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Ustaz wins appeal in RM1,000 corruption case

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PENANG: An ustaz won his appeal at a High Court here against his conviction of corruptly obtaining RM1,000 to settle a suspected *khalwat* (close proximity) case.

Justice Abdul Rahim Uda yesterday set aside Ahmadi Yahya's conviction and his sentence of 14 days' jail and RM10,000 fine.

A Sessions Court had, on March 1, found Ahmadi, 34, guilty after a full trial. It also ordered that the RM1,000 corrupt money be confiscated but allowed him stay of execution on the jail term pending the appeal with bail at RM7,000.

Ahmadi was on trial for corruptly obtaining the bribe from cook Mohd Fairus Ismail, 34, as an inducement to ensure that no court action would be taken against Mohd Fairus and his then girlfriend Fauziah Ismail, whom he has since married.

The religious teacher was charged with committing the offence in his capacity as the then Islamic affairs assistant at the Balik Pulau office of the state Islamic Religious Department at 3.30pm on Dec 13, 2004.

Ahmadi's counsel R.S.N. Rayer submitted yesterday that the trial judge had not mentioned at all in her grounds of judgment the cautioned statement which Ahmadi had given upon his arrest, in which he claimed he was framed by the couple.

DPP Farah Azlina Latif from the Anti-Corruption Agency said the trial judge had considered the defence's version when it found that the defence was "a bare denial and fabricated."

Justice Abdul Rahim said the trial judge had to give the case a maximum evaluation before convicting, and should consider the evidence in totality and not "take evidence in pieces".

He said in this case, Ahmadi did not elect to remain silent but gave his testimony in defence, and the trial judge had to consider both the evidence for and against the accused.

In reaching his decision, Justice Abdul Rahim said the case did not involve a technicality but a miscarriage of justice. He ordered Ahmadi to be refunded the fine, penalty and bail.

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