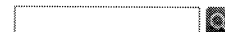


SURUHANJAYA SYARIKAT MALAYSIA  
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DIRECTOR OF ASCENDEX  
SDN BHD CHARGED FOR  
BREACH OF FIDUCIARY  
DUTIES UNDER THE  
COMPANIES ACT 1965

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## DIRECTOR OF ASCENDEX SDN BHD CHARGED FOR BREACH OF FIDUCIARY DUTIES UNDER THE COMPANIES ACT 1965

Leong King Ho, director of Ascendex Sdn Bhd was charged at the Kuala Lumpur Sessions Court 12 with an offence under section 132(1) of the Companies Act 1965 ('CA 1965').

The charge against Leong King Ho alleged that he had instructed Sime Darby Property Sdn Bhd to make payment for a civil engineering work carried out by Ascendex Sdn Bhd to another company named Xcendex Sdn Bhd in which the accused is one of the director. The instruction was made without the knowledge of the Board of Directors of Ascendex Sdn Bhd.

The offence under section 132(1) CA 1965 carries a maximum penalty of five (5) years imprisonment or a fine of RM30,000.00.

Leong also faced an alternative charge under section 132(2)(c) CA 1965 for improper use of his position as director of Ascendex Sdn Bhd to gain a benefit for himself.

Leong pleaded not guilty to the charges and was represented by his lawyer, Mr Ganesan Karuppanan. Yap Pool Fah, prosecuting officer from Suruhanjaya Syarikat Malaysia ('SSM') prosecuted on behalf of the Public Prosecutor.

The Sessions Court Judge, Puan Rihaida binti Rafie released Leong on bail of RM9,000.00 with one surety.

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 : 04 SEPTEMBER 2013

### PENGARAH SYARIKAT ASCENDEX SDN BHD DITUDUH MELANGGAR TANGGUNGJAWAB FIDUSIARI DI BAWAH AKTA SYARIKAT 1965

Leong King Ho, pengarah syarikat Ascendex Sdn Bhd telah dihadapkan ke Mahkamah Sesyen Jenayah 12 Kuala Lumpur atas pertuduhan di bawah seksyen 132(1) Akta Syarikat 1965 ('AS 1965') kerana telah mengarahkan syarikat Sime Darby Property Sdn Bhd membuat bayaran bagi satu projek kejuruteraan awam milik Ascendex Sdn Bhd kepada syarikat Xcendex Sdn Bhd yang mana tertuduh juga merupakan pengarah di dalam syarikat tersebut.

Arahan pembayaran ini telah dibuat tanpa pengetahuan ahli lembaga pengarah syarikat Ascendex Sdn Bhd.

Jika sabit kesalahan di bawah seksyen 132(1) AS 1965, tertuduh boleh dihukum penjara maksimum selama lima (5) tahun atau boleh didenda sehingga RM30,000.00.

Leong juga turut dituduh dengan satu pertuduhan alternatif di bawah seksyen 132(2)(c) AS 1965 iaitu menggunakan kedudukannya sebagai pengarah syarikat Ascendex Sdn Bhd untuk mendapat faedah diri sendiri.

Leong mengaku tidak bersalah ke atas pertuduhan-pertuduhan di atas dan minta dibicarakan. Beliau diwakili oleh peguambela, En Ganesan Karuppanan. Manakala pendakwaan dijalankan oleh pegawai pendakwa Suruhanjaya Syarikat Malaysia ('SSM'), Yap Pool Fah.

Hakim Mahkamah Sesyen, Puan Rihaida binti Rafie telah melepaskan Leong dengan ikat jamin sebanyak RM9,000.00 dengan seorang penjamin.

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

DIKELUARKAN OLEH : SURUHANJAYA SYARIKAT MALAYSIA (SSM)  
TARIKH : 04 SEPTEMBER 2013

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