosecutors today attacked his defence as weak and "inconsistent", before going on to declare the charge as proven beyond reasonable doubt.

Khir was charged with illegally obtaining 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 Datuk Shamsuddin Hayroni.

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 knew that Shamsuddin had ties with his official duty as the Selangor menteri besar then.

Throughout the trial, deputy public prosecutor Abdul Wahab Mohamad repeatedly attacked Dr Khir's testimony, seeking to convince the court that the Umno leader had used his influence to obtain a luxury home and prime land at a discounted price.

Claiming the defence had failed to raise reasonable doubt in their submissions, Abdul Wahab also called their arguments "illogical."

"The accused's defence is a mere denial and an afterthought. The prosecution is saying that the accused only made baseless denials proclaiming his innocence," said Abdul Wahab.

The trial's lead prosecutor said it was illogical for Dr Khir to not have known Shamsuddin had purchased the luxury bungalow and land for RM6.5 million as he was aware that the previous owner had wanted to sell it for RM7 million in 2004.

"The accused said that SP2 (Shamsuddin) offered (the house) for RM5 million initially. According to the defence, the accused did not ask about the price that SP2 bought it for, but immediately asked him to sell the property according to market price.

"It does not make sense that the accused did not ask SP2 about how much he purchased the property for," said Abdul Wahab.

He said that there was no evidence to suggest Shamsuddin was desperate to sell off his property at a price lower than the purchase amount, or that he was having financial difficulties.

Abdul Wahab asserted that Shamsuddin did so out of "fear" or concern that Dr Khir could use his position as MB and affect Shamsuddin's business as his company had dealings with the Selangor government at the period.

The prosecution also sought to connect Dr Khir to Shamsuddin's purchase of the luxury home and land in 2004, noting that Shamsuddin had brought the Umno leader to view the property in April 2007 before he (Dr Khir) purchased it.

Abdul Wahab said the defence could have "clarified" the matter at any point during Shamsuddin's questioning, but did not do so.

The DPP also brought up Dr Khir's application for a bank loan from HSBC amounting to RM3.5 million — before a valuation of the said property had been commissioned by the bank through Rahim & Co.

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.

He faces two years' jail, a fine, or both if found guilty under Section 165 of the Penal Code.

Trial judge Datuk Ahmadi Asnawi will deliver a verdict on the case on Friday, December 23.

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