

DALAM MAHKAMAH PERSEKUTUAN MALAYSIA
(BIDANG KUASA RAYUAN JENAYAH)
RAYUAN JENAYAH NO. 05-74-2005(B)

ANTARA

PENDAKWA RAYA

... PERAYU

DAN

LIM HOCK BOON

... RESPONDEN

KORAM: ZAKI TUN AZMI, CJ
ALAUDDIN DATO' MOHD SHERIFF, PCA
NIK HASHIM NIK AB. RAHMAN, FCJ
AUGUSTINE PAUL, FCJ
ABDUL AZIZ MOHAMAD, FCJ

JUDGMENT OF ZAKI TUN AZMI, CJ

1. I have the advantage of reading the two grounds of judgments of my learned brothers Abdul Aziz Mohamad FCJ and Nik Hashim FCJ. Both judgments dealt at length on the legal position of possession. And I do not need to go into them again.
2. As regards the respondent's defence that the drug could have been put in the car by any one of the three persons named by him, I agree with the learned trial judge that for reasons given by him that the respondent has not raised any reasonable doubt in the prosecution's case.
3. I therefore allow the appeal and set aside the orders of the Court of Appeal. The conviction and sentence of the High Court are restored.

Dated : 20 February 2009

ZAKI TUN AZMI
Chief Justice
Malaysia