

SURUHANJAYA SYARIKAT MALAYSIA
COMPANIES COMMISSION OF MALAYSIA

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TWO DIRECTORS OF
COSMIC ELECTRICAL
ENGINEERING SDN BHD
CHARGED UNDER THE
COMPANIES ACT 1965 FOR
WITHDRAWING COMPANY'S
FUND WITHOUT APPROVAL

SHARE

TWO DIRECTORS OF COSMIC ELECTRICAL ENGINEERING SDN BHD CHARGED UNDER THE COMPANIES ACT 1965 FOR WITHDRAWING COMPANY'S FUND WITHOUT APPROVAL

25th June 2013 – Chen Chew and Chen Choong Khung, directors of Cosmic Electrical Engineering Sdn Bhd, were charged at Johor Bahru Sessions Court for committing an offence under section 132(1) of the Companies Act 1965 (CA 1965).

The charges alleged that Chen Chew and Chen Choong Khung had withdrawn RM112,002.15 from the company's bank account at Public Bank Berhad without the company's approval.

Section 132(1) CA 1965 provides that a director shall at all times exercise his powers for a proper purpose and in good faith in the best interest of the company. The said offence carries a maximum penalty of five (5) years imprisonment or fine of RM30,000.00.

Chen Chew and Chen Choong Khung also faced an alternative charge under section 132(2)(a) CA 1965 in relation to improper use of company's property. The offence under section 132(2)(a) CA 1965 carries a maximum penalty of five (5) years imprisonment or fine of RM30,000.00.

The Sessions Court Judge, Tuan Muhammad Jamil Hussin released Chen Chew and Chen Choong Khung on RM10,000.00 bail each with one surety. The court set July 9 for mention of the Chen Chew's case, and July 24, the mention date for Chen Choong Khung's case.

En. Mohamad Azies Han Bin Mohd Fadzil prosecuted on behalf of the Public Prosecutor and Chen Chew and Chen Choong Khung were represented by YC Wong.

The prosecution action demonstrates SSM is committed to ensure strict compliance of the Companies Act by the officers of companies.

ISSUED BY : SURUHANJAYA SYARIKAT MALAYSIA (SSM)
DATED : 26 JUNE 2013

PENGARAH-PENGARAH SYARIKAT COSMIC ELECTRICAL ENGINEERING SDN BHD DIDAKWA DI BAWAH AKTA SYARIKAT 1965 KERANA MENGELUARKAN WANG SYARIKAT TANPA KELULUSAN

25 Jun 2013 – Chen Chew dan Chen Choong Khung iaitu pengarah syarikat Cosmic Electrical Engineering Sdn Bhd, telah didakwa di Mahkamah Sesyen Johor Bahru hari ini atas kesalahan di bawah seksyen 132(1) Akta Syarikat 1965 (AS 1965).

Kesalahan-kesalahan tersebut adalah berkaitan tindakan Chen Chew dan Chen Choong Khung mengeluarkan wang milik syarikat berjumlah RM112,002.15 dari akaun syarikat di Public Bank Berhad tanpa kelulusan syarikat.

Seksyen 132(1) AS 1965 memperuntukkan bahawa pengarah pada setiap masa hendaklah menjalankan tugas dengan tujuan yang munasabah dan suci hati bagi kepentingan syarikat. Jika disabitkan bersalah hukuman yang diperuntukkan ialah penjara lima (5) tahun atau denda RM30,000.00.

Chen Chew dan Chen Choong Khung juga didakwa dengan pertuduhan alternatif di bawah seksyen 132(2)(a) AS 1965 berkaitan penyalahgunaan harta syarikat. Jika sabit kesalahan mereka boleh dihukumkan penjara lima (5) tahun atau denda RM30,000.00.

Hakim Mahkamah Sesyen, Tuan Muhammad Jamil Hussin melepaskan Chen Chew dan Chen Choong Khung dengan wang jaminan berjumlah RM10,000.00 berserta seorang penjamin. Mahkamah menetapkan 9 Julai bagi sebutan kes ke atas Chen Chew, dan 24 Julai bagi sebutan kes ke atas Chen Choong Khung.

En. Mohamad Azies Han Bin Mohd Fadzil, pegawai pendakwa Suruhanjaya Syarikat Malaysia menjalankan pendakwaan bagi pihak Pendakwa Raya sementara Chen Chew dan Chen Choong Khung diwakili oleh YC Wong dari Tetuan Sheng Lee Law Office.

Tindakan pendakwaan ini menunjukkan bahawa SSM komited untuk memastikan pematuhan kepada Akta Syarikat 1965 oleh pegawai-pegawai syarikat.

DIKELUARKAN OLEH : SURUHANJAYA SYARIKAT MALAYSIA (SSM)
TARIKH : 26 JUN 2013

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