

Khairuddin seeks to strike out his charge for attempting to sabotage country's banking and financial service

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By Han Kar Kay

Former Batu Kawan Umno deputy chief Datuk Seri Khairuddin Abu Hassan seeks for among others, to strike out his charge under Section 124 (L) of the Penal Code and to have him freed immediately. — TRP file pic

KUALA LUMPUR, Former Batu Kawan Umno deputy chief Datuk Seri Khairuddin Abu Hassan has filed a suit today to seek a court order to set aside his charge for attempting to commit sabotage against the country's banking and financial services.

Filed at the Kuala Lumpur High Court, the four-page notice of motion named the prosecution as the respondent.

Khairuddin seeks for among others, to strike out his charge under Section 124 (L) of the Penal Code and to have him freed immediately.

The court papers asked for Khairuddin's charge to be set aside on the grounds that his charge was void ab initio.

Void ab initio meant that it is treated as invalid from the beginning.

"Tan Sri Mohamad Apandi Ali has no authority to prosecute as of Oct 12 (last year) as he was appointed to replace the then Attorney-General (A-G) Tan Sri Abdul Gani Patail, who was removed from the office unconstitutionally.

"Gani's removal contradicts with the Constitution as his removal was not done in accordance with Article 145 (5) or 145 (6) of the Federal Constitution (FC).

"As Gani was removed unconstitutionally, Apandi cannot be appointed as the A-G.

"There was no rightful A-G when the charge was brought against the plaintiff on Oct 12, 2015, and therefore, the charge against him is void ab initio."

Article 145 (5) of the Constitution stipulates that A-G can only be removed by the Yang di-Pertuan Agong and in which his health condition is affirmed by the Medical Board while Article 145 (6) states that A-G can only be removed via a tribunal in a like manner as a judge of the Federal Court.

Last year, Khairuddin and his lawyer Matthias Chang were slapped with a charge at the Magistrate's Court under Section 124 (L) of the Penal Code, read together with Section 34 of the same act.

They allegedly attempted to commit sabotage against the country's banking and financial services between June 28 and Aug 26 last year in several locations including police stations in Paris, Switzerland, Hong Kong, London and Singapore.

The offence carries a maximum jail sentence of 15 years, upon conviction.

The duo have since been released on RM10,000 bail each after High Court judge Datuk Azman Abdullah ruled that the charge against the duo does not fall under the ambit of Security Offences (Special Measures) Act 2012 (Sosma).

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