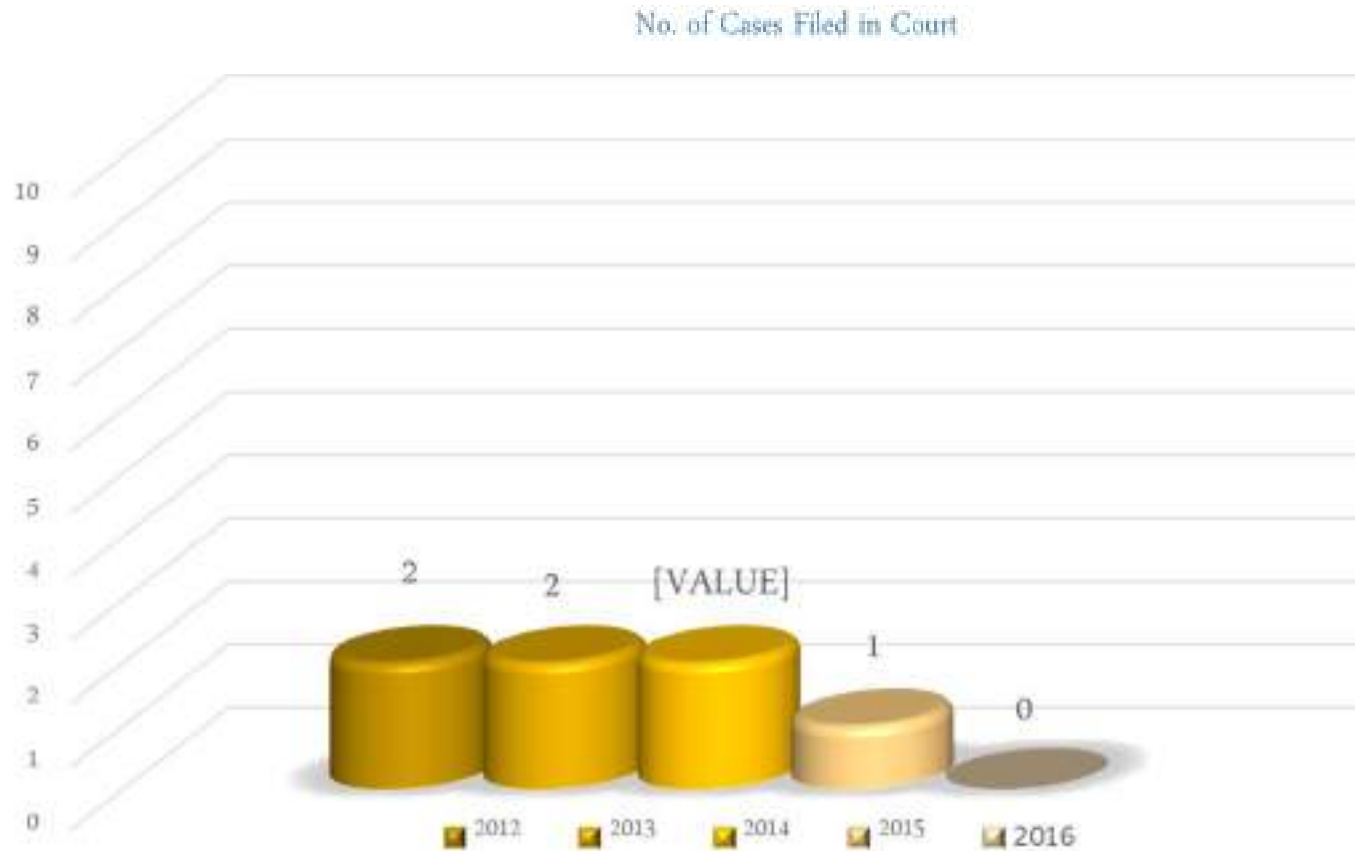




Common Offences Under Companies Act 2016 - Corporate Governance Offences

SECTION 218 : PROHIBITION AGAINST IMPROPER USE OF PROPERTY, POSITION, ETC - Statistics



Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 218 : PROHIBITION AGAINST IMPROPER USE OF PROPERTY, POSITION, ETC - Case Study

PP v Kamal Hisham Bin Jaa'far

On 8.9.2015, 4 charges together and 2 alternative charges were preferred against the respondent before the learned SCJ under Sections 131 and 132 of the Companies Act, 1965 vide Case No: 62 -52-09/2015 and bail was set at RM200,000.00 with 2 sureties the surrender of Respondent's passport and to report to the nearest police station every week.

PP v Datuk Mohamad Shukri Baharom & 3 ors

Thursday, 17th April 2014: The directors of Sime Darby Engineering Sdn Bhd namely, Datuk Mohamad Shukri Baharom, Abdul Rahim Ismail, and Abdul Kadir Alias, were jointly charged with the offence under Section 132(2)(c) of the Companies Act 1965 (Act 125) to be read together with Section 34 of the Penal Code which is punishable under Section 132(3)(b) of the same Act, which carries a maximum sentence of five years or RM30,000 fine, upon conviction.

Mohammed Shukri is the former managing director of the Energy and Utilities Division of Sime Darby while Abdul Rahim is the division's chief financial officer. Abdul Kadir is the division's oil and gas unit chief. Another senior manager Mohd Zaki Othman, who is also the division's oil and gas unit chief, was separately charged for abetting the 3 company director under 109 of the Penal Code for alleged abetment in awarding a service contract to Incobliss Consulting Sdn Bhd whereby no services was rendered.



Common Offences Under Companies Act 2016 - Corporate Governance Offences

SECTION 223 : APPROVAL OF COMPANY REQUIRED FOR DISPOSAL BY DIRECTORS OF COMPANY'S UNDERTAKING OR PROPERTY - The Provision

THE LAW

- ▶ the directors shall not enter or carry into effect any arrangement or transaction for –
 - ▶ the acquisition of an undertaking or property of a substantial value; or
 - ▶ the disposal of a substantial portion of the company's undertaking or property unless –
 - ▶ the entering into the arrangement or transaction is made subject to the approval of the company by way of a resolution; or
 - ▶ the carrying into effect of the arrangement or transaction has been approved by the company by way of a resolution.
- ▶ an undertaking or property shall be considered to be of a substantial value or substantial portion if –
 - ▶ its value exceeds twenty-five per centum of the total assets of the company;
 - ▶ the net profits, after deducting all charges except taxation and including extraordinary items, attributed to it amounts to more than twenty-five per centum of the total net profit of the company; or
 - ▶ its value exceeds twenty-five per centum of the issued share capital of the company, whichever is the highest.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 223 : APPROVAL OF COMPANY REQUIRED FOR DISPOSAL BY DIRECTORS OF COMPANY'S UNDERTAKING OR PROPERTY -

The Provision...continue

THE LAW

- ▶ an undertaking or property shall be considered to be of a substantial value or substantial portion if –
 - ▶ its value exceeds twenty-five per centum of the total assets of the company;
 - ▶ the net profits, after deducting all charges except taxation and including extraordinary items, attributed to it amounts to more than twenty-five per centum of the total net profit of the company; or
 - ▶ its value exceeds twenty-five per centum of the issued share capital of the company,whichever is the highest.

OFFENDER

- ▶ Director

PENALTY

- ▶ imprisonment not exceeding 5 years;
- ▶ fine not exceeding three million ringgit ; or

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 228 : TRANSACTIONS WITH DIRECTORS, SUBSTANTIAL SHAREHOLDERS OR CONNECTED PERSON - The Provision

THE LAW

- ▶ a company shall not enter or carry into effect any arrangement or transaction where a director or a substantial shareholder or its holding company or its subsidiary, or a person connected with director or substantial shareholder –
 - ▶ acquires or is to acquire shares or non-cash assets of the requisite value, from the company; or
 - ▶ disposes of or is to dispose of shares or non-cash assets of the requisite value, from the company, unless –
 - ▶ the entering into the arrangement or transaction is made subject to the approval of shareholders at a general meeting; or
 - ▶ the carrying into effect of the arrangement or transaction has been approved by shareholders at a general meeting.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 228 : TRANSACTIONS WITH DIRECTORS, SUBSTANTIAL SHAREHOLDERS OR CONNECTED PERSON - The Provision...Continue

OFFENDER

- ▶ Director; or
- ▶ Substantial shareholder

PENALTY

- ▶ imprisonment not exceeding 5 years;
- ▶ fine not exceeding three million ringgit ; or
- ▶ both.



Common Offences Under Companies Act 2016 - Corporate Governance Offences

SECTION 229 : EXCEPTION TO SECTION 228 - The Provision

THE LAW

- ▶ Section 229 Section 228 shall not apply to an arrangement or transaction for the acquisition or disposal of a non-cash asset entered into –
 - ▶ by a company –
 - ▶ and any of its wholly-owned subsidiaries;
 - ▶ and its holding company which holds all the issued shares of the company; or
 - ▶ wholly-owned subsidiary of a holding company and another wholly-owned subsidiary company of that same holding company;
 - ▶ by a company which is being wound up, unless the winding up is a members' voluntary winding up;
 - ▶ by a company which is an acquisition or disposal of an asset is in the ordinary course of business of the company and is on terms not more favourable than those generally available to the public or employees of the company;
 - ▶ by a company if such arrangement or transaction does not involve transfer of cash or property and which shall have no effect unless approved at a general meeting or by a relevant authority;
 - ▶ by a company made in accordance with a scheme of arrangement approved by the Court under section 366; or
 - ▶ by a company in connection with a takeover offer made in accordance with the relevant law applicable to such offer.



Common Offences Under Companies Act 2016 - Corporate Governance Offences

SECTION 224 : LOANS TO DIRECTOR - The Provision

THE LAW

- ▶ A company shall not –
 - ▶ make a loan to a director of a company or of a company which by virtue of section 7 is deemed to be related to that company; or
 - ▶ enter into any guarantee or provide any security in connection with a loan made to such a director by any other person.

Exceptions

- ▶ to an exempt private company;
- ▶ to anything done to provide director with funds to meet the expenditure incurred or to be incurred for the purpose of enabling him to perform his duties;
- ▶ to anything done to provide director with funds to meet expenditure incurred or to be incurred in purchasing or otherwise acquiring a home; or
- ▶ company has passed a resolution to approve a scheme for the making of loans to employee of the company.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 224 : LOANS TO DIRECTOR - The Provision...continue

OFFENDER

- ▶ Director

PENALTY

- ▶ imprisonment not exceeding 5 years;
- ▶ fine not exceeding three million ringgit ; or
- ▶ both.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 218 : LOANS TO DIRECTOR - Case Study

On 13th June 2013, Mohd Shukri Abdul Rahman ('Mohd Shukri'), the director of PT LAB Sdn Bhd was convicted by the Petaling Jaya Sessions Court for committing offences under Sections 132(1) and 133A(1)(a) of the Companies Act 1965 ('CA 1965').

The first charge under section 132(1) of the CA 1965 against Mohd Shukri was in relation to the act of authorizing the making of RM500,000.00 loan to Pusrawi Engineering Sdn Bhd without the approval of the PT Lab Sdn Bhd board of directors. Evidence revealed that he was also the majority shareholder in Pusrawi Engineering Sdn Bhd at the material time.

As to the second charge under section 133A(1)(a) of the CA 1965, Mohd Shukri was charged with an offence of authorizing the making of a loan to person connected with him as the director of PT Lab Sdn Bhd.

The Sessions Court Judge, Tuan Abu Bakar Manat ordered Mohd Shukri to pay fine of RM27,000.00 for the offence convicted under section 132(1) and to pay a maximum fine of RM10,000.00 for the offence convicted under section 133A(1)(a), CA 1965.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 225 : PROHIBITION OF LOANS TO PERSONS CONNECTED WITH DIRECTORS - The Provision

THE LAW

- ▶ A company other than exempt private company, shall not—
 - ▶ make a loan to any person connected with a director of the company or of its holding company; or
 - ▶ enter into any guarantee or provide any security in connection with a loan made to such person by any other person.

Exceptions

- ▶ loan, guarantee or security is provided in relation to a loan made to a subsidiary or holding company or a subsidiary of its holding company;
- ▶ to a company whose ordinary business includes the lending of money or the giving of guarantees in connection with loans made by other person, or to anything done by the company in the ordinary course of that business; or

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 225 : PROHIBITION OF LOANS TO PERSONS CONNECTED WITH DIRECTORS - The Provision...continue

THE LAW

- ▶ to any loan made to a person connected with a director, as the case may be-
 - ▶ for the purpose of meeting the expenditure incurred or to be incurred in purchasing or otherwise acquiring a home; or
 - ▶ in accordance with a scheme for the making of loans to employee approved by the company.

OFFENDER

- ▶ Director

PENALTY

- ▶ imprisonment not exceeding 5 years;
- ▶ fine not exceeding three million ringgit ; or
- ▶ both.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 591 : FALSE AND MISLEADING STATEMENTS - The Provision

THE LAW

- ▶ Every person who is in any return, report, certificate, financial statement or other document required by or for the purpose of this Act –
 - ▶ makes or authorizes the making of a statement false or misleading in any material particular knowing it to be false; or
 - ▶ misleads or intentionally omits or authorizes the omission or accession of any matter or thing making the document misleading in a material respect.

OFFENDER

- ▶ Any person

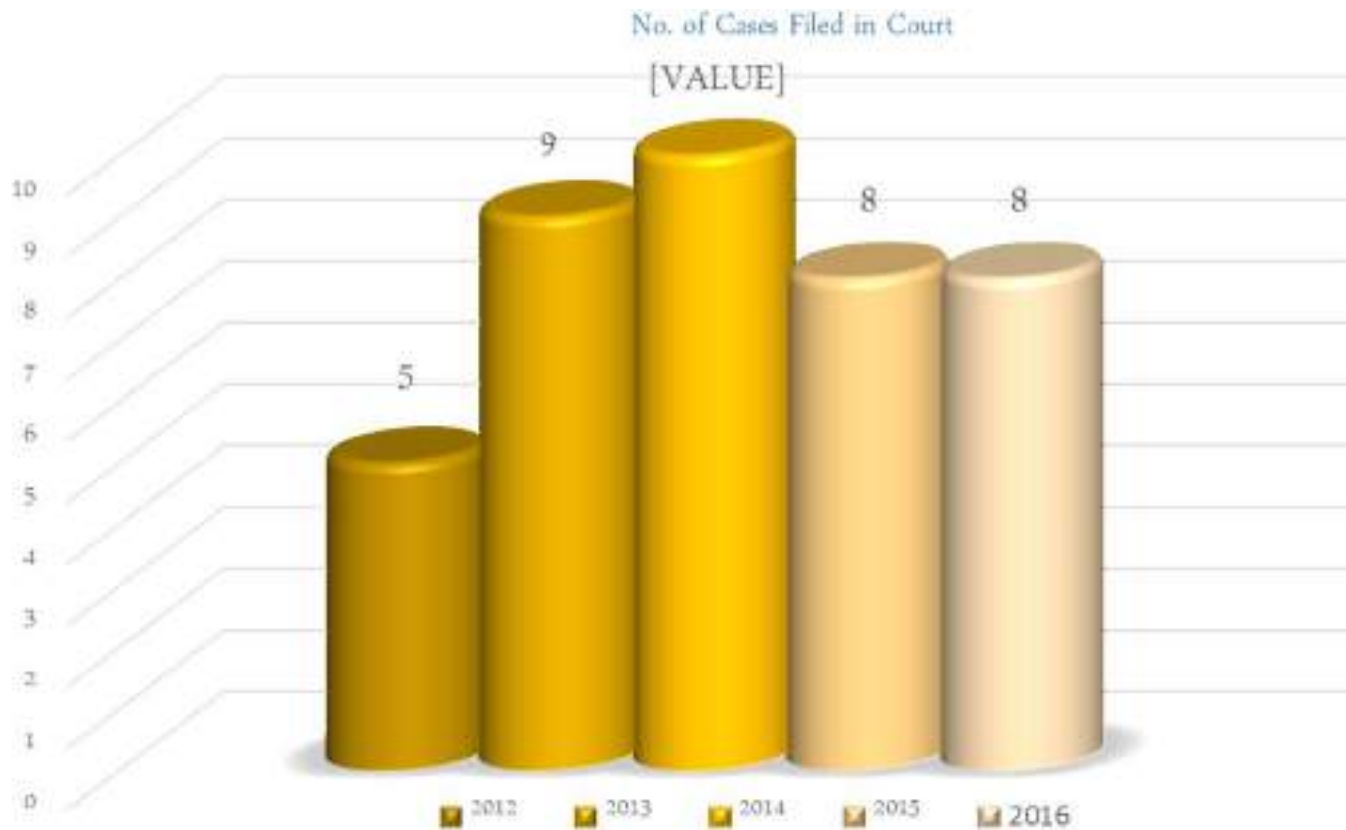
PENALTY

- ▶ imprisonment not exceeding 10 years;
- ▶ fine not exceeding three million ringgit ; or
- ▶ both.



Common Offences Under Companies Act 2016 - Corporate Governance Offences

SECTION 591 : FALSE AND MISLEADING STATEMENTS - Statistics





Common Offences Under Companies Act 2016 - Corporate Governance Offences

SECTION 591 : FALSE AND MISLEADING STATEMENTS

- Case Study

PP v Khaeromze Bin Ahmad

An ex-company secretary of Armas Medina Sdn. Bhd, Khaeromze Bin Ahmad, was convicted at Johor Bahru Sessions Court for making false statements in Form 49 in relation to the resignation of two directors and in Form 32A, in relation to transfer of the directors' shares to another person and the accused himself.

The accused was sentenced to a fine of RM210,000 and in default 12 months imprisonment.

PP v Sandhiransegaran

A director of Venus Polymer Sdn Bhd was sentenced to five (5) years imprisonment for authorising the company secretary to make a false statement in relation to the resignation of another director through the lodgement of Form 49.



Common Offences Under Companies Act 2016 - Corporate Governance Offences

SECTION 591 : FALSE AND MISLEADING STATEMENTS - Case Study

16th June 2011: The Court Of Appeal in Putrajaya, Kuala Lumpur unanimously upheld the order of the High Court in convicting Ho Woon Choon for the commission of an offence under section 364(2) Companies Act 1965 (Act 125). The three members panel of the Honourable Court of Appeal Judges agreed with the Prosecution submission that the information contained in the material Form 24 is false and Ho Woon Choon has the knowledge of the falsity.

The Court of Appeal further agreed with the Prosecution contention that the information in the Form 24 must be accurately recorded as to reflect the correct status of a company's paid up capital. In this regards, the Court of Appeal ruled that a payment via a cheque for the purpose of subscribing company shares cannot be regarded as effective payment until the cheque is cashed or paid.

The panel of the Honourable Court of Appeal Judges are The Honourable Datin Paduka Zaleha bt. Zahari, The Honourable Datuk Sulong bin Matjeraie and The Honourable Dato' Azhar @ Izhar bin Haji Ma'ah.

Ho Woon Choon was charged in the Sessions Court, Kuala Lumpur for making a false statement in Form 24, a statutory document under the Companies Act 1965. The false statement was in relation to the declaration that the allotment of new Dataco Communications Sdn Bhd shares to Ng Keng Kiat and Gen-X Technology Sdn Bhd was fully paid but that was not the case. Ho Woon Choon, as the company secretary for Dataco Communications Sdn Bhd made the declaration.



Common Offences Under Companies Act 2016 - Corporate Governance Offences

SECTION 137 : SUBSTANTIAL SHAREHOLDER TO NOTIFY COMPANY OF HIS INTERESTS - The Provision

THE LAW

- ▶ A substantial shareholder shall give notice in writing to the company if he has any interest related to any particular shares.
- ▶ Substantial shareholder shall give notice –
 - ▶ Company whose shares quoted on a stock exchange, within three days after the person become substantial shareholder; or
 - ▶ in any other case, within five days after the person become substantial shareholder.

▶ Substantial shareholder

OFFENDER

- ▶ fine not exceeding one million ringgit ; or
- ▶ continuing offence, to a further fine not exceeding one thousand ringgit for each day during which the offence continues after conviction.

PENALTY

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 138 : SUBSTANTIAL SHAREHOLDER TO NOTIFY COMPANY OF CHANGE IN HIS INTEREST - The Provision

THE LAW

- ▶ A substantial shareholder shall give notice in writing to the company if there is a change of his interest in voting shares in the company –
 - ▶ company whose shares quoted on a stock exchange, within three days after the date of the change; or
 - ▶ in any other case, within five days after the date of the change.

▶ Substantial shareholder

OFFENDER

PENALTY

- ▶ fine not exceeding one million ringgit ; or
- ▶ continuing offence, to a further fine not exceeding one thousand ringgit for each day during which the offence continues after conviction.



Common Offences Under Companies Act 2016 Corporate Governance Offences

SECTION 139 : PERSON WHO CEASES TO BE SUBSTANTIAL SHAREHOLDER TO NOTIFY COMPANY - The Provision

THE LAW

- ▶ A person shall give notice to the company in writing if he ceases to be a substantial shareholder –
 - ▶ company whose shares quoted on a stock exchange, within three days after he ceased to be a substantial shareholder; or
 - ▶ in any other case, within five days after he ceased to be a substantial shareholder.

▶ Person **OFFENDER**

PENALTY

- ▶ fine not exceeding one million ringgit ; or
- ▶ continuing offence, to a further fine not exceeding one thousand ringgit for each day during which the offence continues after conviction.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 138 : SUBSTANTIAL SHAREHOLDER TO NOTIFY COMPANY OF CHANGE IN HIS INTEREST - Case Study

KUALA LUMPUR (Jan 26, 2011): Datuk Low Tuck Choy, a major shareholder and former managing director of Ho Hup Construction Co Bhd, faces a fine of up to RM1 million for failing to disclose changes in his shareholding to the Companies Commission of Malaysia (SSM) within the required time frame in January last year.

Low had reportedly increased his stake in Ho Hup during that month ahead of a showdown with the management.

Low was charged at a Sessions Court here today for his failure to comply with the Companies Act 1965 that required him to notify his change in interest in the company within seven days

Wednesday, 1st August 2012 : Kuala Lumpur Sessions Court Judge, Tuan Zulhazmi bin Abdullah convicted and fined Low Lai Yoong, a substantial shareholder of Ho Hup Construction Company Berhad with a total fine of RM150,000.00 for committing three (3) offences under the Companies Act 1965.

Low Lai Yoong pleaded guilty to three (3) charges under section 69F (2) of the Companies Act 1965. The offence carries a maximum penalty of RM1,000,000.00.

Low Lai Yoong, who is a substantial shareholder in Ho Hup Construction Company Berhad, was charged for failing to notify the changes in her interest in Ho Hup Construction Berhad within seven (7) days as required under section 69F(2) of the Companies Act 1965.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 198 : PERSONS DISQUALIFIED FROM BEING A DIRECTOR - The Provision

THE LAW

- ▶ A person shall not hold office as a director of a company whether directly or indirectly be concerned with or takes part in the management of company, if –
 - ▶ is an undischarged bankrupt;
 - ▶ has been convicted of an offence relating to the promotion, formation or management of a corporation;
 - ▶ has been convicted of an offence involving bribery, fraud or dishonesty;
 - ▶ has been convicted of an offence under sections 213, 217, 218, 228 and 539; or
 - ▶ has been disqualified by the Court under section 199.

OFFENDER

- ▶ Any person

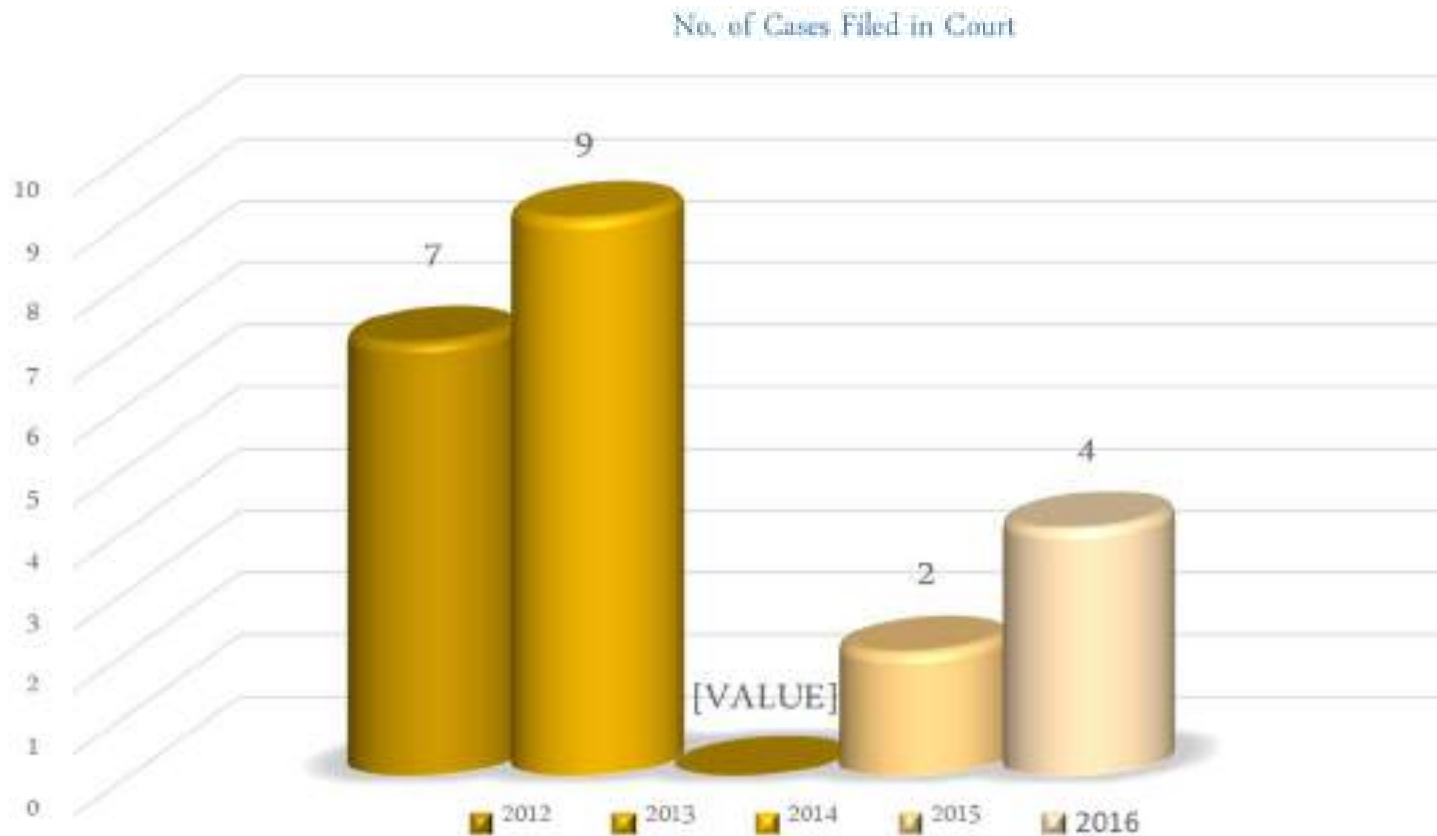
PENALTY

- ▶ imprisonment not exceeding 5 years;
- ▶ fine not exceeding three million ringgit ; or
- ▶ both.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 198 : PERSONS DISQUALIFIED FROM BEING A DIRECTOR - Statistics





Common Offences Under Companies Act 2016 - Corporate Governance Offences

SECTION 198 : PERSONS DISQUALIFIED FROM BEING A DIRECTOR - Case Study

Friday, 29th Jun 2012: The Kuala Lumpur High Court today enhanced the original sentence imposed by the Session Court, on Mr. Ong Soon Kiat ('Ong') who is a Singapore nationality for committing an offence under section 130 (1)(b) of the Companies Act 1965. Ong was sentenced to pay a fine of RM10,000.00 in addition to the original fine of RM20,000.00 in default eight (8) months imprisonment.

Ong had been originally convicted under Section 130 (1)(b) of the Companies Act 1965 by the Kuala Lumpur Sessions Court and was sentenced to pay fine of RM20,000.00. The Companies Commission of Malaysia (SSM) dissatisfied with the adequacy of sentence had appealed to the High Court with the consent of the Public Prosecutor.

Section 130(1)(b) of the Companies Act provides that any person convicted within or without Malaysia with any of any offence involving fraud or dishonesty punishable on conviction with imprisonment for three (3) months or more are prohibited from taking part in the management of a corporation in Malaysia for a period of five (5) years.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 222 : INTERESTED DIRECTOR NOT TO PARTICIPATE OR VOTE - The Provision

THE LAW

▶ a director who is in any way, whether directly or indirectly, interested in a contract entered into or proposed to be entered into by the company, shall be counted only to make the quorum at the meeting of the Board but shall not participate in any discussion while the contract or proposed contract is being considered during the meeting and shall not vote on the contract or proposed contract.

OFFENDER

▶ director

PENALTY

- ▶ imprisonment not exceeding 5 years;
- ▶ fine not exceeding three million ringgit ; or
- ▶ both.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 592 : FALSE REPORTS - The Provision

THE LAW

- ▶ An officer of a corporation who, with intent to deceive, makes or furnishes or knowingly and wilfully authorizes or permits the making or furnishing of, any false or misleading statement or report to –
 - ▶ a director, auditor, member, debenture holder or trustee for debenture holders of the corporation;
 - ▶ in the case of a corporation that is a subsidiary, an auditor of the holding company;
 - ▶ a stock exchange whether in or outside Malaysia or an officer of the stock exchange; or
 - ▶ the Securities Commission,

relating to the affairs of the corporation.

PENALTY

OFFENDER

- ▶ officer

- ▶ imprisonment not exceeding 10 years;
- ▶ fine not exceeding three million ringgit ; or
- ▶ both.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 593 : FALSE REPORT OR STATEMENT TO THE REGISTRAR - The Provision

THE LAW

- ▶ A person who makes or furnishes, or knowingly authorizes or permits the making or furnishing of, any false or misleading statement, information or report to the Registrar relating to –
 - ▶ the affairs of a corporation;
 - ▶ any matter or thing required by the Registrar for the implementation of this Act; or
 - ▶ the enforcement of this Act.

OFFENDER

- ▶ officer

PENALTY

- ▶ imprisonment not exceeding 10 years;
- ▶ fine not exceeding three million ringgit ; or
- ▶ both.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 594 : FRAUDULENTLY INDUCING PERSON TO INVEST MONEY - The Provision

THE LAW

- ▶ Every officer or agent of any corporation by any deceitful means or false promise and with intent to defraud, causes or procures any money to be paid or any chattel or marketable security to be delivered to that corporation or account of that corporation.

OFFENDER

- ▶ Officer
- ▶ agent

PENALTY

- ▶ imprisonment not exceeding 10 years;
- ▶ fine not exceeding three million ringgit ;
or
- ▶ both.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 596 : RESTRICTION ON OFFERING SHARES, DEBENTURES, ETC., FOR SUBSCRIPTION OR PURCHASE - The Provision

THE LAW

- ▶ A person shall not, whether by appointment or otherwise, go from place to place –
 - ▶ Offering shares for subscription or purchase to the public or any member of the public; or
 - ▶ Seeking or receiving offers to subscribe for or to purchase shares from the public or from any member of the public.

OFFENDER

- ▶ Person

PENALTY

- ▶ imprisonment not exceeding 10 years;
- ▶ fine not exceeding three million ringgit ; or
- ▶ both.

Common Offences Under Companies Act 2016 - Corporate Governance Offences



SECTION 597 : RESTRICTION ON THE USE OF WORDS “LIMITED”, “BERHAD” AND “SENDIRIAN” - The Provision

THE LAW

- ▶ Any person carrying on business under any name or title of which “Berhad” or “Bhd” or “Limited” or “Ltd” is the final word or abbreviation, unless duly incorporated with limited liability, commits an offence.
- ▶ A company shall not use the word “Sendirian” or “Sdn” as part of its name if the company does not fulfil the requirements required by this Act to be fulfilled by private companies.

OFFENDER

- ▶ Person
- ▶ Company

PENALTY

- ▶ imprisonment not exceeding 10 years (597(1)) Or 3 years (597(2));
- ▶ fine not exceeding three million ringgit ; or
- ▶ both.



MEDIA

Press Release

SEMUA tertuduh didakwa memiliki serbuk putih disyaki dadah seberat 7 gram

Pengarah dituduh buat pernyataan palsu

Melaka: Seorang pengarah sebuah syarikat pembinaan dihadapkan ke Mahkamah Sesyen di sini, semalam, atas tuduhan membuat pernyataan palsu berhubung pemilikan saham berjumlah 45,000 unit di sekitar negeri ini, tiga tahun lalu.

Tertuduh, Leong Sang Khim, 51, bagaimanapun mengaku tidak bersalah di depan Hakim Ahmad Sazali Omar dan memohon dibicarakan.

Terdahulu, tertuduh yang berpakaian kemas kelihatan tenang ketika pertuduhan dibacakan jurubahasa mahkamah ke atasnya.

Mengikut pertuduhan, dia didakwa membuat suatu pertanyaan palsu di dalam 'Form of Annual Return of a Company Having a Share Capital' bagi Syarikat Bumi Tabah Sdn Bhd iaitu satu bozang yang dikhendaki di bawah Seksyen 165 (1) Akta Syarikat 1965.

Ia berhubung butir material mengenai milikan saham bagi Gan Suan Chin, 51, berjumlah 45,000 unit yang diketahui bahawa pernyataan itu adalah palsu dan dilampirkan bersama kertas per-



LEONG (tengah) di mahkamah, semalam.

tuduhan.

Perbuatan itu dilakukan di pejabat berdaftar Syarikat Bumi Tabah Sdn Bhd di sekitar Taman Bukit Piaru Mujiara di sini, 10 April 2009.

Justeru, dia melakukan kesalahan mengikut Seksyen 364 (2) Akta Syarikat 1965 (Akta 125) yang memperuntukkan hukuman maksim 10 tahun penjara atau denda RM250,000 atau kedua-duanya sekali jika disabitkan kesalahan.

Pendakwaan dilakukan Pegawai Pendakwa Suruhan-

jaya Syarikat Malaysia (SSM) Mohd Zulkhairi Kamaruzaman manakala tertuduh diwakili peguam J Amardas.

Kedua pihak menerusi perbincangan bersama sebelum mahkamah bersidang bersetuju menetapkan kos jaminan berjumlah RM10,000.

Ahmad Sazali kemudian bersetuju dengan kos terhadap Leong itu dengan seorang penjamin.

Tarikh sebutan semula kes ditetapkan pada 8 Oktober depan.



Datuk mengaku salah buat pernyataan palsu

Kuala Lumpur: Seorang bekas pengarah sebuah agensi pekerjaan bergelar Datuk mengaku bersalah di Mahkamah Sesyen di sini, semalam atas tuduhan membuat pernyataan palsu berhubung peletakan jawatan Ketua UMNO Bahagian Padang Besar Datuk Zahidi Zainul Abidin, sebagai pengarah syarikat itu, tiga tahun lalu.

Hakim Rihaida Rafie bagaimanapun menetapkan 27 September ini untuk menjatuhkan hukuman terhadap tertuduh Datuk Saad Ani, 60.

Saad yang ketika kejadian adalah pengarah Select Recruitment Sdn Bhd, didakwa memberi kuasa kepada seriasaha syarikat Wan Zakira Wan Salleh untuk membuat pernyataan itu melalui Borang 49 bertarikh 15 April 2010, sedangkan dia tahu ia adalah palsu.

Perbuatan itu dilakukan di Amal Mutiara Management Services, No 36A (Front), Tingkat 1, Jalan Kemuja, Off Jalan

Bangsar di sini, pada 15 April 2010.

Tuduhan terhadapnya itu dibuat mengikut Seksyen 364(2) Akta Syarikat 1965 (Akta 125) yang membawa hukuman penjara maksimum 10 tahun atau denda sehingga RM250,000 atau kedua-duanya, jika sabit kesalahan.

Terdahulu, Pegawai Pendakwa Suruhanjaya Syarikat Malaysia (SSM) Mohd Zulkhairi Kamaruzaman, memberitahu mahkamah bahawa pihaknya masih belum bersedia dengan fakta kes dan mencadangkan tertuduh diberi ikat jamin dengan RM15,000.

Tertuduh yang tidak diwakili peguam itu bagaimanapun memohon jumlah berkenaan dikurangkan kepada RM10,000 dan mahkamah kemudian membenarkan dia diikat jamin oleh anak lelakinya dengan jumlah yang dipohon itu.

FAKTA
Tertuduh didakwa memberi kuasa kepada seriasaha syarikat Wan Zakira Wan Salleh untuk membuat pernyataan



SAAD



A

Pengarah nafi tubuh syarikat tanpa kebenaran

Kuala Lumpur: Seorang pengarah sebuah syarikat pemasaran dihadapkan ke Mahkamah Sesyen di sini, semalam atas tuduhan menubuhkan syarikat tanpa kebenaran mesyuarat agung syarikat berkenaan, tahun lalu.

Ng Boon Let, 40, bagaimanapun mengaku tidak bersalah terhadap pertuduhan yang dibacakan di hadapan Hakim Dazuki Ali.

Mengikut pertuduhan, Ng sebagai pengarah syarikat Sin Lee Marketing Sdn Bhd yang beralamat di No 64, Persiaran 65C, Pekeliling

Business Centre, di sini, didakwa menubuhkan syarikat lain iaitu Multi Global Enterprise Sdn Bhd, iaitu syarikat yang ditubuhkan untuk mendapat faedah secara langsung bagi diri sendiri.

Pertuduhan dikemukakan mengikut Seksyen 132(2)(e) Akta Syarikat 1965 (Akta 125) yang boleh dihukum mengikut Seksyen 132(3)(b) akta sama, yang memperuntukkan hukuman penjara sehingga lima tahun atau denda, jika sabit kesalahan.



Pengarah syarikat didakwa beri pernyataan palsu

Kuala Lumpur: Seorang pengarah syarikat pembekal tekstil dihadapkan ke Mahkamah Sesyen di sini semalam atas tuduhan membuat pernyataan palsu berhubung peletakan jawatan seorang pengarah syarikat, tahun lalu.

Tertuduh, Muhammad Javed Butt Muhammad Shafi, 42, bagaimanapun mengaku tidak bersalah terhadap pertuduhan yang dibacakan di hadapan Hakim Dazuki Ali.

Mengikut pertuduhan, Muhammad Javed Butt, seorang warga Pakistan didakwa membuat pernyataan palsu di dalam Borang 49 bertarikh 29 Mac 2013 bagi Syarikat MJS Corporation Sdn Bhd, iaitu satu borang yang dikehendaki di bawah Seksyen 141(6) Akta Syarikat 1965 berhubung peletakan jawatan Rehan Mohammad Falq sebagai pengarah syarikat sama.

Perbuatan itu didakwa dilakukan di Pejabat Suruhanjaya Syarikat Malaysia (SSM), Tingkat 17, Jalan Stesen 5, Kuala Lumpur Sentral, di sini, antara 29 Mac hingga 1 April 2013.

Bagi pertuduhan itu, dia didakwa mengikut Seksyen 364 (2) Akta Syarikat 1965, yang memperuntukkan hukuman penjara 10 tahun atau denda RM250,000 atau kedua-duanya sekali, jika sabit kesalahan.

Terdahulu, Pegawai Pendakwa daripada SSM, Sharifah Abu menawarkan jaminan RM10,000 terhadap tertuduh.

Bagaimanapun, peguam Mohd Nahir Hussin yang mewakili tertuduh memohon mahkamah mengurangkan jaminan atas alasan anak guamnya mempunyai satu kes lain yang sudah dituduh di Mahkamah Majistret pada 12 Mac lalu berhubung pemalsuan dokumen mengikut Seksyen 471 Kanun Keseksaan.

Mahkamah kemudian membenarkan tertuduh diikat jamin RM8,000 dengan seorang penjamin yang berstatus warganegara, berserta syarat tambahan passport ditahan di mahkamah sekiranya kes di Mahkamah Majistret selesai lebih awal.

Sebutan kes ditetapkan pada 5 Mei ini.



Bekas pengarah didakwa kemuka laporan palsu

KUALA LUMPUR: Seorang bekas pengarah urusan syarikat import eksport dihadapkan ke Mahkamah Sesyen, di sini, semalam atas lima pertuduhan membabitkan tuduhan mengemukakan serta membuat pernyataan laporan palsu, enam tahun lalu.

Tertuduh, Teoh Hun Siang, 38, mengaku tidak bersalah terhadap semua pertuduhan itu yang dibacakan di hadapan Hakim Zulhazmi Abdullah.

Mengikut pertuduhan, Teoh didakwa memperdayakan pengarah syarikat Xiang De Sdn Bhd dengan mengemukakan tiga penyata kewangan palsu antara 2005 dan 2007 dengan mendakwa laporan itu disediakan juruaudit Eng Teh & Associates.

Dia didakwa melakukan perbuatan itu di No 3-2, Jalan Metro Perdana Timur 1, Taman Usahawan Kepong, di sini, antara 18 Oktober 2007 dan 26 Februari 2009.

Selain itu, tertuduh sebagai pengarah syarikat tekstil, Manhara Fashion Sdn Bhd didakwa melakukan perbuatan sama dengan mengemukakan satu laporan juruaudit bertarikh 12 Disember 2006 disediakan Eng Teh dalam penyata kewangan beraudit syarikat itu di 38-2, Jalan 25/70A, Desa Sri Hartamas, di sini, antara 12 Disember 2006 dan 17 Ogos 2007.

Keempat-empat pertuduhan itu didakwa mengikut Seksyen 364A(1)(a) Akta Syarikat 1965 (Akta 125) yang memperuntukkan hukuman penjara sehingga 10 tahun atau denda maksimum RM250,000 jika sabit kesalahan.

Bagi pertuduhan kelima, tertuduh sebagai pengarah Outsourcing Consortium Sdn Bhd didakwa membuat pernyataan palsu dalam butiran penyata tahunan 2006 syarikat berhubung pelantikan Eng Teh untuk mengaudit Outsourcing Consortium,

padahal syarikat juruaudit itu tidak pernah bersetuju.

Dia didakwa melakukan perbuatan itu di pejabat Suruhanjaya Syarikat Malaysia (SSM), Tingkat 2, Putra Place, Jalan Putra di sini, pada 16 September 2006.

Bagi tuduhan itu, tertuduh didakwa mengikut Seksyen 364(2) Akta Syarikat 1965 (Akta 125) yang membawa hukuman penjara maksimum 10 tahun atau denda sehingga RM350,000.

Pendakwaan dijalankan Pegawai Pendakwa dari Suruhanjaya Syarikat Malaysia (SSM), Steve Chin Yun Cheong manakala tertuduh tidak diwakili peguam.

Mahkamah kemudian membenarkan tertuduh dijamin RM70,000 dengan seorang penjamin dan mengarahkan tertuduh menyerahkan pasport kepada mahkamah dan menetapkan 16 Januari depan untuk sebutan kes.

MAHKAMAH & JENAYAH

Padah buat penyata palsu

Bekas setiausaha mengaku bersalah 5 pertuduhan

BUTTERWORTH - Seorang bekas setiausaha syarikat perternakan ikan mengaku bersalah atas lima pertuduhan membuat pernyataan palsu sejak tiga tahun lalu terhadap empat syarikat berbeza di Mahkamah Sesyen, semalam.

Gok Ching Hee, 42 didakwa menggunakan nama sebuah firma audit, LKH & Associates untuk memalsukan penyata audit tahunan kewangan empat syarikat berlainan sejak 30 Jun 2010 sehingga 24 Ogos 2011.

Tertuduh yang bekerja di Taman Sungai Balap itu didakwa mengikut Seksyen 364A (1) (a) Akta Syarikat (Akta 125) bagi semua pertuduhan dan boleh dipenjarakan 10 tahun atau denda RM250,000 atau kedua-duanya sekali.

Pendakwaan dijalankan Pegawai Pendakwa daripada Suruhanjaya Syarikat Malaysia (SSM) Mohd Zulkhairi Kamaruzaman manakala tertuduh tidak diwakili peguam bela.

Dua pertuduhan dibacakan di hadapan Pendakwa Siti Sunah Abdul Rahim manakala tiga lagi pertuduhan dibacakan di hadapan Hakim Meor



Ching Hee tiba di pekarangan Mahkamah Sesyen Butterworth diringi pegawai SSM, semalam.

Sulaiman Ahmad Tamrazi.

Mahkamah kensudiannya membenarkan jaminan RM10,000 dengan seorang penjamin bagi se-

tiap pertuduhan.

Mahkamah menetapkan 7 Oktober ini sebagai tarikh jatuh hukum.

Pengarah syarikat kena jel 30 hari

NORAWAZNI YUSOF

SHAH ALAM - Akibat menggunakan wang raijikan untuk kepentingan syarikat lain, bekas pengarah di syarikat penjualan pasir menerima padah apabila dia dihukum penjara 30 hari dan denda RM10,000 oleh Mahkamah Sesyen di sini, semalam.

Hakim, Mohd Fadhir Harun membuat keputusan tersebut, selepas Tiang Ying Tiong, 46, didapati bersalah atas tuduhan berkenaan.

Mohd Fadhir juga memerintahkan hukuman penjara 30 hari, sekiranya Ying Tiong gagal membayar denda.

Ying Tiong didapati bersalah kerana bertindak tidak jujur dalam melaksanakan tanggungjawabnya sebagai pengarah di Syarikat Golden Rome Sdn Bhd telah menggurakan syarikat TYT Resources Sdn Bhd untuk menerima pembayaran hutang bagi Syarikat Golden.

Penerimaan pembayaran yang di-

terima Syarikat Golden telah digunakan untuk kepentingan syarikat TYT.

Perbuatan tersebut dilakukan Ying Tiong di Syarikat Golden, dekat Damansara Intan antara 27 Julai hingga 12 November 2011.

Dia didapati bersalah di bawah Sesyen 132(1) Akta Syarikat 1956.

Pendakwaan dikendalikan Timbalan Pendakwa Raya Suruhanjaya Syarikat Malaysia, Mohamad Azies Han Mohd Fadhil, manakala Ying Tiong diwakili peguam, S T Lee.

Pengarah didakwa buat pernyataan palsu

Oleh **JAMLI AH ABDULLAH**

pengarang@utusan.com.my

■ ALOR SETAR 18 NOV.

S EORANG pengarah sebuah syarikat pemaju dihadapkan ke Mahkamah Sesyen di sini hari ini atas tuduhan membuat pernyataan palsu berkaitan peletakan jawatan seorang lagi pengarah syarikat yang sama, tahun lalu.

Mohd. Naim Hussain, 51, mengaku tidak bersalah selepas pertuduhan itu dibacakan oleh jurubahasa kepadanya di hadapan Hakim Azhar Mokhtar.

Mengikut kertas pertuduhan, tertuduh yang merupakan pengarah syarikat MS Saujana Sdn. Bhd., didakwa telah memberi kuasa kepada setiausaha syarikat, Ong Lee Hon untuk membuat pernyataan palsu melalui Borang 49 bertarikh 2 Mac 2013 berhubung peletakan jawatan, Sahezan Wali Mohammed, 47, sebagai pengarah di syarikat tersebut.

Tertuduh kemudian didakwa menyerahkan pernyataan palsu itu kepada Pendaftar Syarikat pada 18 Mac 2013 walaupun menyedari bahawa dokumen itu adalah palsu.

Mohd. Naim didakwa melakukan perbuatan itu di premis ESSTA Management Consultants Sdn. Bhd., di Site A, 1018-B, Tingkat 2, Lorong



MOHD. NAIM HUSSAIN (kanan) didakwa ke Mahkamah Sesyen atas tuduhan membuat pernyataan palsu pada tahun lalu di Alor Setar, Kedah, semalam. - BERNAMA

Merpati di sini pada 2 Mac 2013.

Pendakwaan dikemukakan oleh Timbalan Pendakwa Raya daripada Suruhanjaya Syarikat Malaysia (SSM), Mohamad Azies Han Mohd. Fadzil mengikut Seksyen 364(2) Akta Syarikat 1965 yang memperuntukkan hukuman penjara sehingga 10 tahun atau denda maksimum

RM250,000 atau kedua-duanya.

Mohd. Naim yang merupakan bapa kepada lima anak diwakili peguam Shamsul Nizam Sohaiami.

Mahkamah membenarkan tertuduh diikat jamin RM8,000 dengan seorang penjamin sementara menunggu sebutan kes pada 18 Disember ini.

Buat tawaran beli saham skim pelaburan tidak sah

Tauke stevia didakwa

Oleh WAZIHA WAHD
Wahid@kosmo.com.my

KUALA LUMPUR - Usaha internet dan Ketua Pengarah Eksekutif Syarikat Megaherbs Bioextreme Sdn. Bhd. dituntut ke Mahkamah Sesyen di sini semalam atas dua tuduhan membuat tawaran pembelian saham membolehkan skim pelaburan 'Rakan Niaga Kontrak Stevia' yang tidak sah tahun lalu.

Terdah, Datuk Dr. Zubir Yusof, 46, yang pernah menerbitkan film seram *Genayogon* empat tahun lalu bagaimanapun mengaku tidak bersalah terhadap kedua-dua tuduhan tersebut dan mohon dibicarakan.

Megaherbs Bioextreme adalah syarikat yang menjalankan perniagaan serta kursus usahawanan berasaskan penanaman pokok stevia bagi menggariskan gula sebagai bahan pemanis.

Syarikat tersebut mendapat publisiti meluas dan sering menyiaran iklan bukan sahaja di akhbar-akhbar tetapi juga di media elektronik.

Zubir didakwa menawarkan kepada

orang awam pembelian saham bagi skim pelaburan itu walhal syarikatnya bukar menjalankan perniagaan sedemikian.

Tawaran itu dilarang mengikut Seksyen 363 (3) Akta Syarikat 1965 dan jika sabit kesalahan, dia boleh dipenjarakan 10 tahun atau denda RM250,000.

Bagi pertuduhan kedua, tertuduh didakwa menawarkan pembelian saham skim pelaburan yang sama walhal tidak mempunyai surat katan yang dikehendaki.

Kedua-dua kesahlan didakwa dilakukan antara 1 April 2011 hingga 13 April 2012 di Megaherbs Bioextreme, di 36-3, Blok G, Platinum Walk, No. 2, Jalan Langkawi, Daman Kota di sini.

Bagi tuduhan kedua, Zubir didakwa melakukan kesalahan di bawah Seksyen 91(1) Akta Syarikat 1965 dan dituntut mengikut Seksyen 94(1) akta sama.

Sabit kesalahan, dia boleh dipenjarakan sehingga 10 tahun atau denda RM100,000.

Pegawai pendakwa dari Suruhanjaya Syarikat Malaysia, Mohd. Zulhairi Kartuzaman yang menawarkan jaminan

RM30,000 dan RM20,000 masing-masing untuk setiap tuduhan memberitahu, tertuduh telah menyerah diri kepada polis dan memberi kerjasama penuh sepanjang siasatan.

Zubir kemudian memaklumkan dia telah mempunyai peguam namun gagal hadir pada prosiding semalam selain memohon diarahkan wang jaminan dengan isteri kadif sebagai penjamin.

Hakim Razam Ali Yusoff membenarkan tertuduh diikat jamin sebanyak RM25,000 bagi kedua-dua tuduhan dan menetapkan 12 Mar depan untuk sebutan kes. Tertuduh menyotay jaminan tersebut.

Film *Genayogon* yang meselan belia sebanyak RM25 juta diarahkan oleh Zulkiflee M. Osman dan dibintangi pelakon Rusdi Rami, Nasir Bilal Khan, Hasnul Rahmat dan Yasmim Hani. Ia mengisahkan empat sekawan yang pulang bercuti di sebuah kampung namun menemui pelbagai peristiwa misteri dan menyensasikan.

Bagaimanapun, penyiaran film itu terpaksa ditangguhkan atas sebab-sebab tertentu.



ZUBIR berjalan keluar dari Mahkamah Sesyen, Kuala Lumpur semalam.



Q & A SESSION