

Although this application was dismissed by the Sessions Court Judge in question, **Mr. Gomez** successfully overturned this decision on appeal to the High Court.

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Hearing on bid to remove judge

KUALA LUMPUR: A Sessions Court here will hear on Saturday the defence's application to discharge a judge who is now a deputy public prosecutor from sitting in an attempted cheating trial involving two civil servants.

Counsel Christopher Fernando and **Jerald Allen Gomez** made the application to discharge Mr Stanley Augustine from hearing the trial of senior

store maintenance officer Abdul Aziz Abdul Rahman, 42, and divisional director Ibrahim Wahab, 43.

Abdul Aziz faces a charge of trying to cheat using an official order to falsely order goods worth RM4,800 at the department's office at Bangunan LUTH, Jalan Tun Razak between January and March 1991.

He also faced similar

charges of making two false orders worth RM4,817 and RM4,900 respectively at the same place and time.

Ibrahim was charged with abetting Abdul Aziz.

The two had been on trial on corruption charges before Augustine and his decision was to be delivered on Aug 30. But the charges were amended.

DPP Ahmad Rosli Mohamed Sham prosecuted.

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Judge decides to go on with case

KUALA LUMPUR, Sat. — The defence failed in the Sessions Court today in its bid to get a Sessions judge, who is now a deputy public prosecutor, to discharge himself from a cheating case involving two employees of the Department of Orang Asli Affairs (JOA).

Sessions judge Stanley Augustine fixed the case for mention on Sept 22. He was hearing the case when he was appointed a deputy public prosecutor in February.

JOA senior storekeeper Abdul Aziz Abdul Rahman, 43, is facing three amended charges of attempting to cheat the department by using three forged orders for supplies of several items worth RM14,517 to JOA purportedly from a company called Sistem Edar when in fact the company did not supply the goods.

He allegedly committed the offences at JOA's premises in Jalan Tun Perak here between January and March 1991.

The department's divisional director, Ibrahim Wahab, 42, was charged with abetting Abdul Aziz at the same time and place.

They were originally charged with corruption and abetment respectively.

However, Augustine amended the charges two weeks ago.

Abdul Aziz is represented by **Mr Jerald Allen Gomez** and Ibrahim by **Mr Christopher Fernando**. Deputy Public Prosecutor Ahmad Rosli Mohamed Sham is prosecuting.

Earlier, in asking Augustine to discharge himself, Fernando said there was no necessity for him (Augustine) to hear the case since he was now a deputy public prosecutor and the case had become a fresh one since the charges were amended.

He said public confidence in the administration of justice would be seriously eroded if Augustine insisted on hearing the case.

"As a deputy public prosecutor, your honour is now conviction-oriented and my client harbours a fear that you may not be in a position to be impartial," Fernando said, pointing out that Augustine was now "a full-time deputy public prosecutor and a part-time Sessions judge".

He also asked for the reasons for amending the charges and urged the court to acquit the two on the corruption charges.

Berita Harian 8/9/94

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Tertuduh minta tukar hakim

KUALA LUMPUR, Rabu — Dua pegawai Jabatan Hal Ehwal Orang Asli (JHEOA) yang menghadapi tuduhan cuba menipu dan bersubahat menipu jabatan itu, akan memohon supaya Hakim Stanley Augustin yang mendengar kes itu, menarik diri.

Peguambela tertuduh, **Jerald Allen Gomez**, memberitahu Hakim Zabariah Mohamad Yusof yang mendengar kes itu bagi pihak Stanley, mereka mahukan hakim berkenaan menarik diri kerana Stanley kini menjadi Timbalan Pendakwaraya.

Sehubungan itu, Zabariah menetapkan Sabtu ini untuk mendengar permohonan tertuduh berkenaan.

Pada 30 Ogos lalu, Stanley meminda tuduhan terhadap Penyelia Stor Kanan JHEOA, Abdul Aziz Abdul Rahman dan Pengarah Bahagian Perolehan dan Pengumpulan Semula, Ibrahim Wahab yang mulanya didakwa melakukan dan bersubahat dalam rasuah.

Stanley meminda tuduhan itu pada hari beliau sepatutnya menjatuhkan hukuman terhadap tertuduh. Bagaimanapun, Abdul Aziz, 42, dan Ibrahim, 43, tidak mengaku salah terhadap tuduhan pindaan itu.

Abdul Aziz didakwa cuba menipu JHEOA dengan menggunakan tiga dokumen pesanan untuk mengesahkan bahawa dia menerima beberapa bekalan bahan kimia, baja dan makanan ternakan bernilai RM14,517 daripada Sizen Edar sedangkan bekalan itu tidak dibekalkan oleh syarikat berkenaan.

Attempt to remove DPP and part-time judge fails

By ROSLINA MOHAMAD

KUALA LUMPUR: Two lawyers yesterday failed in their attempt to remove a "full-time DPP and a part-time Sessions Court judge" from presiding over the trial of their clients.

In their applications, counsel **Jerald Allen Gomez** and Christopher Fernando argued that Sessions judge Stanley Augustine should discharge himself from the case since he had been appointed a deputy public prosecutor in February.

They contended public confidence in the administration of justice would be seriously eroded if a deputy public prosecutor could double as a judge.

Gomez and Fernando are representing senior store maintenance officer Abdul Aziz Abdul Rahman, 42, and divisional director Ibrahim Wahab, 43 respectively.

Abdul Aziz faces a charge of attempting to cheat the Aborigine Affairs Department by using an official order to make false orders for goods worth RM4,800. He also faces similar charges of making two false orders worth RM4,817 and RM4,900 respectively.

Ibrahim was charged with abetting Abdul Aziz.

The two had been jointly tried on corruption charges before Augustine about a year ago and decision was supposed to have been delivered on Aug 30 this year.

But instead of a decision, the charges against the two men were amended and a date was set for mention to decide whether all the witnesses should be recalled.

Gomez made the first application for Augustine to be discharged. It was rejected.

Fernando then made the same application.

He said there was contradiction because the role of a DPP was conviction-oriented while a judge was expected to act with fairness, independence and impartiality.

"Application dismissed," said Augustine, who fixed Sept 22 for mention. Fernando said later he would file a similar application in the High Court.