

## Mongolian woman escapes the gallows

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Bayanjargal was acquitted and discharged by the Shah Alam High Court of drug trafficking. BERNAMA

**SHAH ALAM:** A Mongolian woman was acquitted and discharged by the High Court here today on two counts of drug trafficking, involving 27.5kg of heroin and 3kg of monoacetylmorphines two years ago.

Judge Datuk Abdul Halim Aman ordered Bayanjargal Khaliun to be freed after finding that the defence had succeeded in raising reasonable doubts against the prosecution case.

Khaliun, 33, who is a private college student, was charged with trafficking in 19,665.3gm of heroin and 1,166.9g of monoacetylmorphines at a condominium unit rented by her boyfriend at Spring Villa Condominium, No: 11, Jalan SS 12/1, Subang Jaya near here at about 1.30am on Jan 26, 2013.

She was also charged with trafficking in 7,823.6g of heroin and 1,872.3g of monoacetylmorphines at the same place, time and date.

Both the charges were made under Section 39B (1)(a) of the Dangerous Drugs Act 1952, which carries the mandatory death sentence, upon conviction.

In the judgment, Abdul Halim said among the grounds used as basis in the decision was failure by the prosecution to produce direct evidence showing the accused had trafficked in the drug and that she had exclusive access to the contraband at the premises concerned.

"Apart from that, there were conflicts among the prosecution witnesses, especially between the investigating officer and the raiding officer; and the forensic officer and the forensic photographer.

This showed that there were weaknesses in the investigation aspect by the investigating officer.

"The prosecution also failed to prove that the accused had exclusive access to the condominium when the condominium owner confirmed that the condominium was leased to a Nigerian man by the name of Vincent (who is the boyfriend of the accused).

"Vincent is an important witness, but no serious effort was made to trace the man, who was said to have left Malaysia," he added. He also said there was evidence by the chemist which confirmed the presence of DNA belonging to other people on exhibits like toothbrush and towel, and the absence of finger prints to link the accused with the drug found at the premises.

The prosecution was conducted by deputy public prosecutor Rosidah Abu Bakar, while Khaliun was represented by lawyer Nik Mohamed Ikhwan Nik Mahamud. – *Bernama*