

Mahathir files appeal to quash ruling that Najib is not public officer

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By V Anbalagan

Dr Mahathir and two others expect an early date to hear the appeal, as the written judgment has been prepared, says lawyer Mohamed Haniff Khatri Abdulla

KUALA LUMPUR: Former prime minister Dr Mahathir Mohamad and two others have filed a notice of appeal to reverse the findings of a High Court that incumbent Prime Minister Najib Razak is not a public officer although holding public office.

Their lawyer Mohamed Haniff Khatri Abdulla said the court documents were filed at the High Court registry here this morning.

“The High Court will send the notice of appeal to the Court of Appeal to register the case there,” he said.

Haniff said he would proceed to file the grounds of appeal once the Court of Appeal had opened a file.

“We should be able to submit the grounds on where the High Court judge had gone wrong because he had delivered the written judgment,” he told FMT.

Haniff said he would write to the Court of Appeal to fix an early case management date once the registry had notified him that a file had been opened.

He said an early date to hear the appeal was possible as the judgment had been prepared.

On Friday, justice Abu Bakar Jais struck out a suit for the tort of misfeasance in public office brought by Dr Mahathir, Khairuddin Abu Hassan and Anina Saadudin against Najib.

Abu Bakar said they could not prove that Najib was a public officer in public office.

The judge said a public officer under the Federal Constitution did not include any member of the administration in the Federation or state.

Last year, the three had filed the suit against Najib for interference and ensuring that all the relevant authorities discontinued from carrying out investigations into his alleged misconduct over the RM2.6 billion donation and RM42 million from SRC International.

Najib applied to strike out the suit as it was frivolous, vexatious and an abuse of court process.

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