

# No rotan for Canny's killer

**PETALING JAYA:** The 20-year jail term and 10 strokes of the rotan imposed on Canny Ong's murderer Ahmad Najib Aris for raping her has become a topic of discussion.

Many readers called up to ask whether the convicted murderer would be caned before he is hanged.

However, lawyers clarified that the 29-year-old Ahmad Najib will only serve his jail term and be whipped if he wins an appeal against the death sentence.

Criminal lawyer Jerald Gomez said this was provided for under Section 289(b) of the Criminal Procedure Code.

The section states:

"No sentence of whipping shall be executed by instalments, and none of the following persons shall be punishable with whipping, (namely) females, males sentenced to death and males whom the Court considers to be more than 50 years of age."

He said this meant that whipping was prohibited if a



Ahmad Najib: Was given the maximum sentence for raping Canny

person were sentenced to death.

In the event of the appellate court reducing Ahmad Najib's charge, however, he said Ahmad Najib would be whipped and serve his jail term.

The former aircraft cabin cleaner was given the maximum jail term of 20 years and 10 strokes of the rotan for raping Ong.

Bar council president Kuthubul Zaman Bukhari said

Ahmad Najib would be given an automatic appeal against the death sentence.

"He will not be whipped, jailed or hanged immediately as he will undergo the appeal process. This will take some time as he can also appeal to the Federal Court," he said.

Meanwhile, one of Ahmad Najib's lawyers, Haniff Khatri Abdulla, said they would be filing the notice of appeal at the Shah Alam High Court registry today.

We will definitely be filing the appeal because as far as the defence is concerned, the prosecution has not sufficiently proven a case against the accused beyond reasonable doubt.

"There are various points of law and facts which need to be readdressed before the Court of Appeal," he said when contacted yesterday.

He said the defence was waiting to get an official copy of the judgment to support their appeal which would be filed soon.