

Putrajaya fails to stop Rafizi's application to challenge legality of banking law

The Malaysian Insider

April 27, 2015

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Putrajaya has failed in its bid to stop an application by Pandan MP Rafizi Ramli to challenge the constitutionality of the repealed Banking and Financial Institutions Act (Bafia).

The Shah Alam Sessions Court today ruled that Putrajaya's objection was frivolous and lacked merit.

Judge Rozina Ayob fixed May 15 to hear submissions whether the High Court could hear and rule on the constitutionality of Bafia.

Rafizi was charged in August 2012 with revealing four Public Bank customer-profile documents on the balance summaries of NFC, National Meat and Livestock Sdn Bhd, Agrosience Industries Sdn Bhd and NFC chairman, Datuk Seri Mohamad Salleh Ismail.

He allegedly disclosed the documents to media consultant Yusuf Abdul Alim and to The Star reporter Erle Martin Carvalho at the PKR headquarters in Petaling Jaya on March 7, 2012.

On September 10, 2012, Rafizi filed an application in the High Court to strike out the charge on grounds that it was against public policy to charge him for revealing alleged abuse of public funds.

He then appealed to the Court of Appeal after his application was dismissed by the High Court on November 23, 2012.

On May 23, 2013, the Court of Appeal dismissed Rafizi's appeal to strike out the charge.

Deputy public prosecutor Nazrul Nizam Mohd Zamari earlier said Rafizi's application was an abuse of court process and to delay his trial.

"The applicant had earlier filed an application to strike out his charge but failed. Now, he wants to challenge the constitutionality of the charge."

Rafizi's counsel, N. Surendran, replied that the attempt to quash the charge and mounting a constitutional challenge were two different matters.

"In any event, the trial court (Sessions Court) had given our client a stay of proceedings. So, the claim of delaying the case does not arise," he said. – April 27, 2015.

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