



[2020] 1 LNS 1919

Legal Network Series

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**IN THE HIGH COURT OF MALAYA IN JOHOR BAHRU  
IN THE STATE OF JOHOR DARUL TAKZIM  
[CRIMINAL APPLICATION NO: JA-44-32-02/2018]**

**BETWEEN**

**PUBLIC PROSECUTOR**

**... APPLICANT**

**AND**

- 1. AMIR SHARIFFUDDIN ABD RAUB**
- 2. MAZITA MAHMUD**
- 3. HARITINI JALANI & 5 ORS**

**... RESPONDENTS**

**CRIMINAL APPLICATION NO.:JA-44-29-02/2018**

**BETWEEN**

**PUBLIC PROSECUTOR**

**... APPLICANT**

**AND**

**ZUL AZAM & CO**

**... RESPONDENTS**

**CRIMINAL APPLICATION NO. : JA-44-18-03/2019**

**BETWEEN**

**PUBLIC PROSECUTOR**

**... APPLICANT**



AND

1. AMIR SHARIFFUDDIN ABD RAUB
2. MAZITA MAHMUD
3. AHMAD SYAHRILL AB RAUB ... RESPONDENTS

CRIMINAL APPLICATION NO.:JA-44-19-03/2019

BETWEEN

PUBLIC PROSECUTOR ... APPLICANT

AND

1. HARTINI JALANI
2. CHAMBERS OF JESVANT SINGH ... RESPONDENTS

CRIMINAL APPLICATION NO. : JA-44-20-02/2019

BETWEEN

PUBLIC PROSECUTOR ...APPLICANT

AND

MOHAMMAD SUKRY ABD RAHIM ...RESPONDENTS

**BEFORE SHAHNAZ SULAIMAN  
JUDICIAL COMMISSIONER, HIGH COURT MALAYA,  
JOHOR BAHRU  
IN OPEN COURT**



## GROUNDS OF DECISION

[1] This is an application by the prosecution pursuant to subsection 56(1) of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (“the Act”) for an order for forfeiture of property to the Government of Malaysia.

[2] There were several applications filed by the applicant, all of which were heard together. The applications that were heard together are listed below:

JA-44-29-02/2018 (Case Number 29)

JA-44-32-02/2018 (Case Number 32)

JA-44-18-03/2019 (Case Number 18)

JA-44-19-03/2019 (Case Number 19)

JA-44-20-02/2019 (Case Number 20)

[3] This grounds of judgment is written for all the above mentioned cases.

[4] In a nutshell, at the crux of these 5 applications is the application by several housing developers to release their bumiputera units to public units for purposes of sale. In consideration for the approval of the application to release the bumiputera units to public units, the developers paid Amir Shariffuddin an amount of money. The applicant’s contention is that the consideration is from an unlawful activity. Consequentially, the proceeds from this consideration is also unlawful. The respondent’s maintain that the consideration is consultation fees paid for the consultation services provided by Amir Shariffuddin for the submission of the application for release of bumiputera units to public units.



## THE LAW

[5] This application was made under subsection 56(1) of the Act. It is necessary to consider section 56 of the Act in its entirety. Section 56 of the Act provides:

**“Section 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.

(2) The judge to whom an application is made under subsection (1) shall make an order for the forfeiture of the property if he is satisfied-

(a) that the property is—

(i) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;



- (ii) terrorist property;
- (iii) the proceeds of an unlawful activity; or
- (iv) the instrumentalities of an offence

(b) that there is no purchaser in good faith for valuable consideration in respect of the property.

(3) Any property that has been seized and in respect of which no application is made under subsection (1) shall, at the expiration of twelve months from the date of its seizure, be released to the person from whom it was seized.

(4) In determining whether the property is—

(a) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence,

the court shall apply the standard of proof required in civil proceedings.”

[6] Section 56 of the Act allows property that the prosecution alleged were proceeds of an unlawful activity to be forfeited. Section 56 of the Act is subject to section 61 of the Act. In other words, the requirements of section 61 of the Act must be fulfilled before section 56 is applicable.

[7] Section 61 of the Act states:



**“Section 61. *Bona fide* third parties.**

(1) The provisions in this Part shall apply without prejudice to the rights of *bona fide* third parties.

(2) The court making the order of forfeiture under subsection 28L(1) or section 55 or the judge to whom an application is made under subsection 28L(2) or 56(1) shall cause to be published a notice in the *Gazette* calling upon any third party who claims to have any interest in the property to attend before the court on the date specified in the notice to show cause as to why the property shall not be forfeited.

(3) A third party’s lack of good faith may be inferred, by the court or an enforcement agency, from the objective circumstances of the case.

(4) 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.”

[8] Before the court consider the application to forfeit the property under subsection 56(2) of the Act, the requirements of subsection 56(1) of the Act must be met. In this regard, Suraya Othman JCA in the case of *Public Prosecutor v. Kuala Dimensi Sdn Bhd & Ors* [2019] 3 CLJ 650 stated:

**“[59] It must be noted that s. 56 is two-pronged. Before the PP can make an application for forfeiture to a High Court Judge, the PP has to meet the requirements or conditions of s. 56(1) of the AMLATFA. The conditions are that there is no prosecution or conviction for an offence under sub-s. 4(1) in respect of the property frozen or seized and that the application has to be made before the expiration of 12 months from the date of the seizure, or where there is a freezing order, 12 months from the freezing. Further, the PP has to be satisfied that the property had been obtained as a result of or in connection with an offence under sub-s. 4(1) or a terrorism financing offence or terrorist property before he can make such an application. In our instant case, the last two conditions whether the property is in connection with a terrorism financing offence or a terrorist property is not relevant. What is relevant here is whether the property had been obtained as a result of or in connection with money laundering.”**

[Emphasis added]

[9] The duty of the court upon receipt of an application pursuant to section 56 of the Act is best described by Abdul Rahman Sebli JCA

(as his Lordship then was) in the case of *Noor Ismahanum Mohd Ismail v. Public Prosecutor* [2018] 10 CLJ 597 as follows:

“[15] The judge’s **primary concern in an application under s. 56(1) is with the legal status of the property, not the guilt or otherwise of any person under s. 4(1)(a) of the AMLATFA. He must order for forfeiture if the property falls under para. (i) or (ii) or (iii) or (iv) of sub-s (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 para. (a)(iii) of s. 56(2) and not whether any person had been convicted or acquitted of an offence under s. 4(1)(a) of the AMLATFA although the fact of such conviction or acquittal was relevant under s. 76.”

[Emphasis added]

[10] In the case of *Public Prosecutor v. Dato’ Zainal Abidin bin Md Nor & Ors* [2019] 1 LNS 821, Mohd Radzi Harun JC (as his Lordship then was) listed three mandatory requirements as follows:

- (i) the application is made within 12 months of the date of Notice of Seizure;
- (ii) gazettelement; and
- (iii) the court is to be satisfied that subsection 56(2) is fulfilled.

[11] To determine whether a property should be forfeited pursuant to subsection 56(2) of the Act, the standard of proof is on the balance of probabilities as per the case of *Noor Ismahanum Mohd Ismail v. PP* [2018] 10 CLJ 597 as follows:



“[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 ss. 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 s. 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* [1974] 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 s. 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 s. 56(2). There is no need for him to be satisfied “beyond any reasonable doubt” that the property is derived from an “unlawful activity”.**

[Emphasis added]

[12] In order to determine whether the applicant’s application should succeed under subsection 56(1) and subsection 61(2) of the Act, this court is required to consider if the provisions of law stated above have been satisfied.

**Case Number 32**

[13] This is an application to forfeit the monies in the respondent's bank accounts. The details of the bank accounts and the amount of money is as follows:

<b>Respondent</b>	<b>Account</b>	<b>Amount</b>
<b>First (Amir Shariffudin)</b>	Fixed Deposit Maybank	RM 100,000.00
	Personal Current Maybank	RM 158,288.17
	Unit Amanah (TASIF) Maybank	RM 969,180.08
	Unit Amanah (AHB) Maybank	RM 500,000.00
	Amanah Saham Gemilang Didik Akaun	RM 210,386.78
	Amanah Saham Gemilang Kesihatan Akaun	RM 199,845.84
<b>Second (Mazita Binti Mahmod)</b>	Amanah Saham Berhad	RM 239,618.32
	Lembaga Tabung Haji Account	RM 167,811.87
<b>Third (Hartini Binti Jalani)</b>	Amanah Saham Bumiputera	RM 239,618.32
	Lembaga Tabung Haji Account	RM 422,652.74
<b>Fourth (Nor Afiqah Syahmina Binti Amir Shariffuddin)</b>	Amanah Saham Bumiputera Account	RM 65,419.02
	Lembaga Tabung Haji Account	RM 176,329.18
<b>Fifth (Muhammad Amsyar)</b>	Amanah Saham Bumiputera Account	RM 62,219.65

<b>Haziq bin Amir Shariffuddin)</b>	Lembaga Tabung Haji Account	RM 176,329.18
<b>Sixth (Muhammad Iffat Ainul Fahim bin Amir Shariffuddin)</b>	Amanah Saham Bumiputera Account	RM 62,219.65
	Lembaga Tabung Haji Account	RM 176,329.18
<b>Seventh (Nur Qisya Zara Amanda Binti Amir Shariffuddin)</b>	Amanah Saham Bumiputera Account	RM 65,419.02
	Lembaga Tabung Haji Account	RM 323,241.78
<b>Eighth (JLA Motorsport Sdn Bhd)</b>	Current Account Affin Bank	RM 66,187.02
<b>Total</b>	<b>RM 4,381,095.80</b>	

[14] A Notice of Seizure on the bank accounts mentioned above was issued on 22.05.2017. There was no prosecution or conviction on the properties of the respondents.

[15] The properties (hereafter properties include monies and vice versa) was seized on 22.05.2017, This application was filed on 21.02.2018 within 12 months of the date of seizure on 22.05.2017. A third party notice was gazetted on 20.03.2018 pursuant to subsection 61(2) of the Act.

[16] This court therefore finds that the two pre requisites under subsection 56(1) of the Act has been fulfilled. The requirement for this application to be made within 12 months of the date of seizure has been met. This court further finds that the requirement of the gazette has been fulfilled.



[17] The first respondent is a director of Mahabuilders Sdn Bhd and MB Group. The second and third respondents are the first respondent's wives. The fourth, fifth, sixth and seventh respondents are the children of the first respondent.

[18] The eighth respondent, JLA Motorsport is a sendirian berhad company owned by the first respondent, Ahmad Shahril bin Abdullah, Zulkifli bin Hussein and Muhammad Firdaus bin Aznan. The first respondent is a middle man between Datuk Abdul Latif Bandi and developers who intend to obtain the release of bumiputera units to public units. Datuk Ahmad Latiff Bandi, was at that time, Exco Perumahan dan Kerajaan Tempatan Negeri Johor and Chairman of Jawatankuasa Perumahan dan Kerajaan Tempatan.

[19] The first respondent assisted IJM Land Berhad to reduce the amount of contribution to Tabung Perumahan Negeri Johor from 7.5% to between 3-3.5%. This contribution is for the release of bumiputera unit to public units for the housing project in Taman Nusa Dua dan Surimas Service Apartments.

[20] The monies received from IJM Land Berhad was paid into JLA Management and Services. The monies in JLA Management and Service's account were withdrawn and deposited into the first respondent's account. Subsequently, from the first respondent's account, the money was transferred into the accounts of the second, third, fourth, fifth, sixth, seventh and eighth respondents.

[21] It was contended that as Exco Perumahan dan Kerajaan Tempatan, Datuk Abdul Latif Bandi was in a position to approve the release of bumiputera lots to become public lots for housing projects in Johor.

[22] According to Pekeliling Am Kerajaan Negeri Johor Tahun 2013, for each successful application by the developer to release the



bumiputera lots to public lots, developers are required to pay a contribution amount of 7.5% of the difference in the price of bumiputera lots for each unit.

[23] Around September 2013, one Heng Aik Kwee, a colleague of the first respondent introduced Tham Huen Cheong, the General Manager of IJM Land Berhad to the first respondent.

[24] At that time, the first respondent inform Tham Huen Cheong that Datuk Abdul Latif Bandi could assist IJM Land Berhad in their application for her release of bumiputera units to public units, which a reduced amount of contribution to the Tabung Perumahan Negeri Johor.

[25] As consideration IJM Land Berhad was required to make payment to JLA Management and Services, as directed by the first respondent.

[26] As a result, the relevant documents for the purposes of the release of bumiputera units to public units including for the Taman Nusa Duta and Surimas Services Apartment were handed over to the first respondent.

[27] These documents were subsequently handed over by the first respondent to Datuk Abdul Latif Bandi. The application by IJM Land Berhad were approved by the Jawatankuasa Perumahan dan Kerajaan Tempatan with a contribution of between 3 to 3.5%. This amount is less than the required amount of 7.5% as stipulated in the Pekeliling Am Kerajaan Negeri Johor Tahun 2013.

[28] The monies paid by IJM Land Berhad were subsequently withdrawn and deposited into the first respondent's account. The said monies was then transferred from the first respondent's account into

the second, third, fourth, fifth, sixth and seventh respondent's accounts.

[29] In January 2014, engaging the same *modus operandi*, the first respondent informed the Managing Director of Ecoworld Development Group Berhad, Phan Yan Chan that he, the first respondent could arrange for the release of bumiputera units to public units with a lesser amount of contribution to the Tabung Perumahan Negeri Johor, on condition that Phan pay Zul Azam & Co and All Management Services Consultants.

[30] Consequentially, Phan instructed Aslizat to deal with Kamil regarding the release documentation for 4 subsidiaries of Ecoworld Development Group Berhad. These said documents were handed over to the first respondent through Hashim.

[31] The said documents were then delivered to Datuk Abdul Latif Bandi where the application Ecoworld Development Group for release was approved by the Jawatankuasa Perumahan dan Kerajaan Tempatan.

[32] Ecoworld Development Group had made a contribution of between 3 to 3.5% instead of 7.5% as provided in the Pekeliling Am Kerajaan Negeri Johor Tahun 2013. Ecoworld Development Group made payments to Zul Azam & Co and All Management Services and Consultants.

[33] The monies received from Ecoworld Development Group Berhad was deposited into the account of Zul Azam & Co. subsequently, the first respondent instructed Zul Azam & Co to withdraw money for the first respondent, second, third and eight respondents.

[34] The applicant argued that the properties involved in the bank accounts were derived from money laundering under subsection 4(1) of the Act. Subsection 4(1) of the Act provides:

**“Section 4. Offence of money laundering.**

(1) Any person who—

(a) engages, directly or indirectly, in a transaction that involves proceeds of an unlawful activity or instrumentalities of an offence;

(b) acquires, receives, possesses, disguises, transfers, converts, exchanges, carries, disposes of or uses proceeds of an unlawful activity or instrumentalities of an offence;

(c) removes from or brings into Malaysia, proceeds of an unlawful activity or instrumentalities of an offence; or

(d) conceals, disguises or impedes the establishment of the true nature, origin, location, movement, disposition, title of, rights with respect to, or ownership of, proceeds of an unlawful activity or instrumentalities of an offence, commits a money laundering offence and shall on conviction be liable to imprisonment for a term not exceeding fifteen years and shall also be liable to a fine of not less than five times the sum or value of the proceeds of an unlawful activity or instrumentalities of an offence at the time the offence was committed or five million ringgit, whichever is the higher.”

[35] Subsection 56(2) of the Act provides that the court shall make an order of forfeiture if the court is satisfied that the allegations levelled by the prosecution is proven. The burden of proof as is on the balance of probabilities as provided under subsections 56(4) and 70(1) of the Act. The prosecution is to prove that the monies intended to be

forfeited were proceeds of an unlawful activity. In this regard, subsection 3(1) of the Act defines unlawful activity and proceeds of an unlawful activity as follows:

**“Section 3. Interpretation.**

(1) In this Act, unless the context otherwise requires-

“unlawful activity” means -

(a) any activity which constitutes any serious offence or any foreign serious offence; or

(b) any activity which is of such a nature, or occurs in such circumstances, that it results in or leads to the commission of any serious offence or any foreign serious offence, regardless whether such activity, wholly or partly, takes place within or outside Malaysia;

[36] Proceeds of an unlawful activity means:

“any property, or any economic advantage or economic gain from such property, within or outside Malaysia –

(a) which is wholly or partly –

(i) derived or obtained, directly or indirectly, by any person from any unlawful activity;

(ii) derived or obtained from a disposal or other dealings with the property referred to in subparagraph (i); or

(iii) acquired using the property derived or obtained by any person through any disposal or other dealings referred to in subparagraph (i) or (ii); or

(b) which, wholly or partly, due to any circumstances such as its nature, value, location or place of discovery, or to the time, manner or place of its acquisition, or the person from whom it was acquired, or its proximity to other property referred to in subparagraph (a)(i), (ii) or (iii), can be reasonably believed to be property falling within the scope of subparagraph (a) (i), (ii) or (iii).”

[37] What amounts to a serious offence is defined in subsection 3(1) of the Act as reproduced below:

“serious offence” means-

- (a) any of the offences specified in the Second Schedule;
- (b) an attempt to commit any of those offences; or
- (c) the abetment of any of those offences;

[38] The offence under sections 16 and 28 of the Malaysian Anti-Corruption Commission Act 2009 (“MACC Act”) is stipulated under the Second Schedule of the Act. It is therefore a ‘serious offence’ within the definition of the Act.

[39] To make an order for the forfeiture of the monies, this court must be satisfied that the monies fall within any of the subparagraphs 56(2) (a) (i) – (iv) of the Act and that there is no purchaser in good faiths for valuable consideration in respect of the property.

[40] The respondents contended that any monies obtained by the first respondent in relation to these transactions were consultation fees in the first respondent’s capacity as a consultant. This was to assist the developer in the submission of the developer’s application for bumiputera units to be released as public units.

[41] In resisting the application, the respondents argued that the first respondent (Amir Sharifuddin) was a consultant. In support of this contention, the respondents tendered in his affidavit, notes of evidence of witnesses in the Johor Bahru Session Court for the following cases:

- (i) 61R-3-04/2017;
- (ii) 61R-6-06/2017;
- (iii) 61R-8-04/2017;
- (iv) 62R-11-06/2017; and
- (v) 62R-12-06/2017.

[42] The first respondent in Exhibit ASR-1 to the Affidavit Tambahan Responden-Responden tendered a letter of offer for consultancy services prepared by JLA Management and Services to Ikatana Flora Sdn Bhd.

[43] Pertaining to the notes of evidence from the Johor Bahru Sessions Court, the applicant contended that the notes of evidence should not be considered as it relates to different proceedings.

[44] In this regard, section 33 of the Evidence Act 1950 provides:

**“Section 33. Relevancy of certain evidence for proving in subsequent proceeding the truth of facts therein stated.**

Evidence given by a witness in a judicial proceeding, or before any person authorized by law to take it, is relevant for the purpose of proving in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, the truth of the facts which it states, when the witness is dead or cannot be found or is incapable of giving evidence, or is kept out of the way by the

adverse party, or if his presence cannot be obtained without an amount of delay or expense which under the circumstances of the case the court considers unreasonable:

Provided that-

- (a) the proceeding was between the same parties or their representatives in interest;
- (b) the adverse party in the first proceeding had the right and opportunity to cross-examine;
- (c) the questions in issue were substantially the same in the first as in the second proceeding.

*Explanation* - A criminal trial or inquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.”

[45] In *Dato Yap Peng v. Public Prosecutor* [1993] 2 CLJ 181, the court held:

“...it is clear that notes of a judicial proceeding could be used only for the purposes stated therein. It is obvious to me that when the prosecution produced Exhibit P75 (B) it was for the purposes as provided in section 33 of the Evidence Act. **Section 33 provides for certain conditions and pre-requisites which must be satisfied before notes of a judicial proceeding could be produced and used in any trial... It is manifestly clear that the only way any evidence given by a witness or witnesses can be used in a subsequent and different judicial proceeding is by way of section 33 of the Evidence Act 1950”**

[Emphasis added]

[46] In *Kee Siak Kooi v. R* [1955] 1 MLJ 57, the court held that it is established law that before any evidence can be admitted under section 33 of the Evidence Ordinance 1950, proof of the circumstances contemplated in that section must be strictly given.

[47] The Court of Appeal in the case of *Tan Sri Eric Chia v. Public Prosecutor* [2006] 2 CLJ 544 stated:

“The first point to ask here is what is meant by the opening words of s. 33 namely, “Evidence given by a witness in a judicial proceeding, or before any person authorized by law to take it...” **In my view, these words express in brief the meaning of the legal term “deposition” in the light of its purported admission as evidence in a subsequent judicial proceeding or in a later stage of the same judicial proceeding to prove the truth of the facts that it states: see Osborn’s Concise Law Dictionary, 8<sup>th</sup> edn. P. 112 “deposition”. Having regard to the provision of s. 2 of Act 56, these words are referable exclusively to deposition of absent witnesses recorded in deposition hearing or judicial proceeding held within Malaysia.**

“Judicial proceeding” is defined in s. 2 of Act to mean **“any proceeding” in the course of which evidence is or may be legally taken. The expression “Judicial proceeding” includes a proceeding before any court, tribunal or person having by law power to hear, receive, and examine evidence on oath...**

**However, s. 33 of Act 56 specifies the circumstances and stipulates the essential conditions to be established before the deposition can be admitted by the trial court as relevant evidence and included to form part of the record of the trial court in terms of s. 272A of Act 593. These circumstances**

**must be strictly proved before the deposition can be admitted...**

**If there is no evidence to establish any of these circumstances and the deposition is admitted, it has been held to have been wrongly admitted... The conditions stipulated by the provision to s. 33 must also be fulfilled..”**

[Emphasis added]

[48] In this case, the respondent did not provide an explanation as to why the witnesses in the notes of evidence were unable to aver an affidavit for this proceedings.

[49] Having considered section 33 of the Evidence Act 1950, the authorities quoted and having regard to the facts of this instant case, this court finds that the respondents have not fulfilled the pre-requisites of section 33 of the Evidence Act 1950. It follows therefore that as the pre-requisite have not been complied with, then the respondent’s reliance on the notes of proceeding of the Johor Bahru Sessions Court must fail.

[50] As this court has ruled that the notes of evidence from the Johor Bahru Sessions Court is not to be employed in the current proceedings before this court, what remains is the letter of offer as consultant.

[51] The facts reveal the Pekeliling Am Kerajaan Negeri Johor Tahun 2013 states there are conditions before an application for release of bumiputera units to public units can be made. Once the conditions are fulfilled, the application for release of bumiputera units to public units may be submitted to the Jawatankuasa Perumahan dan Kerajaan Tempatan for consideration and approval.

[52] For developers who are successful in obtaining the approval to release the bumiputera units to public units, the developers are

required to pay a contribution of 7.5% from the difference of the selling price of the bumiputera units. This contribution is mandatory as provided in the Pekeliling Am Kerajaan Negeri Johor Tahun 2013.

[53] Nonetheless, should the developer fail to fulfill the conditions for the release, approval may still be given by the Exco Perumahan dan Kerajaan Tempatan. At the material time, Datuk Abdul Latif bin Bandi was the said Exco Perumahan dan Kerajaan Tempatan. This was confirmed by Mohd Rafi bin Abdullah, who is the Setiausaha Bahagian at the Johor State Secretary's Office.

[54] Tham Huen Cheong, the General Manager of IJM Land Berhad and Phan Yan Chan the Managing Director of Eco World Development Berhad gave evidence that between 2016 to 2016, the first respondent had assisted Datuk Abdul Latiff Bandi as a middle man with IJM Land Berhad and Eco World Development for the purposes of the release of their bumiputera units to public lots.

[55] The first respondent informed both Phan Yan Chan and Tham Huen Cheong that Datuk Abdul Latiff Bandi could assist their companies in obtaining the release of bumiputera units to public units for a lesser amount of contribution than the 7.5% which was set by the Bahagian Perumahan Negeri Johor.

[56] As consideration IJM Land Berhad and Ecoworld Development GB were required to make payment to the companies including the Law Firm as instructed by the first respondent.

[57] Following from that IJM Land Berhad and Ecoworld Development Group Berhad make the application for release to Datuk Abdul Latif Bandi with a contribution of between 3 to 3.5% to the Tabung Perumahan Negeri Johor [Exhibit JJ-3].

[58] Mohd Rafi bin Abdullah, confirmed that the application for release by ILB and Ecoworld Development Group Berhad projects were approved by the Jawatankuasa Perumahan dan Kerajaan Tempatan with a contribution of 3-3.5%.

[59] IJM Land Berhad had made payment to JLA Management and Services as instructed by the first respondent below:

No	Date	Respondents	Amount
1.	12.2.2014	Third Respondent (Amanah Saham Bumiputera)	RM 187,000.00
2.	12.2.2014	Second Respondent (Amanah Saham Bumiputera)	RM 199,500.00
3.	20.2.2014	Fourth Respondent (Akaun Tabung Haji)	RM 150,000.00
4.	20.2.2014	Sixth Respondent (Akaun Tabung Haji)	RM 150,000.00
5.	20.2.2014	Fifth Respondent (Akaun Tabung Haji)	RM 150,000.00
6.	20.2.2014	Fourth, Fifth, Sixth & Seventh Respondent (Akaun Amanah Saham Bumiputera)	RM 348,000.00
7.	1.4.2016	First Respondent (Unit Amanah (Unit Trust) Jenis TASIF)	RM 500,000.00
8.	26.6.2016	First Respondent (Unit Amanah (Unit Trust) Jenis Amanah Hartanah Bumiputera)	RM 500,000.00

[60] A search at the Companies Commission of Malaysia shows that the owner of JLA Management and Services Land Berhad is one Hamidah binti Ishak. Hamidah gave her statement that her husband Ahmad Suhaimi bin Abdullah had used her name to establish JLA



Management and Services to receive the monies from IJM Land Berhad. Her husband Ahmad Suhaimi bin Abdullah supported her evidence. In fact, Ahmad Suhaimi stated that the first respondent had requested his help to use the current account of JLA Management and Services for the purpose of depositing and withdrawing monies.

[61] Furthermore, the Managing Director of Ecoworld Development Group Berhad had confirmed that Ecoworld Development Group Berhad had through its subsidiaries made payment to Zul Azam & Co and All Management Services and Consultants as consideration for the approval of the release of the bumiputera lots to public lots. Details of the payment are:

No	Date	Payee	Amount
1.	21.3.2014	Zul Azam & Co	RM 3,700,000.00
2.	8.12.2014	Zul Azam & Co	RM 1,000,000.00
3.	22.6.2015	Zul Azam & Co	RM 1,700,000.00
4.	11.7.2014	Zul Azam & Co	RM 1,800,000.00
5.	10.4.2015	Zul Azam & Co	RM 1,500,000.00
6.	7.9.2015	Zul Azam & Co	RM 2,400,000.00
7.	3.3.2016	Zul Azam & Co	RM 2,247,925.00
8.	16.5.2016	Zul Azam & Co	RM 698,375.00
9.	12.8.2016	Zul Azam & Co	RM 1,550,000.00
10	26.8.2015	Zul Azam & Co	RM 300,000.00
<b>Total</b>			<b>RM 16, 896, 300.00</b>

[62] The respondent maintains that the monies involved were for consultation fees. This was supported by the invoice and official receipt issued by Zul Azam & Co.

[63] However, there is no evidence to demonstrate that the first respondent was appointed as a consultant. The respondents were relying on the notes of evidence from the cases in the Johor Bahru Sessions Court, which this court has ruled does not fulfill the prerequisite of section 33 of the Evidence Act 1950.

[64] The evidence is the monies were deposited into the accounts of Zul Azam & Co and JLA Management and Services. Subsequently the monies were then withdrawn or transferred into accounts of the first respondent and his wives and children. From the monies paid by IJM Land Berhad to JLA Management and Services amounting to RM 2,014,529.00, part of the monies was then withdrawn and deposited into the first respondents Maybank Account 5011-3213-4033. The first respondent then issued cheques to the respondents as below:

No	Date	Respondent/Account	Amount
1.	12.2.2014	Third Respondent (Amanah Saham Bumiputera)	RM 187,000.00
2.	12.2.2014	Second Respondent (Amanah Saham Bumiputera)	RM 199,500.00
3.	20.2.2014	Fourth Respondent (Akaun Tabung Haji)	RM 150,000.00
4.	20.2.2014	Sixth Respondent (Akaun Tabung Haji)	RM 150,000.00
5.	20.2.2014	Fifth Respondent (Akaun Tabung Haji)	RM 150,000.00
6.	20.2.2014	Fourth, Fifth, Sixth & Seventh Respondent (Akaun Amanah)	RM 348,000.00

Saham Bumiputera)			
7.	1.4.2016	First Respondent (Unit Amanah (Unit Trust) Jenis TASIF)	RM 500,000.00
8.	26.6.2016	First Respondent (Unit Amanah (Unit Trust) Jenis Amanah Hartanah Bumiputera)	RM 500,000.00

[65] Pertaining to monies paid by Ecoworld Development Group Berhad to the law firm Zul Azam & Co, this amounted to RM 16,896,300.00. Zul Azam bin Md Dahalan stated that he had agreed for the monies to be deposited into the firm’s account with the condition that legal fees of 0.5% from the monies were deducted.

[66] According to Zul Azam, on the first respondent’s instruction, he had made part payment to the first, second and third respondent as follows:

No	Date	Respondent/Account	Amount
1.	17.9.2014	Third Respondent	RM 150,000.00
2.	24.9.2014	Second Respondent	RM 150,000.00
3.	2.2.2015	First Respondent	RM 300,000.00
4.	8.9.2015	Third Respondent	RM 130,000.00
5.	17.3.2016	First Respondent	RM 300,000.00
6.	20.3.2016	First Respondent	RM 200,000.00
7.	21.3.2016	First Respondent	RM 200,000.00

[67] Zul Azam stated that he issued cheques from Zul Azam & Co to the eight respondent as below:

No	Date	Respondent/Account	Amount
1.	14.4.2014	Eighth Respondent	RM 2,000,000.00



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2.	25.6.2014	Eighth Respondent	RM 300,000.00
3.	10.7.2015	Eighth Respondent	RM 300,000.00
4.	10.7.2015	Eighth Respondent	RM 300,000.00
5	10.7.2015	Eighth Respondent	RM 300,000.00

[68] Cheques from the Law firm Zul Azam & Co were issued and cashed on the same day as follows:

- “(a) Cek (Debit House Cheque) Maybank No. 534572 berjumlah RM 1,000,000.00 bertarikh 2.10.2015;
- (b) Cek (Debit House Cheque) Maybank No. 534574 berjumlah RM 50,000.00 bertarikh 7.10.2015;
- (c) Cek (Debit House Cheque) Maybank No. 534575 berjumlah RM 100,000.00 bertarikh 7.10.2015;
- (d) Cek (Debit House Cheque) Maybank No. 534576 berjumlah RM 1,000,000.00 bertarikh 15.10.2015; dan
- (e) Cek (Debit House Cheque) Maybank No. 534577 berjumlah RM 1,000,000.00 bertarikh 15.10.2015.”

[69] The first respondent further made investments as the Amanah Saham and fixed deposite at Maybank cawangan Jalan Larkin (Bandar Baru Uda) Johor Bahru. The transactions are:

- “(a) Pelaburan Amanah Saham Gemilang Didik No. Ahli 3452657 sebanyak RM 100,000.00 secara tunai;
- (b) Pelaburan Amanah Saham Gemilang Kesihatan No. Ahli 3452657 sebanyak RM 100,000.00 secara tunai;
- (c) Simpanan Tetap No. 251137104427 sebanyak RM 300,000.00 secara tunai.

[70] The fixed deposit account No.: 251137104427 on 28.12.2016 was closed and credited into the savings account May No.: 101132-368772 belonging to the first respondent. The amount was RM 316,059.71.

[71] On 28.12.2016, the first respondent withdrew RM 500,000.00 in his Maybank savings account No.: 101132-368772 and increased his investments as follows:

- “(a) Amanah Saham Gemilang Didik sebanyak RM 100,000.00;
- (b) Amanah Saham Gemilang Kesihatan sebanyak RM 100,000.00; and
- (c) Simpanan Tetap bernombor 201132923232 sebanyak RM 100,000.000”

**Case Number 18**

[72] The application dated 5.3.2019 is to obtain a forfeiture order to the Government of Malaysia under subsections 56(1) and 61 of the Act for the following:

“

Pemilik	Hartanah
Amir Shariffuddin (Responden Pertama)	Sebidang Tanah yang didaftarkan sebagai HSM 68, Lot 28, Mukim Pulau Babi, Pulau Babi Besar, Daerah Mersing, Negeri Johor
	Satu unit rumah 1 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 3630, Lot 3424 Mukim Bandar Johor Bahru, Daerah Johor

	Bahru, Negeri Johor.
Mazita Binti Mahmud (Responden Kedua)	Satu unit rumah 2 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 36090, Lot 3419, Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor.
Ahmad Syahrill Bin Ab Raub (Responden Ketiga)	Sebidang tanah yang didaftarkan sebagai HSD 181251 PTB 12380, Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor.
	Satu unit rumah 1 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 3639 Lot 4828, Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor
	Satu unit rumah 1 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 36090 Lot 3419, Mukim Bandar Johor Bahru, Daerah Johor Bahru

“

[73] The properties were seized on 19.4.2018. This application was filed on 5.3.2019, and therefore this application was filed within 12 months from the date of seizure on 19.4.2018. The third party notice was gazette on 27.2.2020 pursuant to subsection 61(2) of the Act. Hence, both pre-requisites under subsection 56(1) of the Act have been met.

[74] The applicant contends that the property was acquired through the proceeds of illegal activities pursuant to section 16 and paragraph 28(1)(c) of the MACC Act.

[75] The marketing manager of Scientex had confirmed that Scientex had made payment to the first respondent as consideration for the approval of Scientex’s application for the release the Bumiputera units to the public for the reduction of the contribution amount to be paid to the Tabung Perumahan Negeri Johor to 3-3.5 % only.

[76] The Pekeliling Am Kerajaan Negeri Johor Tahun 2013 and the statement of the Undersecretary Encik Mohd Rafi bin Abdullah states that even if the application to release is approved, the contribution amount which is required to be paid to the Tabung Perumahan Negeri Johor by the developer, Scientex is 7.5 %.

[77] The monies from Scientex was then paid to Messrs Zul Azam & Co. Messrs Zul Azam & Co then proceeded to purchase properties in the names of Amir Shariffuddin bin Abd Raub, Mazita binti Mahmod and Ahmad Syahrill bin Abd Raub, (the First, Second and Third Respondents) for case No. 18. The properties are:

“

No	Pemilk	Hartanah	Sumber pembelian rumah
1.	Responden Pertama	HSM 68 Lot 28, Mukim Pulai Babi, Daerah Mersing	Dari akaun Zul Azam berjumlah RM2,000,000.00
2.	Responden Pertama dan Responden Ketiga	HSD 181251 PTB 12380 Mukim Johor Bahru & 1 unit rumah 1 tingkat beserta tanah di PN 3639 Lot 4828	Dari akaun Zul Azam & Co berjumlah RM346,773.70

		Mukim Johor Bahru	
3.	Responden Pertama	Satu unit rumah 1 tingkat beserta tanah di PN 3630 Lot 3424 Mukim Bandar Johor Bahru, Negeri Johor	Dari akaun Zul Azam & Co berjumlah RM500,000.00
4.	Responden Pertama dan Responden Kedua	Satu unit rumah 1 tingkat beserta tanah di PN 36090 Lot 3419 Bandar Johor Bahru, Daerah Johor Bahru	Dari akaun Zul Azam & Co berjumlah RM420,012.49
5.	Responden Pertama dan Responden Kedua	Satu unit rumah 2 tingkat beserta tanah di PN 3551, Lot No 3463 Mukim Bandar Johor Bahru	Dari akaun Zul Azam berjumlah RM781,559.46

“

### Case Number 20

[78] This application dated 5.3.2019 sought to obtain a forfeiture order against an unmoveable property namely a piece of land registered as No. Hakmilik HSM 98 Lot 1170, Mukim Pulau Babi, Daerah Mersing, Negeri Johor. This application is made under subsection 56(1) and section 61 of the Act.

[79] The property was seized on 17.4.2018 and this application was filed on 5.3.2019. This application was therefore filed within the 12 month period from the date the said property was seized. The Third Party Notice was gazetted on 27.2.2020 in accordance with subsection 61(2) of the Act.

[80] The applicant contends that the said property was procured through proceeds of illegal activities under section 16 of the MACC Act and paragraph 28(1) (c) of the MACC Act.

[81] Phan Yuen Khang, the marketing director of Scientex confirmed that Scientex had made payment to Amir Shariffuddin as consideration for Scientex’s approval for the release of bumiputera units to public units, with a reduced of amount of contribution between of 3 to 3.5% to the Tabung Perumahan Negeri Johor.

[82] Upon the third party’s instruction, Messrs Zul Azam & co withdrew the monies amounting to RM 2,000,000.00 to pay Abdul Malik bin Sheikh Ali through Noraljanah binti Sheikh Ali, the younger sister of Abdul Malik bin Sheikh Ali for the purpose of buying the following properties:

“

No	Pemilk	Hartanah	Sumber pembelian rumah	Ekshibit
1.	Responden	HSM 98 PT Lot 1170, Mukim Pulau Besar, Daerah Mersing Negeri Johor	Dari akaun Zul Azam berjumlah RM2,000,000.00	<b>NHAR-8 &amp; NHAR-9</b>
2.	Amir Shariffuddin	HSM 68 Lot 28, Mukim Pulau Babi, Daerah Mersing		

“

[83] According to the respondent, the understanding between him and Amir Shariffuddin is that one lot of property would be registered in

the respondent's name and the other in Amir Shariffuddin's name. The respondent stated that the property was bought for purposes of investment to build a resort due to the strategic location of the properties.

[84] The transactions between Messrs Zul Azam & Co and the vendor was confirmed by Nur Adhana binti Ibrahim, Assistant Manager at Maybank Berhad at Larkin Perdana and Nizam Mohd Amin the Manager at Maybank Berhad in Mersing Johor.

### **Case Number 19**

[85] The pre-requisites under subsection 56(1) of the Act had been fulfilled. The property was seized on 4.12.2018. This application was filed within 12 months of the date of seizure. A Third Party Notice was gazette on 27.2.2020.

[86] According to Mohd Rafi bin Abdullah, the Pekeliling Am Kerajaan Negeri Johor Tahun 2013, the contribution that should be paid to the Tabung Perumahan Negeri Johor for the release is 7.5%.

[87] Amir Shariffuddin had bought a house together with land on PN 16332 Lot 3420 Bandar dan Daerah Johor Bahru yang beralamat di No. 31, Jalan Suaru, Stulang Baru, 81100 Johor Bahru for RM 270,000.00.

[88] This transaction was confirmed by Chambers of Jervant Singh who were the solicitors for the sale and purchase of the property. The property was paid for in full by Amir Shariffuddin by a cheque from Zul Azam & Co.

[89] The payment from Zul Azam & Co to Chambers of Jervant Singh was supported by the bank officer Nur Adhana binti Ibrahim, the Assistant Manager at Maybank in Larkin Perdana branch and Aishah



binti Omar, the Assistant Manager for RHB Bank Berhad in Taman Pelangi. Details of payment are as follows:

No	Date	From	To	Amount
1.	30.6.2014	Zul Azam & Co	Second Respondent	RM 54,000.00
2.	4.9.2014	Zul Azam & Co	Second Respondent	RM 64,800.00
3.	30.7.2015	Zul Azam & Co	Second Respondent	RM 150,200.00

### Case Number 29

[90] This application was filed on 2.2.2018. The seizure of the monies was on 22.5.2017. Therefore the application was filed within 12 months from the date of seizure. A Third Party Notice was gazette in accordance with subsection 61(2) of the Act. A third party, Amir Shariffuddin came forward to oppose the forfeiture.

[91] This court finds that the prerequisites of subsection 56(2) of the Act have been complied with by the applicant.

[92] It was argued that the monies the respondent obtained were from illegal activities under section 16 of the MACC Act and paragraph 28(1) (c) of the MACC Act.

[93] The respondent is a law firm Messrs Zul Azam & Co. According to the Managing Director & Ecoworld Development Group Berhad (Ecoworld Development Group Berhad), the subsidiaries had made payment to the respondent on the direction of the Third Party in this case, Amir Shariffuddin. The payment is consideration for the Ecworld Development Group Berhad's approval to release

Bumiputera units to public units for a reduced contribution of between 3-3.5 % to the Tabung Perumahan Negeri Johor.

[94] The list of payments are as follows:

No	Date	Payee	Amount
1.	21.3.2014	Zul Azam & Co	RM 3,700,00.00
2.	8.12.2014	Zul Azam & Co	RM 1,000,000.00
3.	22.6.2015	Zul Azam & Co	RM 1,700,000.00
4.	11.7.2014	Zul Azam & Co	RM 1,800,000.00
5.	10.4.2015	Zul Azam & Co	RM 1,500,000.00
6.	7.9.2018	Zul Azam & Co	RM 2,4000,000.00
7.	3.3.2016	Zul Azam & Co	RM2,247,925.00
8.	16.5.2016	Zul Azam & Co	RM 698,375.00
9.	12.8.2016	Zul Azam & Co	RM 1,550,000.00
10.	26.8.2015	Zul Azam & Co	RM 300,000.00
<b>Total</b>			<b>RM 16, 896, 300.00</b>

[95] The witnesses from Ecoworld Development Group Berhad confirmed that the monies were given to Amir Shariffuddin through the respondent.

## DECISION

[96] Unlawful activities could be marked or cloaked as lawful activities by naming or branding these activities as consultancy



services. It is the view of this court that in the event the services rendered are indeed consultancy services, a proper consultancy agreement between the respective parties should be entered into this consultancy agreement which could be in the form of exchange of letters should state what exactly are the services offered and what is the consideration for that service.

[97] In this instant case, the respondents contention is that the monies received from the developers were for consultancy services. Nonetheless, this court finds a lack of documentary evidence to support this contention.

[98] The court is to decide on the standard of proof of balance of probability. In the 5 cases before this court, the respondents argued that the monies were obtained as a result of consultancy fees to Amir Shariffuddin. However, there was no evidence of this consultancy agreement.

[99] In fact the respondents resorted to notes of proceedings in the lower court for this purpose.

[100] What perplexes this court is if indeed the monies and the proceeds were a result of consultation services offered, why were the monies not directly deposited into the account of the Amir Shariffuddin. Instead, the “consultancy fees” were deposited to Zul Azam & Co and JLA Management and Services before the monies were then transferred into Amir Shariffuddin’s account and the other respondents.

[101] Thus, in the view of this court would seem to infer that the proceeding were not consultancy fees as alleged. Receipts tendered as ASR4 and ASR5 were noted as for legal fees, not consultation fees.

**Case Number 32**

[102] After analyzing the affidavits of parties with the exhibits and having considered the submissions of both the learned Deputy Public Prosecutor and learned counsel, this court finds that the applicant has succeeded in proving, on the balance of probabilities, that the following items is the subject matter or evidence relating to the commission of an offence under paragraph 4(1) of the Act:

- “(a) Bahawa wang berjumlah RM 100,000.00 yang disimpan di dalam Akaun Simpanan Tetap Maybank Berhad No. 201132933232 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (b) Bahawa wang berjumlah RM 158,288.17 yang disimpan di dalam Akaun Simpanan Tetap Maybank Berhad No. 501132134033 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (c) Bahawa pelaburan berjumlah 969,180.08 unit yang dilaburkan di dalam Akaun Unit Amanah (TASIF) Maybank Berhad No. 000000921907 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (d) Bahawa pelaburan berjumlah 500,000 unit yang dilaburkan di dalam Akaun Unit Amanah (AHB) Maybank Berhad No. 000000921907 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;

- (e) Bahawa wang berjumlah RM 210,386.78 yang dilaburkan di dalam Amanah Saham Gemilang Didik Akaun No. 3452657 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (f) Bahawa wang berjumlah RM 199,845.84 yang dilaburkan di dalam Amanah Saham Gemilang Kesihatan Akaun No. 3452657 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (g) Bahawa wang berjumlah RM 239,618.32 yang dilaburkan di dalam Amanah Saham Berhad Akaun No. 994320294 atas nama Mazita binti Mahmod (No. K.P: 810310-01-5238) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (h) Bahawa wang berjumlah RM 167,811.87 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 101201000339901 atas nama Mazita binti Mahmod (No. K.P: 810310-01-5238) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (i) Bahawa wang berjumlah RM 239,618.32 yang dilaburkan di dalam Amanah Saham Bumiputera Akaun No. 91011161 atas nama Hartini binti Jalani (No. K.P: 720517-01-6298) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;

- (j) Bahawa wang berjumlah RM 422,652.74 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 101201000340506 atas nama Hartini binti Jalani (No. K.P: 720517-01-6298) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (k) Bahawa wang berjumlah RM 65,419.02 yang dilaburkan di dalam Amanah Saham Bumiputera Akaun No. 994320306 atas nama Nor Afiqah Syahmina binti Amir Shariffuddin (No. K.P: 981216-01-6230) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (l) Bahawa wang berjumlah RM 176,329.18 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 1202000181109 atas nama Nor Afiqah Syahmina binti Amir Shariffuddin (No. K.P: 981216-01-6230) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (m) Bahawa wang berjumlah RM 62,219.62 yang dilaburkan di dalam Amanah Saham Bumiputera Akaun No. 994320319 atas nama Muhammad Amsyar Haziq bin Amir Shariffuddin (No. K.P: 030102-01-1243) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (n) Bahawa wang berjumlah RM 176,329.18 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 101202000181123 atas nama Muhammad Amsyar Haziq bin Amir Shariffuddin (No. K.P: 030102-01-1243) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;

- (o) Bahawa wang berjumlah RM 62,219.62 yang dilaburkan di dalam Amanah Saham Bumiputera Akaun No. 994320322 atas nama Muhammad Iffat Ainul Fahim bin Amir Shariffuddin (No. K.P: 060531-01-1417) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (p) Bahawa wang berjumlah RM 176,329.18 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 101202000181147 atas nama Muhammad Iffat Ainul Fahim bin Amir Shariffuddin (No. K.P: 060531-01-1417) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (q) Bahawa wang berjumlah RM 65,419.02 yang dilaburkan di dalam Amanah Saham Bumiputera Akaun No. 994320096 atas nama Nur Qisyah Zara Amanda (No. K.P: 130705-01-0440) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (r) Bahawa wang berjumlah RM 323,241.78 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 1202000181489 atas nama Nur Qisyah Zara Amanda No. K.P: 130705-01-0440) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (s) Bahawa wang berjumlah RM 66,187.02 yang disimpan di dalam Akaun Semasa Affin Bank Berhad No. 101700004438 atas nama JLA MOTORSPORT Sdn Bhd (No. 1084818-T) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia.”

[103] Hence, I hereby allow the application in Enclosure 1 and order for the following to be forfeited pursuant to subsection 56(2) of the Act and pursuant to subsection 58 of the Act, to be vested in the Federal Government:

- “(a) Bahawa wang berjumlah RM 100,000.00 yang disimpan di dalam Akaun Simpanan Tetap Maybank Berhad No. 201132933232 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (b) Bahawa wang berjumlah RM 158,288.17 yang disimpan di dalam Akaun Simpanan Tetap Maybank Berhad No. 501132134033 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (c) Bahawa pelaburan berjumlah 969,180.08 unit yang dilaburkan di dalam Akaun Unit Amanah (TASIF) Maybank Berhad No. 000000921907 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (d) Bahawa pelaburan berjumlah 500,000 unit yang dilaburkan di dalam Akaun Unit Amanah (AHB) Maybank Berhad No. 000000921907 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;

- (e) Bahawa wang berjumlah RM 210,386.78 yang dilaburkan di dalam Amanah Saham Gemilang Didik Akaun No. 3452657 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (f) Bahawa wang berjumlah RM 199,845.84 yang dilaburkan di dalam Amanah Saham Gemilang Kesihatan Akaun No. 3452657 atas nama Amir Shariffuddin bin Abd Raub (No. K.P: 730524-02-5255) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (g) Bahawa wang berjumlah RM 239,618.32 yang dilaburkan di dalam Amanah Saham Berhad Akaun No. 994320294 atas nama Mazita binti Mahmod (No. K.P: 810310-01-5238) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (h) Bahawa wang berjumlah RM 167,811.87 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 101201000339901 atas nama Mazita binti Mahmod (No. K.P: 810310-01-5238) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (i) Bahawa wang berjumlah RM 239,618.32 yang dilaburkan di dalam Amanah Saham Bumiputera Akaun No. 91011161 atas nama Hartini binti Jalani (No. K.P: 720517-01-6298) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;

- (j) Bahawa wang berjumlah RM 422,652.74 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 101201000340506 atas nama Hartini binti Jalani (No. K.P: 720517-01-6298) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (k) Bahawa wang berjumlah RM 65,419.02 yang dilaburkan di dalam Amanah Saham Bumiputera Akaun No. 994320306 atas nama Nor Afiqah Syahmina binti Amir Shariffuddin (No. K.P: 981216-01-6230) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (l) Bahawa wang berjumlah RM 176,329.18 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 1202000181109 atas nama Nor Afiqah Syahmina binti Amir Shariffuddin (No. K.P: 981216-01-6230) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (m) Bahawa wang berjumlah RM 62,219.62 yang dilaburkan di dalam Amanah Saham Bumiputera Akaun No. 994320319 atas nama Muhammad Amsyar Haziq bin Amir Shariffuddin (No. K.P: 030102-01-1243) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (n) Bahawa wang berjumlah RM 176,329.18 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 101202000181123 atas nama Muhammad Amsyar Haziq bin Amir Shariffuddin (No. K.P: 030102-01-1243) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;

- (o) Bahawa wang berjumlah RM 62,219.62 yang dilaburkan di dalam Amanah Saham Bumiputera Akaun No. 994320322 atas nama Muhammad Iffat Ainul Fahim bin Amir Shariffuddin (No. K.P: 060531-01-1417) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (p) Bahawa wang berjumlah RM 176,329.18 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 101202000181147 atas nama Muhammad Iffat Ainul Fahim bin Amir Shariffuddin (No. K.P: 060531-01-1417) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (q) Bahawa wang berjumlah RM 65,419.02 yang dilaburkan di dalam Amanah Saham Bumiputera Akaun No. 994320096 atas nama Nur Qisyah Zara Amanda (No. K.P: 130705-01-0440) dan semua faedah yang terakru hasil daripada pelaburan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (r) Bahawa wang berjumlah RM 323,241.78 yang disimpan di dalam Lembaga Tabung Haji Akaun No. 1202000181489 atas nama Nur Qisyah Zara Amanda No. K.P: 130705-01-0440) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia;
- (s) Bahawa wang berjumlah RM 66,187.02 yang disimpan di dalam Akaun Semasa Affin Bank Berhad No. 101700004438 atas nama JLA MOTORSPORT Sdn Bhd (No. 1084818-T) dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia.”

**Case Number 29**

[104] This court has analysed the affidavits of parties and the exhibits therein and has considered the submissions of both the learned Deputy Public Prosecutor and learned counsel. This court finds that the applicant has succeeded in proving, on the balance of probabilities, that the following items are the subject matter or evidence relating to the commission of an offence under paragraph 4(1) of the Act:

“Bahawa wang berjumlah RM 833,473.75 (Ringgit Malaysia Lapan Ratus Tiga Puluh Tiga Ribu Empat Ratus Tujuh Puluh Tiga dan Tujuh Puluh Lima Sen) yang disimpan di dalam akaun semasa Maybank Client 2 No. 551593512844 atas nama responden dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia.”

[105] This court hereby allows the application in Enclosure 1 and order for the following to be forfeited pursuant to subsection 56(2) of the Act and pursuant to subsection 58 of the Act, to be vested in the Federal Government:

“Bahawa wang berjumlah RM 833,473.75 (Ringgit Malaysia Lapan Ratus Tiga Puluh Tiga Ribu Empat Ratus Tujuh Puluh Tiga dan Tujuh Puluh Lima Sen) yang disimpan di dalam akaun semasa Maybank Client 2 No. 551593512844 atas nama responden dan semua faedah yang terakru hasil daripada simpanan tersebut dilucuthakkan kepada Kerajaan Malaysia.”

**Case Number 20**

[106] Having examined the affidavits of parties including the exhibits and after considering the submissions of both the learned Deputy Public Prosecutor and learned counsel, this court finds that the

applicant has succeeded in proving, on the balance of probabilities, that the following items are the subject matter or evidence relating to the commission of an offence under paragraph 4(1) of the Act:

- “(i) Bahawa harta tak alih iaitu sebidang tanah yang didaftarkan sebagai No. Hakmilik HSM 98 Lo 1170, Mukim Pulau Babi, Mukim Pulau Besar, Daerah Mersing, Negeri Johor dengan keluasan 3.0503 hektar yang didaftarkan di Pejabat Tanah Mersing, Mersing Johor atas nama Responden dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan;
- (ii) Bahawa Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah Mersing, Daerah Mersing, Johor diperintahkan untuk mendaftarkan satu bidang tanah No. Hakmilik HSM 98 Lo 1170, Mukim Pulau Babi, Mukim Pulau Besar, Daerah Mersing, Negeri Johor didaftarkan atas nama Pesuruhjaya Tanah Persekutuan.”

[107] Therefore, the application in Enclosure 1 is allowed and this court orders for the following to be forfeited pursuant to subsection 56(2) of the Act and pursuant to subsection 58 of the Act, to be vested in the Federal Government:

- “(i) Bahawa harta tak alih iaitu sebidang tanah yang didaftarkan sebagai No. Hakmilik HSM 98 Lo 1170, Mukim Pulau Babi, Mukim Pulau Besar, Daerah Mersing, Negeri Johor dengan keluasan 3.0503 hektar yang didaftarkan di Pejabat Tanah Mersing, Mersing Johor atas nama Responden dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan;
- (ii) Bahawa Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah Mersing, Daerah Mersing, Johor diperintahkan

untuk mendaftarkan satu bidang tanah No. Hakmilik HSM 98 Lo 1170, Mukim Pulau Babi, Mukim Pulau Besar, Daerah Mersing, Negeri Johor didaftarkan atas nama Pesuruhjaya Tanah Persekutuan.”

### Case Number 18

[108] This court has analysed the affidavits of parties with the exhibits and has considered the submissions of both the learned Deputy Public Prosecutor and learned counsel. This court finds that the applicant has succeeded in proving, on the balance of probabilities, that the following items is the subject matter or evidence relating to the commission of an offence under paragraph 4(1) of the Act:

- “(i) Bahawa harta tak alih iaitu sebidang tanah yang didaftarkan sebagai No. Hakmilik HSM 68 Lot 28, Mukim Pulau Babi, Pulau Babi Besar, Daerah Mersing, Negeri Johor dengan keluasan 5.1294 hektar yang didaftarkan di Pejabat Tanah Mersing, Mersing, Johor atas nama Amir Shariffuddin bin Abd Raub, No Kad Pengenalan 730524-02-5255 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah Mersing, Mersing, Johor diperintah untuk mendaftarkan tanah No. Hakmilik HSM 68 Lot 28 tersebut atas nama Pesuruhjaya Tanah Persekutuan;
- (ii) Bahawa harta tak alih iaitu sebidang tanah yang didaftarkan sebagai No. Hakmilik HSD 181251 PTB 12380, Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor dengan keluasan 126.4642 meter persegi yang didaftarkan atas nama Ahmad Syahrill bin Ab Raub, No. Kad Pengenalan 750222-01-6861 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar

Hakmilik/Pentadbir Tanah, Pejabat Tanah dan Galian Johor, Johor diperintah untuk mendaftarkan tanah No. Hakmilik HSD 181251 PTB 12380 tersebut atas nama Pesuruhjaya Tanah Persekutuan;

- (iii) Bahawa harta tak alih iaitu satu unit rumah 1 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 3639 Lot 4828 Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor dengan keluasan 868.8095 meter persegi yang didaftarkan atas nama Ahmad Syahrill bin Ab Raub, No. Kad Pengenalan 750222-01-6861 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah dan Galian Johor, Johor diperintah untuk mendaftarkan tanah No. Hakmilik PN 3639 Lot 4828 tersebut atas nama Pesuruhjaya Tanah Persekutuan;
- (iv) Bahawa harta tak alih iaitu satu unit rumah 1 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 3630 Lot 3424 Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor dengan keluasan 1,198.8812 meter persegi yang didaftarkan atas nama Amir Shariffuddin bin Abd Raub, No. Kad Pengenalan 730524-02-5255 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah dan Galian Johor, Johor diperintah untuk mendaftarkan tanah No. Hakmilik PN 3630 Lot 3424 tersebut atas nama Pesuruhjaya Tanah Persekutuan;
- (v) Bahawa harta tak alih iaitu satu unit rumah 1 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 36090 Lot 3419 Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor dengan keluasan 976.3026 meter persegi

yang didaftarkan atas nama Ahmad Syahrill bin Ab Raub, No. Kad Pengenalan 750222-01-6862 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah dan Galian Johor, Johor diperintah untuk mendaftarkan tanah No. Hakmilik PN 36090 Lot 3419 tersebut atas nama Pesuruhjaya Tanah Persekutuan;

- (vi) Bahawa harta tak alih iaitu satu unit rumah 2 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 3551 Lot. No. 3463 Mukim Bandar Johor Bahru Daerah Johor Bahru Negeri Johor dengan keluasan 1,107.8269 meter persegi yang didaftarkan atas nama Mazita binti Mahmod, No. Kad Pengenalan 720517-01-6298 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah dan Galian Johor, Johor diperintah untuk mendaftarkan tanah No. Hakmilik PN 3551 Lot 3463 tersebut atas nama Pesuruhjaya Tanah Persekutuan.”

[109] This court hereby allows the application in Enclosure 1 and order for the following to be forfeited pursuant to subsection 56(2) of the Act and pursuant to subsection 58 of the Act, to be vested in the Federal Government:

- “(i) Bahawa harta tak alih iaitu sebidang tanah yang didaftarkan sebagai No. Hakmilik HSM 68 Lot 28, Mukim Pulau Babi, Pulau Babi Besar, Daerah Mersing, Negeri Johor dengan keluasan 5.1294 hektar yang didaftarkan di Pejabat Tanah Mersing, Mersing, Johor atas nama Amir Shariffuddin bin Abd Raub, No Kad Pengenalan 730524-02-5255 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah,

Pejabat Tanah Mersing, Mersing, Johor diperintah untuk mendaftarkan tanah No. Hakmilik HSM 68 Lot 28 tersebut atas nama Pesuruhjaya Tanah Persekutuan;

- (ii) Bahawa harta tak alih iaitu sebidang tanah yang didaftarkan sebagai No. Hakmilik HSD 181251 PTB 12380, Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor dengan keluasan 126.4642 meter persegi yang didaftarkan atas nama Ahmad Syahrill bin Ab Raub, No. Kad Pengenalan 750222-01-6861 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah dan Galian Johor, Johor diperintah untuk mendaftarkan tanah No. Hakmilik HSD 181251 PTB 12380 tersebut atas nama Pesuruhjaya Tanah Persekutuan;
- (iii) Bahawa harta tak alih iaitu satu unit rumah 1 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 3639 Lot 4828 Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor dengan keluasan 868.8095 meter persegi yang didaftarkan atas nama Ahmad Syahrill bin Ab Raub, No. Kad Pengenalan 750222-01-6861 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah dan Galian Johor, Johor diperintah untuk mendaftarkan tanah No. Hakmilik PN 3639 Lot 4828 tersebut atas nama Pesuruhjaya Tanah Persekutuan;
- (iv) Bahawa harta tak alih iaitu satu unit rumah 1 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 3630 Lot 3424 Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor dengan keluasan 1,198.8812 meter persegi yang didaftarkan atas nama Amir Shariffuddin bin Abd

Raub, No. Kad Pengenalan 730524-02-5255 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah dan Galian Johor, Johor diperintah untuk mendaftarkan tanah No. Hakmilik PN 3630 Lot 3424 tersebut atas nama Pesuruhjaya Tanah Persekutuan;

- (v) Bahawa harta tak alih iaitu satu unit rumah 1 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 36090 Lot 3419 Mukim Bandar Johor Bahru, Daerah Johor Bahru, Negeri Johor dengan keluasan 976.3026 meter persegi yang didaftarkan atas nama Ahmad Syahrill bin Ab Raub, No. Kad Pengenalan 750222-01-6862 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah dan Galian Johor, Johor diperintah untuk mendaftarkan tanah No. Hakmilik PN 36090 Lot 3419 tersebut atas nama Pesuruhjaya Tanah Persekutuan;
- (vi) Bahawa harta tak alih iaitu satu unit rumah 2 tingkat beserta sebidang tanah yang didaftarkan sebagai PN 3551 Lot. No. 3463 Mukim Bandar Johor Bahru Daerah Johor Bahru Negeri Johor dengan keluasan 1,107.8269 meter persegi yang didaftarkan atas nama Mazita binti Mahmud, No. Kad Pengenalan 720517-01-6298 dilucuthakkan dan terletak hak kepada Kerajaan Persekutuan dan Pendaftar Hakmilik/Pentadbir Tanah, Pejabat Tanah dan Galian Johor, Johor diperintah untuk mendaftarkan tanah No. Hakmilik PN 3551 Lot 3463 tersebut atas nama Pesuruhjaya Tanah Persekutuan.”

### Case Number 19

[110] After examining the affidavits of parties and the exhibits and after considering the submissions of both the learned Deputy Public Prosecutor and learned counsel, this court finds that the applicant has succeeded in proving, on the balance of probabilities, that the following items is the subject matter or evidence relating to the commission of an offence under paragraph 4(1) of the Act:

“Bahawa wang berjumlah RM 150,200.00 (Ringgit Malaysia Seratus Lima Puluh Ribu Dua Ratus) yang telah disimpan di dalam akaun milik Chambers of Jesvant Singh, Akaun RHB Bank No. 2-51076-00002046 dilucuthakkan kepada Kerajaan Malaysia.”

[111] This court hereby allows the application in Enclosure 1 and order for the following to be forfeited pursuant to subsection 56(2) of the Act and pursuant to subsection 58 of the Act, to be vested in the Federal Government:

“Bahawa wang berjumlah RM 150,200.00 (Ringgit Malaysia Seratus Lima Puluh Ribu Dua Ratus) yang telah disimpan di dalam akaun milik Chambers of Jesvant Singh, Akaun RHB Bank No. 2-51076-00002046 dilucuthakkan kepada Kerajaan Malaysia.”

[112] Pertaining to the third party in Case Number 29 and Case Number 20, Amir Shariffuddin, this court rejects the application by the third party. For a third party proceedings under section 61 to succeed, the preconditions under paragraphs (a) to (e) of subsection 61(4) must all be fulfilled. In other words, paragraphs (a) to (e) are to be read conjunctively. I find that the third party (Amir Shariffuddin) has not fulfilled these requirements.



[113] After examining the affidavits of parties and the exhibits and after considering the submissions of both the learned Deputy Public Prosecutor and learned counsel, this court finds that Amir Shariffuddin is not a *bona fide* third party.

**Dated:** 26 AUGUST 2020

**(SHAHNAZ SULAIMAN)**  
Judicial Commissioner  
High Court of Malaya,  
Johor Bahru

**Counsel:-**

*For the applicant - Tuan Zander Lim Wai Keong, Timbalan Pendakwa Raya;  
Suruhanjaya Pencegahan Rasuah Malaysia*

*For the respondents - Azharudin & Associates*

**Case(s) referred to:**

*Public Prosecutor v. Kuala Dimensi Sdn Bhd & Ors [2019] 3 CLJ 650*

*Noor Ismahanum Mohd Ismail v. Public Prosecutor [2018] 10 CLJ 597*

*Public Prosecutor v. Dato' Zainal Abidin bin Md Nor & Ors [2019] 1 LNS 821*

*Lord Denning in Miller v. Minister of Pensions [1974] 2 All ER 372*

*Dato Yap Peng v. Public Prosecutor [1993] 2 CLJ 181*

*Kee Siak Kooi v. R [1955] 1 MLJ 57*

*Tan Sri Eric Chia v. Public Prosecutor [2006] 2 CLJ 544*

**Legislation referred to:**



**[2020] 1 LNS 1919**

**Legal Network Series**

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Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001, ss. 56, 61(4)

Malaysian Anti-Corruption Commission Act 2009, ss. 16, 28

Evidence Act 1950, s. 33