

IN THE FEDERAL COURT OF MALAYSIA

AT PUTRAJAYA

CRIMINAL APPEAL NO. 05-67-2005 (J) & 05-68-2005 (J)

BETWEEN

- 1. LEE AH SENG**
- 2. LEE KWAI HEONG** ... **APPELLANTS**

AND

PUBLIC PROSECUTOR ... **RESPONDENT**

APPEAL FROM COURT OF APPEAL AT PUTRAJAYA
(CRIMINAL APPEAL NO. J-05-52-03 & J-05-53-03)

BETWEEN

- 1. LEE KWAI HEONG**
- 2. LEE AH SENG** ... **APPELLANTS**

AND

PUBLIC PROSECUTOR ... **RESPONDENT**

QUORUM: **ALAUDDIN BIN MOHD. SHERIFF, FCJ**
 ARIFIN BIN ZAKARIA, FCJ
 NIK HASHIM BIN NIK AB. RAHMAN, FCJ
 ABDUL AZIZ BIN MOHAMAD, FCJ
 AZMEL BIN HAJI MAAMOR, FCJ

JUDGMENT OF ARIFIN BIN ZAKARIA, FCJ

My learned brothers Abdul Aziz bin Mohamad, Nik Hashim bin Nik Ab. Rahman and Azmel bin Haji Maamor, FCJJ had each written a separate judgment. Abdul Aziz bin Mohamad, for the reasons given in his judgment, was of the view that the appeals ought to be allowed, whereas Nik Hashim bin Nik Ab. Rahman and Azmel bin Haji Maamor were of the view that the finding of the learned trial judge as affirmed by the Court of Appeal ought to be upheld. Alauddin bin Mohd. Sheriff had expressed his agreement with Abdul Aziz bin Mohamad. After reading the judgments of my learned brothers, I am inclined to agree with Abdul Aziz bin Mohamad that these appeals ought to be allowed for the reasons stated in his judgment. I would therefore allow the appeals and quash the conviction and set aside the sentence imposed.

Dated: 26 July 2007

(DATO' ARIFIN BIN ZAKARIA)
Federal Court Judge
Malaysia

Counsel for the Appellant : Hisyam Teh Poh Teik
Solicitors for the Appellant : Messrs Teh Poh Teik & Co.
Counsel for the Respondent : Manoj Kurup
Deputy Public Prosecutor