IN THE HIGH COURT OF MALAYA AT KUALA LUMPUR

IN THE FEDERAL TERRITORY OF KUALA LUMPUR

[CRIMINAL APPLICATION NO.: 44-54-04-2017]

BETWEEN

PUBLIC PROSECUTOR ... APPLICANT

AND

1. **BEH BOON SIAN**
   [IDENTITY CARD NO.: 731025-07-5607]

2. **GOH KOK HOE**
   [IDENTITY CARD NO.: 781026-10-5885]

3. **LEE YEN CHENG**
   [IDENTITY CARD NO.: 800613-04-5208]

4. **LEE BOON HOW**
   [IDENTITY CARD NO.: 730713-07-5059]

5. **YAU YIK PING**
   [IDENTITY CARD NO.: 880204-08-5359]

6. **BEH BOON CHAI**
   [IDENTITY CARD NO.: 660628-07-5299]

7. **NG SU YEE**
   [IDENTITY CARD NO.: 950709-04-5142]

8. **SAUNDHALA A/P SUBRAMANIAM**
   [IDENTITY CARD NO.: 720404-10-5008]

... RESPONDENTS

GROUNDS OF JUDGMENT

A. INTRODUCTION

[1] This is an application by the Applicant under section 56 (1) and 61(2) of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLATFA) for an order for forfeiture of property to the Government of Malaysia. The properties were seized from the Respondents pursuant to the orders of seizure made under sections 45(1) and 50(1) AMLATFA where there is no prosecution for an offence under section 4(1) AMLATFA.

[2] Except for the 1st and the 3rd Respondents, all other Respondents did not file affidavits to contest the application. However, Alliance Bank Malaysia Bhd (ABMB) entered as a bona fide 3rd party to contest to a bungalow under Hakmilik No H.S (D) 48547 No Lot PT53, Pekan Templer Daerah Gombak, Selangor Darul Ehsan registered under the 1st Respondent.

[3] The properties of the 1st Respondent are the following:

[a] Monies amounting to RM2318.83 accruing in Malayan Banking Bhd (MBB) account no: 112688067918;

[b] Monies amounting to RM911.11 accruing in Kenanga Investment Bank Bhd account trading no: BE0506062;

[c] Monies amounting to RM20,000.00 accruing in Public Bank Bhd (PBB) account no: 180118315;

[d] Monies amounting to RM4026.91 accruing in PBB account no 4602170914;

[e] Monies amounting to RM1641.89 accruing in PBB account no 3129027336;

[f] Monies amounting to RM958.11 accruing in CIMB account no 7015721011;

[g] Monies amounting to RM9739.40 accruing in CIMB account no 8001507372;

[h] A Bungalow House at No 11 Jalan Angsana Templer Villas, Templer Park Rawang Selangor;

[i] A car, Porsche Cayanne WYW2;

[j] Cash of RM 8000.00.

[g] A yellow chain with locket; and

[h] A Rolex watch

[4] The properties of the 3rd Respondents are the following:

[a] Monies amounting to RM598.80 accruing in PBB account no 6378280022; and

[b] Monies amounting to RM12618.26 accruing in Alliance Bank Bhd account no 141490010034605

(All the monies and assets will then referred by me as the properties.)

[5] Third party claim by Alliance Bank Berhad over the property of a banglo house under the Facility Agreement dated 12.3.2014 with the 1st Respondent.

B. APPLICANT'S SUBMISSIONS

[6] The Application was supported by the affidavits affirmed by the Deputy Public Prosecutor (DPP) Puan Asmah binti Musa; the

Investigating Officer (IO), Inspector Mohd Hafiz bin Abdul Rahman, Sarjan Ahmad Farhan bin Jamal and Inspektor E.Kogilah a/p Eleppen.

[7] The 1st and 3rd Respondents were involved in an unlawful activity relating to syndicate "gores dan menang" an offence punishable under section 420 Penal Code. The modus operandi of the Respondents was by offering a" free gift "to attract consumers and deceiving them in buying items such as electrical goods; luxury cars and holiday vouchers and tickets by way of lucky draw.

[8] The crux of the Application was that the properties as mentioned above have been obtained out of the proceeds of an unlawful activity as defined in section 3 of AMLATFA as "any activity which is related, directly or indirectly to any serious offence or any foreign serious offence". The term 'serious offence' refers to, among others, offences specified in the Second Schedule to the Act, which include the offence under s. 420 of the Penal Code, that is, cheating and dishonestly inducing delivery of property. A person who engages directly or indirectly in a transaction that involves proceeds of any unlawful activity, knowing or having reason to believe that the property proceeds from any unlawful activity, is said to be involved in money laundering: (See definition of money laundering in s. 3 of the Act. Money laundering is an offence under s. 4(1) of the Act).

[9] The grounds supporting the Applicant's application as reflected from the contents of the affidavits filed and investigations conducted, statement recorded under Section 112 Criminal Procedure Code; police reports by victims; one Nordin bin Taib and one Norhana Abu Bakar; and the properties and items seized from the Respondents. The proceeds derived by the Respondent through this modus operandi were used by the Respondent to purchase the said properties or for investment.

C. RESPONDENT'S SUBMISSIONS

[10] The 1st and 3rd Respondents, on the other hand, oppose this application on the following grounds. Firstly, the burden of proof is on the Applicant that they have failed to prove on the balance of probabilities. The 1st and 3rd Respondents denied that the properties were acquired out of the proceeds of an unlawful activity as they claimed that such properties were legitimately acquired from income and earnings derived from their businesses. As to the Bungalow House and the car, they were bought through loans from financial institutions.

[11] Secondly, the 1st and 3rd Respondents submit that the Applicant had assumed that the monies in the relevant accounts were the proceeds of unlawful activities without showing the "money trail". The Applicant also failed to show any direct evidence or nexus between the said properties and the alleged unlawful activity of the Respondents. Therefore the statements of the Applicant and the IO are hearsay.

[12] Thirdly, the Respondent's submit that sole reliance by the Applicant by way of affidavit evidence is insufficient to prove that the 1st and 3rd Respondents have committed the offence. Moreover there was no explanation given as to why there was no prosecution for an offence under Section 4(1) AMLATFA. The Applicant only based on bare assumption that the 1st and 3rd Respondents have committed such offence and therefore the order for forfeiture is against the law and the Federal Constitution.

D. ANALYSIS AND FINDINGS

[13] In an application for an order of forfeiture of property under s. 56(1) where there is no prosecution, the standard of proof to

determine whether the property has been obtained as a result of or in connection with an offence under s. 4(1) is the standard of proof required in civil proceedings: i.e. proof on the balance of probabilities. See s. 56(4) of the Act.

[14] The duty of a court when confronted with an application of this nature as well as an explanation on the standard of proof to be applied was explained by the Court of Appeal in the case of *Noor Ismahanum Mohd Ismail v. Public Prosecutor* [2018] 10 CLJ 597; [2018] 1 LNS 186, as follows:

> *"[15] The judge's primary concern in an application under section 56(1) is with the legal status of the property, not the guilt or otherwise of any person under section 4(1)(a) of the AMLATFA. He must order for forfeiture if the property falls under paragraph (i) or (ii) or (iii) or (iv) of subsection (2)(a).*
>
> *[16] In the context of the present case, what the learned JC had to determine was whether the property was "the proceeds of an unlawful activity within the meaning of paragraph (a) (iii) of section 56(2) and not whether any person had been convicted or acquitted of an offence under section 4(1)(a) of the AMLATFA although the fact of such conviction or acquittal was relevant under section 76.*
>
> *[17] In determining whether the property is "the proceeds of an unlawful activity, the standard of proof to be applied by the judge is the civil standard of proof, i.e. proof on the balance of probabilities, as stipulated by sections 56(4) and 70(1). This standard of proof must not be mistaken for proof beyond reasonable doubt, which is the heavier standard of proof that the Public Prosecutor is required to discharge in order to bring home a criminal charge against any person, such as a charge under section 4(1)(a) of the AMLATFA.*

[18] As to the question when does a person discharge his civil standard of proof, Lord Denning in Miller v. Minister of Pensions [1947] 2 All ER 372 explained:

> *"If the evidence is such that the tribunal can say 'we think it more probable than not' the burden is discharged but if the probabilities are equal, it is not."*

[19] Thus, if the judge in an application under section 56(1) finds it to be more probable than not that the property is derived from a transaction that involves "the proceeds of an unlawful activity, that will be sufficient for him to make an order of forfeiture under section 56(2). There is no need for him to be satisfied "beyond any reasonable doubt that the property is derived from an "unlawful activity.

[20] To recapitulate, "unlawful activity means "any activity which is related, directly or indirectly, to any serious offence or any foreign serious offence and "proceeds of an unlawful activity means "any property derived or obtained, directly or indirectly, by any person as a result of any unlawful activity. Illegal deposit taking is a "serious offence by definition and is therefore an "unlawful activity for the purposes of section 56(2)(a)(iii) of the AMLATFPUA."

[15] In determining whether the properties were the subject matter of an offence under s. 4(1) of the AMLATFA, it shall apply the standard of proof required in civil proceedings: See s. 55(3) and s. 70(1) AMLATFA.

[16] In this present case, Section 56 (1) AMLATFA applies since there is no prosecution made against the Respondents. Section 56(1) reads as follows:

56. Forfeiture of property where there is no prosecution

(1) Subject to section 61, where in respect of any property seized under this Act there is no prosecution or conviction for an offence under subsection 4(1) or a terrorism financing offence, the Public Prosecutor may, before the expiration of twelve months from the date of the seizure, or where there is a freezing order, twelve months from the date of the freezing, apply to a judge of the High Court for an order of forfeiture of that property if he is satisfied that such property is-

(a) the subject-matter or evidence relating to the commission of such offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence. (emphasis added)

[17] It is clear the position here is that once the Applicant produced prima facie proof that all the properties belongs to the 1st and 3rd Respondents were the proceeds of unlawful activities, the burden shifted to the Respondents to show to the contrary, by virtue of s. 103 of the Evidence Act 1950. The court must be satisfied that the properties seized from 1st and 3rd Respondents were proceeds from unlawful activity said to have been committed by them. The DPP relied on the affidavit evidence by the IO of the predicate offence and the IO of the AMLATFA. The DPP also relied on the police reports, statements of Respondents and items seized from the Respondents.

[18] The question before me is has the Applicant proven that the monies are from unlawful sources and the properties were bought from such monies? It is the case for the Applicant that the monies that

were deposited in the account of the 1st and 3rd Respondents were the proceeds of monies from the unlawful activities.

[a] I have read all the affidavits filed in their entirety. The affidavit of IO AMLATFA at paragraph 45 only states that:

"hasil siasatan lanjut keatas akaun akaun milik Responden Pertama hingga Responden ketujuh menunjukan terdapat kemasukan wang yang mencurigakan dan baki wang yang ada didalam akaun ini merupakan wang dari hasil penipuan sindiket gores dan menang".

[b] What does it means by *"mencurigakan"*? I am unable to accept that the words "*kemasukan wang yang mencurigakan*" is sufficient enough to conclude that the monies in the 1st and 3rd Respondents accounts were the proceeds of unlawful activities. There must be further evidence as to the transactions to show monies received from customers to be differentiated from the monies unlawfully received and those legitimately received are not based on mere suspicion only. The Applicant has failed to show any legitimate money trail or flow chart to show the amount of monies paid in cash or cheques by the customers to the 1st and 3rd Respondents which were then deposited in their banks accounts respectively. It is incumbent upon the Applicant to show that the property is derived from a transaction that involves the proceeds of an unlawful activity as compared to the legitimate sources and if they are unable to do so, they have not discharged their burden. It is trite law that an application made under Section 56 AMLATFA requires proper proof of relevant facts which in turn should be supported by admissible evidence so as

to enable the court to arrive at a correct decision. [see *PP v. Kuala Dimensi Sdn Bhd* [2018] 6 MLJ 37] Here, the affidavit evidences by the IO AMLATFA are insufficient for me to find it to be more probable than not that the properties were derived from a transaction that involves the proceeds of an unlawful activity. Thus the applicant failed to prove that the monies in the 1st and 3rd Respondents bank accounts were from unlawful sources.

[c] As to the bungalow house, the Applicant relied solely on paragraph 32 of the IO AMLATFA's affidavit that the 1st Respondent was said to have paid the deposits and installments amounting RM875,356.39 (RM394,606 [deposit] + RM480,750.39 [installments] using the proceeds of the unlawful activities and had acquired the bungalow therefrom. The 1st Respondent was alleged to have begun involving himself in the unlawful activities somewhere in Jun 2014 (see paragraph 31 of the IO AMLATFA affidavit) whereas the bungalow was bought on the 7.4.2014. It would reasonably conclude that the deposit of RM394,606.00 were paid by the 1st Respondent prior to his involvement in the unlawfully activity. As to the installments of RM480,750.39, unfortunately, I found that the evidence adduced by the Applicant through the affidavits and the exhibits attached, failed to prove that the monies were obtained through an unlawful activity committed by 1st and 3rd Respondents. The applicant failed to adduce evidence connecting the installments payments and how it came about. It is only a mere statement by the IO AMLATFA who produced allegations of facts that such monies were the proceeds of unlawful activities without

further evidence to support the said assertions in the form of tracing and connecting the deposit and installments.

[d] The IO AMLATFA's affidavit also failed to mention the outcome of investigation in respect of the items seized from 1st Respondent i:e a car, Porsche Cayanne WYW2; cash of RM 8000.00; a yellow chain with locket; and a Rolex watch. No evidence to show and to prove that all these items were purchased or acquired by the 1st Respondent out of the proceeds of the unlawful activities.

[e] For the reasons mentioned above, it is clear that the Applicant has not established, on a balance of probabilities, that the money and properties seized had been obtained as a result of or in connection with an offence under subsection 4(1) of AMLATFA for the 1st and 3rd Respondents. The affidavit of the IO AMLATFA does not disclose or was able to link that it was the proceeds that had been obtained as a result of or in connection with the money laundering under subsection (4)(1) AMLATFA. As mentioned earlier the burden of proof is upon the Applicant on a balance of probabilities where the Applicant had failed to discharge the onus placed upon it. Therefore I find that it is insufficient for me to make an order of forfeiture under s. 56(2). On this premise, the application in Enclosure 1 by the Applicant is dismissed and all the monies and properties seized from the 1st and 3rd Respondents are to be returned to them as legal owners respectively.

E. 3RD PARTY CLAIM BY ABMB

[19] In general, s. 61 of the AMLATFA provides the right to any bona fide third parties to be heard and to claim for the properties before these properties could be forfeited to the Government or otherwise. Show cause proceedings under s. 61 of the AMLATFA are quasi - criminal in nature. Before the property claimed could be released to any third party claimant, all the requirements set out in Section 61(4)(a) to (e) of AMLATFA, which are to be read conjunctively, must be satisfied by the third party on a balance of probabilities. See also the cases of *PP v. Song Siew Weng & Ors* [2015] MLRHU 1244, HC; *El Chong Motor Trading Sdn Bhd lwn. PP* [2017] 3 CLJ 592, *HC; and Lim Long Yew & Yang Lain; Md Sukri Shahudin & Yang Lain (Pihak Ketiga) lwn. PP* [2017] 2 CLJ 594, HC.

[20] Section 61 (4) AMLATFA stipulates that the court or enforcement agency shall return the property to the claimant when it is satisfied that-

(a) the claimant has a legitimate legal interest in the property;

(b) no participation, collusion or involvement with respect to the offence under subsection 4(1) or Part IVA or a terrorism financing offence which is the object of the proceedings can be imputed to the claimant;

(c) the claimant lacked knowledge and was not intentionally ignorant of the illegal use of the property, or if he had knowledge, did not freely consent to its illegal use;

(d) the claimant did not acquire any right in the property from a person proceeded against under circumstances that give rise to a reasonable inference that any right was

transferred for the purpose of avoiding the eventual subsequent forfeiture of the property; and

(e) the claimant did all that could reasonably be expected to prevent the illegal use of the property.

[21] In *PP v. Lau Kwai Thong* (MTSA Kes No. 44-22-2008 - unreported) Abang Iskandar Abang Hashim JCA (as he then was) in construing the provisions of s. 61(4)(a) to (e) of AMLATFA has held:

> *I had considered the submissions on the true interpretation to be given to the manner as to how the five paragraphs in section 61(4)(a) to (e) of the said Act ought to be implemented. It is my considered view that the said 5 paragraphs as so enumerated, have to be read conjunctively. It is my view that this third party claimant's evidence did not in any way address all the specific circumstances that have been outlined under the said paragraphs under section 61(4)(a) to (e) of the said Act, which a claimant staking a claim on the alleged illegal property must successfully satisfy on the balance of probabilities before the court can properly release the claimed property to a bona fide third party.*

[22] Similar pronouncement was made by Kamardin Hashim J (as he then was) in *PP lwn. Raja Noor Asma Raja Harun* [2013] 5 CLJ 656 in construing a third party claim under s. 61(4)(a) to (e) of AMLATFA, where he held:

> *"... mahkamah ini bersetuju dengan pandangan tersebut dan ingin menambah bahawa beban pembuktian adalah diatas bahu pihak ketiga yang membuat tuntutan untuk membuktikan atas imbangan kebarangkalian bahawa mereka adalah penuntut pihak ketiga yang suci hati. Untuk membuktikan bahawa mereka adalah penuntut yang suci hati maka mereka hendaklah*

mengemukakan keterangan bagi memenuhi kehendak-kehendak seperti di peruntukkan dibawah perenggan (a) hingga (e) tersebut. Sekiranya mahkamah berpuashati bahawa perkara-perkara tersebut terbukti dan telah dipenuhi, harta yang dituntut bolehlah dikembalikan kepada penuntut pihak ketiga yang suci hati tersebut..."

[23] Both these cases were referred with approval by the Court of Appeal in *Teh Tek Soon lwn. PP* [2015] 1 LNS 1504, Balia Yusof Hj Wahi JCA (as he then was) in delivering the judgment of the court on the interpretation and application of s. 61(4)(a) to (e) AMLATFA held as follows:

"[17] Mengikut peruntukan di atas, adalah jelas bahawa mahkamah akan hanya memulangkan harta tersebut kepada Perayu apabila mahkamah berpuas hati bahawa Perayu telah berjaya memenuhi kesemua kehendak di dalam peruntukan tersebut. Peruntukan subseksyen 4 (a) hingga (e) hendaklah dibaca secara "conjunctively". PK di dalam alasan penghakimannya telah merujuk kepada dua kes yang lain di mana pendekatan yang sama adalah terpakai. (PP v. Raja Noor Asma Raja Harun [2013] 5 CLJ 656 dan Pendakwa Raya v. Lau Kwai Thong, Mahkamah Tinggi Shah Alam Permohonan Jenayah No. 44-20- 2008)".

[24] Therefore, it is well settled that show cause proceedings under s. 61 of AMLATFA are quasi - criminal in nature, and before the property claimed can be released to any third party claimant, all the requirements set out in s. 61(4)(a) to (e) of AMLATFA, which are to be read conjunctively, must be satisfied by the third party claimant on a balance of probabilities. See also the cases of *PP v. Song Siew Weng & Ors* [2015] MLRHU 1244, HC; *El Chong Motor Trading Sdn Bhd lwn. PP* [2017] 3 CLJ 592, HC; and *Lim Long Yew & Yang Lain; Md*

Sukri Shahudin & Yang Lain (Pihak Ketiga) lwn. PP [2017] 2 CLJ 594, HC.

[25] With these background facts and the applicable law, I now deal with the 3rd party claim by the ABMB as follows:

[a] Whether ABMB, as a 3rd party claimants has a legitimate legal interest in the bungalow house? This is the first requirement under s. 61(4)(a) of AMLATFA. From the affidavits of IO AMLATFA at paragraph 32 only affirmed that the deposit money and installments were from illegal activities. The evidence of ABMB in this regard was not challenged or controverted by the appellant of which, I am inclined to hold that ABMB had a legitimate legal interest in the bungalow house. The loan facilities agreement was entered into with the 1st Respondent on 12.3.2014. Subsequently on 12.5.2014, the Charge Agreement was registered as a surety of the credit facilities afforded by ABMB to the 1st Respondent. Moreover the Applicant did not dispute that the ABMB is entitled to the bungalow house in so far less the amount claimed in this application.

[b] Whether any participation, collusion or involvement with respect to the offence under sub-s. 4(1) which is the object of the proceedings can be imputed to ABMB? This is the second requirement under s. 61(4)(b) of AMLATFA that ABMB needs to negate that there was no participation, collusion or involvement on its part in respect of the offences committed by the 1st Respondent under s. 4(1) of AMLATFA, which is the object of the proceedings. I find that there is no evidence at all in this regard and furthermore the house loan facility between the 1st Respondent and ABMB was legally concluded well before

the involvement of the 1st Respondent in the alleged unlawful activity. It is prudent and reasonable to come to the conclusion that ABMB should not have any reason to suspect that the 1st Respondent was involved in the unlawful activity where the proceeds was used for the deposit and installment payments of the bungalow house. In addition to the above, it must be noted that the appellant did not lead any evidence contrary to that of ABMB to establish otherwise, nor did the appellant challenge ABMB's affidavit evidence. The appellant must therefore be taken to have accepted the evidence - see *Wong Swee Chin v. Public Prosecutor* [1980] 1 LNS 138; [1981] 1 MLJ 212. Hence, I find that there was no participation, collusion or involvement of the ABMB with the unlawful activity of the 1st Respondent.

[c] Whether ABMB lacked knowledge and was not intentionally ignorant of the Illegal use of the bungalow house, or If ABMB had such knowledge, did not freely consent to its unlawful use? This is the 3rd requirement to be fulfilled by ABMB under Section 61(4)(c) of the AMLATFA. I find that ABMB did not have knowledge or intentionally ignorant of the unlawful act committed by the 1st Respondent. ABMB could not have had any knowledge or be intentionally ignorant of the unlawful acts of the 1st Respondent and this was beyond the knowledge of the ABMB's officers and employees. The evidence shows there is nothing extraordinary to reasonably suspect that the 1st Respondent had utilized the proceeds of unlawful activity to make the payment of deposit and installments. There is also no evidence to suggest that anyone from the ABMB colluded with the 1st Respondent or acted together

with him in perpetrating the unlawful activity. The applicant, on the other hand, did not lead any evidence to negate these averments or to establish that ABMB had knowledge or were intentionally ignorant of the unlawful activity. There is no shred of evidence in the affidavits on the issue. Thus, the evidence of ABMB must be taken as unchallenged by the applicant and accepted. Therefore, I find that ABMB did not have knowledge and were not intentionally ignorant of the unlawful activity of the monies paid by the 1st Respondent to ABMB as deposit and installments.

[d] Whether ABMB acquired any right In the bungalow house from a person proceeded against under circumstances that give rise to a reasonable inference that any right was transferred for the purpose of avoiding the eventual subsequent forfeiture of the bungalow? This is the fourth requirement that ABMB needs to establish under Section 61(4)(d) of AMLATFA. I must add, that the requirement under s. 61(4)(d) was satisfied, as there was no evidence to indicate that ABMB had acquired any rights in and to the bungalow house from the 1st Respondent arises from the proceed of unlawful activity. There is absolutely no evidence indicating that the rights on the bungalow house acquired by ABDB flowed from the 1st Respondent that it could give rise to a reasonable inference that such right was transferred for the purpose of avoiding the eventual subsequent forfeiture of the bungalow house.

[e] Whether ABMB did all that could reasonably be expected to prevent the illegal use of the Bungalow? This is the fifth and final requirement that the ABMB needs to establish under Section 61(4)(e) of AMLATFA. I am satisfied that

this requirement was fulfilled as ABMB had done all that could reasonably be expected to prevent the illegal use of the money. Hence, ABMB had done all that could reasonably be expected of them to prevent the unlawful use of the monies. In the conclusion, I find that ABMB is a bona fide 3rd party who has a legitimate legal interest to claim the said bungalow which was listed under item 8 Government ***Gazette PU (B) 496 dated 17.8.2018.*** I also ordered that the bungalow be returned to the ABMB for further action in accordance with the terms and conditions of the Agreement entered between ABMB and the 1st Respondent.

F. AS TO THE OTHER RESPONDENTS

[26] Except for the 1st and the 3rd Respondents, all other Respondent did not contest the application in person by filing of affidavits even though the notice of application have been served and the Respondent were informed to appoint counsel and to file affidavit in reply. It is a well settled principle governing the evaluation of affidavit evidence that where one party makes a positive assertion upon a material issue, the failure of his opponent to contradict is usually treated as an admission by him of the fact so asserted: *Alloy Automotive Sdn. Bhd. v. Perusahaan Ironfield Sdn. Bhd.* [1986] 1 CLJ 45; *Overseas Investment Pte. Ltd. v. O'Brien* [1988] 2 CLJ 238; [1988] 3 MLJ 332 *and Ng Thee Thoong v. Public Bank Berhad* [1995] 1 MLJ 281. Therefore, I order that all the properties seized from the Respondents (except 1st and 3rd Respondents) be forfeited to the Government of Malaysia as per the Application in Enclosure 1.

(ROZANA ALI YUSOFF)
High Court Judge
High Court Kuala Lumpur

Dated: 23 AUGUST 2019

COUNSELS:

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Case(s) referred to:

Noor Ismahanum Mohd Ismail v. Public Prosecutor [2018] 10 CLJ 597; [2018] 1 LNS 186

PP v. Kuala Dimensi Sdn Bhd [2018] 6 MLJ 37

PP v. Song Siew Weng & Ors [2015] MLRHU 1244, HC

El Chong Motor Trading Sdn Bhd lwn. PP [2017] 3 CLJ 592, HC

Lim Long Yew & Yang Lain; Md Sukri Shahudin & Yang Lain (Pihak Ketiga) lwn. PP [2017] 2 CLJ 594, HC

PP v. Lau Kwai Thong (MTSA Kes No. 44-22-2008 - unreported)

PP lwn. Raja Noor Asma Raja Harun [2013] 5 CLJ 656

Teh Tek Soon lwn. PP [2015] 1 LNS 1504

Wong Swee Chin v. Public Prosecutor [1980] 1 LNS 138; [1981] 1 MLJ 212

Gazette PU (B) 496 dated 17.8.2018.

Alloy Automotive Sdn. Bhd. v. Perusahaan Ironfield Sdn. Bhd. [1986] 1 CLJ 45

Overseas Investment Pte. Ltd. v. O'Brien [1988] 2 CLJ 238; [1988] 3 MLJ 332

Ng Thee Thoong v. Public Bank Berhad [1995] 1 MLJ 281

Legislation referred to:

Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001, ss. 3, 4(1), 45(1), 50(1), 55(3), 56 (1), (4), 61(2), 70(1), Second Schedule

Evidence Act 1950, s. 103

Criminal Procedure Code, s. 112

Penal Code, s. 420

Federal Constitution