

# DPP: No proof accused had committed murder

IPOH, Fri. — The prosecution admitted in the High Court today that there was no evidence against the younger of two brothers charged with the murder of a 30-year-old waiter three years ago.

Deputy public prosecutor Shahidani Abd Aziz said the prosecution acceded to the defence submission that there was not an iota of evidence which could link A. Saravanan, 24, to the murder charge.

Counsel Terence Naidu and Pradeep Singh for Saravanan and A. Morgan, 27, had said no evidence was presented or adduced by the prosecution to show that Saravanan had committed the offence.

"The prosecution merely established that Saravanan is the younger brother of Morgan and nothing more," Pradeep said when submitting at the close of the prosecution's case.

Terence then applied that the court release Saravanan but Judicial Commissioner Datuk Balia Yusof Wahi said he would give his decision together with Morgan's, as they were jointly charged.

Saravanan, a labourer at a flour mill, and Morgan, a labourer at a sawmill, are jointly charged with murdering Shamsul Arbain at an oil palm estate near Taman Pelangi,

Langkap, between 8.30pm and 10pm on Aug 12, 2000.

Earlier, Pradeep told the court that instead of charging the two accused for the murder, police should have charged Rubin Jaibit, who was a close friend of Shamsul.

"The investigating officer testified that Rubin was the probable person to have the motive as they were sleeping together and it was Rubin who had produced the suspected murder weapon (a broken bottle).

"Rubin was the first suspect to be arrested. Unfortunately, when granted bail, he jumped the bail and was never found again."

Shahidani said Morgan, in his cautioned statement, had said that he slashed a *bapuk* (transvestite) on his neck, chest and groins.

"When the transvestite fell to the ground, Morgan left him there although the transvestite held his legs. This is proof enough that Morgan wanted his victim to die," he said.

Terence replied that Morgan inflicted only three wounds on the deceased's body. The pathologist from the Ipoh Hospital had testified that there were 14 wounds on the deceased, which showed that his death was not caused by Morgan, he said.

Balia fixed Nov 18 for decision.