

SURUHANJAYA SYARIKAT MALAYSIA  
COMPANIES COMMISSION OF MALAYSIA

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SSM OBTAINS CONVICTION  
AGAINST TWO COMPANY  
DIRECTORS UNDER  
COMPANIES ACT 1965 FOR  
UNAUTHORISED USE OF  
COMPANY'S PROPERTY

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**SSM OBTAINS CONVICTION AGAINST TWO COMPANY DIRECTORS UNDER COMPANIES ACT 1965 FOR UNAUTHORISED USE OF COMPANY'S PROPERTY**

On 26th September 2013, Chen Chew and Chen Choong Khung the directors of Cosmic Electrical Engineering Sdn Bhd were convicted by the Johor Bahru Sessions Court for committing an offence under Sections 132(2)(a) of the Companies Act 1965 ('CA 1965').

The offence charged was in relation to the utilisation of company's funds amounting to RM112,002.15 without the company's approval.

Section 132(2)(a) CA 1965 provides that a director or officer of a company shall not, without the consent or ratification of a general meeting use the property of the company to gain directly or indirectly a benefit for himself or any other person or cause detriment to the company. 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 Nur'aman Mahmud Zuhudi ordered Chen Chew and Chen Choong Khung to pay fine of RM6,000.00 each for the contravention in default two (2) months imprisonment.

En. Mohamad Azies Han Bin Mohd Fadzil prosecuted on behalf of SSM while Chen Chew and Chen Choong Khung were represented by counsel Shim Wai Loon from Messrs Wang & S.B. Wong.

ISSUED BY : SURUHANJAYA SYARIKAT MALAYSIA (SSM)  
DATED : 27 SEPTEMBER 2013

**SSM MEMPEROLEHI SABITAN TERHADAP DUA PENGARAH SYARIKAT BAGI KESALAHAN DI BAWAH SEKSYEN 132(2)(a) AKTA SYARIKAT 1965**

Chen Chew dan Chen Choong Khung iaitu pengarah syarikat Cosmic Electrical Engineering Sdn Bhd, telah disabitkan oleh Mahkamah Sesyen Johor Bahru dengan kesalahan di bawah Seksyen 132(2)(a) Akta Syarikat 1965 ('AS 1965') pada 26 September yang lalu.

Kesalahan-kesalahan tersebut adalah berkaitan penggunaan wang syarikat berjumlah RM112,002.15 tanpa kelulusan syarikat.

Seksyen 132(2)(a) AS 1965 memperuntukkan bahawa pengarah atau pegawai syarikat tidak harus tanpa kebenaran atau pengesahan melalui mesyuarat agung menggunakan harta syarikat secara langsung atau tidak langsung bagi mendapatkan keuntungan peribadi atau orang lain yang menyebabkan kemudaratan kepada syarikat. Jika sabit kesalahan mereka boleh dihukum penjara lima (5) tahun atau denda RM30,000.00.

Hakim Mahkamah Sesyen, Tuan Nur'aman Mahmud Zuhudi telah menjatuhkan hukuman denda sebanyak RM6,000.00 setiap seorang bagi kesalahan di atas dan jika gagal bayar dua (2) bulan penjara.

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 Shim Wai Loon dari Tetuan Wang & S.B. Wong.

DIKELUARKAN OLEH : SURUHANJAYA SYARIKAT MALAYSIA (SSM)  
TARIKH : 27 SEPTEMBER 2013

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