

## **Court to decide if PM's presence vital in Nizar's criminal defamation case**

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**By Ista Kyra Sharmugam**

The Sessions Court will decide tomorrow whether the criminal defamation case against former Perak menteri besar Datuk Seri Mohammad Nizar Jamaluddin can continue without the presence of Datuk Seri Najib Razak, who is the aggrieved party.

Judge Ikmal Hishan Mohd Tajuddin said he would decide whether to proceed after receiving the written submissions from the prosecution and defence tomorrow.

Earlier, lead counsel Datuk Yusof Zainal Abiden asked the court for his client to be discharged, not amounting to an acquittal.

He cited the best evidence rule, saying it was only fair for the defence to get a chance to cross-examine Najib.

"If not, we should not be wasting the court's time.

"The possibility (of Najib being called as witness) given by the prosecution is nil.

"If Najib doesn't come, it means he is not interested, all the more reason Nizar shouldn't be here," he said.

Chief public prosecutor Yusaini Amer Abdul Karim however argued that Najib's presence was not necessary as there were sufficient witnesses and evidence to show that Nizar had uttered defamatory words.

The judge said since the trial had been fixed, he would allow it to continue and set tomorrow for both sides to hand in their submissions.

Nizar was charged in January this year for allegedly making disparaging remarks against Najib.

The state opposition leader is said to have made the remarks during the run-up to the 2013 general election campaign at Taman Desa Pakatan in Ipoh between 9pm and midnight on April 23, 2012.

The same court had previously discharged him not amounting to acquittal on a similar charge, due to technical issues.

Those found guilty of criminal defamation can be jailed up to two years, fined, or both if found guilty.

Nizar, who is Changkat Jering assemblyman, risks being disqualified from office if

fined more than RM2,000 or jailed more than a year.

He was Perak menteri besar from March 2008 to February 2009 and was dismissed from office after three PR assemblymen crossed over to become Barisan Nasional-friendly representatives. – June 10, 2015.

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