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TAIO CRUZ

# Cop jailed 5 years

> Guilty of manslaughter in student's shooting death

BY S. TAMARAI CHELVI  
newsdesk@thesundaily.com

**SEAH ALAM:** Police corporal Jenain Subi who fired the shots which killed student Aminulrasyid Amzah, 15, in April last year was yesterday sentenced to five years' jail.

In handing down the sentence after finding him guilty of manslaughter, Sessions Court judge Latifah Mohd Tahar said she took into consideration the need for the penalty to strike a balance between the public and the accused's interests.

Jenain, 49, was charged with culpable homicide not amounting to murder for the death of Aminulrasyid at Jalan Tarian 11/2 between 1.10am and 2am on April 26 last year.

"The court has taken into consideration that the accused was a policeman for 25 years. However, it must be remembered that weapons given to the police must be used reasonably for official duties," said Latifah, who ordered Jenain to serve his sentence from yesterday.

She allowed an application by Jenain's lawyer M. Athimulan for a stay of execution of the sentence pending appeal and set bail at RM10,000. DPP Idham Abdul Ghani said he will seek instruction on whether to cross appeal against the five-year jail sentence. (The charge under section 304 (a) of the Penal Code carries a maximum of 30 years jail upon conviction)

Outside the court, Aminulrasyid's mother Norsiah Mohamad, 62, said she only wanted her son's name to be cleared.

"He is not a criminal, please clear my son's name. That is all I ask for," she said of the claim by police that her son was a robber and a criminal.

Aminul's uncle, Kamarudin Hassan, 46, said the family will discuss and decide on their next course action to clear the student's name.

"Thank God justice has been done over his death," said Kamarudin, adding that the

family respected the court's decision.

Earlier, in handing down her decision, Latifah said Jenain had failed to raise a reasonable doubt against the prosecution case. She said Jenain, who testified under oath, had agreed that there was no other vehicle on the road, there was no danger and no other people on the road, and thus, there was no need to discharge 21 shots automatically.

"As a policeman, the accused was aware that the sub-machine gun is quite dangerous and fatal as the bullets are released continuously," she said.

"It is clear that the bullet, which went into the victim's head came from the accused," said Latifah.

In mitigation, Athimulan urged the court to strike a balance between the interest of the accused and that of the public.

"He was carrying out his lawful duty for society. He was a law enforcement officer trying to apprehend a violator of the law," he said, adding that Jenain did not know in his mind (at that time) that the "violator" was a boy.

"Should he be punished for carrying out a legitimate duty of apprehending a person, who was reasonably a law violator?" Athimulan asked.

Lawyer Salim Bashir, who also represented Jenain, pleaded for a lighter sentence, saying his client was not a trigger-happy policeman and had no previous conviction. He said Jenain, whose wife was a teacher, was a father of four children, the eldest of whom was 15 years old and the youngest was three.

DPP Idham, however, pressed for a deterrent sentence, saying the accused had committed a serious offence.

"A 15-year-old child died due to the accused's act. There was no act of provocation by the victim," he said, adding that Jenain was not in a situation where his safety or that of other people had been threatened when he discharged his firearm.



BERNAMAPIX

**HAPPY MALAYSIA DAY** ... Performers waving the Jalur Gemilang and the Sarawak state flag during the state's rehearsal for Malaysia Day and Merdeka Day at the state assembly building in Kuching. A massive parade to mark Merdeka and Malaysia Day will be held this morning at Dataran Merdeka, Kuala Lumpur, and other state capitals.



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