

SURUHANJAYA SYARIKAT MALAYSIA
COMPANIES COMMISSION OF MALAYSIA

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COMPANIES ACT 1965

SHARE

TWO DIRECTORS CHARGED FOR BREACH OF FIDUCIARY DUTIES UNDER THE COMPANIES ACT 1965

Md Sharif bin Ahmad and Rose Nainy binti Thumiran, directors of Yong Vic Sdn Bhd were charged at the Johor Bahru Session Court with an offence under section 132(2)(a) of the Companies Act 1965 ('CA 1965') for misappropriating company's fund amounting to RM149,000.00. The offence under section 132(2)(a) CA 1965 carries a maximum penalty of five (5) years imprisonment or a fine of RM30,000.00.

Both of the directors also faced with an alternative charge under section 132(1) CA 1965 for breaching their fiduciary duties to act in the best interest of the company.

Both Md Sharif bin Ahmad and Rose Nainy binti Thumiran pleaded not guilty to the charges and they were represented by their legal counsel, Mr Devandran.

The Sessions Court Judge, Tuan Muhammad Jamil bin Hussin released Md Sharif bin Ahmad and Rose Nainy binti Thumiran on bail of RM10,000.00 each with one surety.

Mr. Steve Chin Yun Cheong, senior prosecuting officer of Suruhanjaya Syarikat Malaysia ('SSM') prosecuted on behalf of the Public Prosecutor.

SSM hopes the above case will send out a clear message to company directors 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

ISSUED BY : SURUHANJAYA SYARIKAT MALAYSIA (SSM)
DATED : 28 AUGUST 2013

DUA ORANG PENGARAH SYARIKAT DITUDUH MELANGGAR TANGGUNGJAWAB FUDUSIARI DI BAWAH AKTA SYARIKAT 1965

Md Sharif bin Ahmad dan Rose Nainy binti Thumiran pengarah-pengarah syarikat Yong Vic Sdn Bhd telah dihadapkan ke Mahkamah Sesyen Jenayah Johor Bahru atas pertuduhan di bawah seksyen 132(2)(a) Akta Syarikat 1965 ('AS 1965') kerana melakukan pecah amanah duit syarikat berjumlah RM149,000.00. Jika sabit kesalahan di bawah seksyen tersebut, mereka boleh dihukum penjara maksimum selama lima (5) tahun atau boleh didenda sebanyak RM30,000.00.

Md Sharif bin Ahmad dan Rose Nainy binti Thumiran juga turut dituduh dengan pertuduhan alternatif di bawah seksyen 132 (1) AS 1965 iaitu kerana sebagai pengarah syarikat mereka telah gagal bertindak dengan munasabah dan suci hati untuk kepentingan syarikat seperti yang dikehendaki oleh undang-undang.

Md Sharif bin Ahmad dan Rose Nainy binti Thumiran Both Md Sharif mengaku tidak bersalah terhadap kedua-dua pertuduhan dan minta dibicarakan. Mereka diwakili oleh peguambela, En Devandran.

Tuan Hakim Mahkamah Sesyen, Tuan Muhammad Jamil bin Hussin telah melepaskan Md Sharif bin Ahmad dan Rose Nainy binti Thumiran dengan ikat jamin sebanyak RM10,000.00 setiap seorang dengan seorang penjamin.

Pendakwaan dijalankan oleh pegawai pendakwa kanan Suruhanjaya Syarikat Malaysia ('SSM'), En. Steve Chin Yun Cheong.

SSM berharap pendakwaan kes diatas memberi mesej yang jelas kepada pengarah-pengarah syarikat bahawa mereka dikehendaki melepaskan tanggungjawab sebagai pengarah dengan suci hati bagi kepentingan syarikat sahaja.

DIKELUARKAN OLEH : SURUHANJAYA SYARIKAT MALAYSIA (SSM)
TARIKH : 28 OGOS 2013

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