

# Killing girlfriend: Man goes free

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*Hartono was accused of murdering one Kamalia Yusopp, 35, between 12.30am and 6.55pm on Jan 19, 2021 on a hill behind a hotel at Bandaran Berjaya here.*

**KOTA KINABALU:** A 32-year-old man on Thursday walked out a freeman after the High Court released him from a charge of murdering his girlfriend, two years ago. Hartono Janang was discharged and acquitted by Judicial Commissioner Amelati Parnell without his defence being called. Amelati in her ruling, held that the prosecution had failed to prove a prima facie case against the accused. Hartono was accused of murdering one Kamalia Yusopp, 35, between 12.30am and 6.55pm on Jan 19, 2021 on a hill behind a hotel at Bandaran Berjaya here. He had on Nov 10, 2021 claimed trial to the charge under Section 302 of the Penal Code, which carries the death penalty on conviction. The prosecution had called 16 witnesses to testify in the trial at the prosecution stage. Amelati in her ruling, held among others, that on totality of evidence, in the absence of any proof motive, the prosecution failed to prove ingredients of Section 302.

Deputy Public Prosecutor Azreen Yas Mohamad Ramli stood in for DPP Afiq Agoes, while Hartono was represented by assigned counsel Datuk Ram Singh and Chen Wen Jye. Meanwhile in PUTRAJAYA, a former lorry driver escaped the gallows after the Court of Appeal here on Thursday commuted the mandatory death sentence to

20 years imprisonment for causing the death of his wife seven years ago. A three-judge panel led by Datuk Vazeer Alam Mydin Meera sentenced the appellant, Satvender Singh, 37, after unanimously switching his murder conviction under Section 302 of the Penal Code to Section 304 (a) of the same Code. "The court took into account all the facts including the appellant's relationship with the victim as her husband and his actions in creating the incident to avoid responsibility, as well as the tragic death of his young wife. "Therefore, the court sentences the appellant to 20 years imprisonment starting from the date of his arrest (April 14, 2016)," said Judge Vazeer Alam, with Datuk Ahmad Zaidi Ibrahim and Datuk SM Komathy Suppiah forming the rest of the panel. Judge SM Komathy, who read out the judgment, said the victim's neck had strangulation marks, and she was found on the floor of her house, while the body of her infant daughter was on the bed with a pillow next to her. "The pathologist found milk in the baby's lungs. The baby's death may have been caused by choking or suffocation with a pillow.

"However, the pathologist could not state a reliable opinion on the cause of the baby's death. Therefore, the conviction (of killing the child) is unsafe and is set aside," she said. Judge SM Komathy said the testimony about the appellant being the last person to see his wife and child alive, and the judge's (Shah Alam High Court) failure to detail the essence of the charge when he was asked to enter his defence, prejudiced the appellant's right to defend himself. "(Therefore) it is unsafe to confirm the accused's conviction of murder under Section 302 of the Penal Code. (However), after examining the evidence in this case, we found ample evidence the accused had strangled the victim and caused her death. "It is clear that the internal injuries to the victim's neck could only have been caused by the use of significant force. This shows the appellant intended to cause injury to the victim and that injury had caused her death.

"In exercising the appellate authority to set aside the conviction and sentence, we find the accused guilty of the lesser charge and convict him under Section 304 (a) of the Penal Code," she said. In mitigation during sentencing, Satvender's lawyer Datuk Rajpal Singh appealed for a 10-year imprisonment on the grounds that his client was remorseful. "The appellant's father died two months ago, and his 60-year-old mother lives alone. The client has no prior criminal record and hopes for a chance to become a better person. He wants to support his family and apologise to the victim's family for what happened," he said. Deputy Public Prosecutor Nahra Dollah, however, requested a minimum sentence of 20 years taking into account the seriousness of the offence which involved a married couple, and the fact that the appellant had strangled the victim to death. On Aug 19, 2021, the Shah Alam High Court sentenced Satvender to death upon finding him guilty of killing his wife and their seven-month-old baby girl after the defence failed to raise a reasonable doubt at the end of the defence case.