

Dubai Courts – Official Translation (Al Basha Legal Translation) Judgment – Penal Case No. 48248/2018 (Dubai) Date of Judgment: 12 August 2018 **Court:** First Instance Court, Dubai **Presiding Judge:** Majdi Ismael Mahmood.

Dubai Courts – Official Translation (Al Basha Legal Translation) Judgment – Penal Case No. 48248/2018 (Dubai)

Date of Judgment: 12 August 2018 **Court:** First Instance Court, Dubai **Presiding Judge:** Majdi Ismael Mahmood **Prosecutor Attorney:** Present **Court Secretary:** Present

Accused:

1. **Malvindran Ganesh**, 34 years old, Malaysian national
2. **Mark Lawrence**, 50 years old, British national

Jurisdiction: Bur Dubai Police Station **Period of Offence:** August 2017 – December 2017

Summary of Charges: The public prosecution charged the accused with fraudulently seizing a cash amount of **441,000 dirhams** by misleading the victim, **Soo Hui Ling**.

Dubai Courts – Official Translation (Al Basha Legal Translation) Judgment – Penal Case No. 48248/2018 (Dubai) Date of Judgment: 12 August 2018 **Court:** First Instance Court, Dubai **Presiding Judge:** Majdi Ismael Mahmood.

Case Narrative – Page 2

The accused claimed to be partners of a company named **N K D Technologies**, asserting that the company was engaged in trading in digital currency and could generate profits through such trading. They told the victim that she would receive an investment contract in the same digital currency after making a cash payment. Their argument was reinforced by the presence of an official website for the company, through which the victim could allegedly trade in the currency. It was later discovered that the website was fake and designed to deceive the victim, motivating her to hand over the amount, as proven by the documents.

The case was referred to this court with a request for punishment under Articles **1/44, 46, 47, 1/121, and 1/139** of the Amended Federal Penal Code No. 3 of 1987.

Facts of the Case

The facts of this case, as determined by the certainty of the court and supported by the papers, investigations, and proceedings, are as follows:

The victim, **Soo Hui Ling**, reported that while browsing Facebook, she received a notification from “NKD” and contacted the telephone numbers provided. She then communicated with individuals who played the fraud role and seized **441,000 dirhams** using fraudulent methods. They misled the victim by claiming to be partners of **N K D Technologies**, asserting that the company traded in digital currency and could generate profits. They claimed she would receive an investment contract in the same currency after paying cash. Their argument was strengthened by the presence of an official website, which was later proven to be fake.

Dubai Courts – Official Translation (Al Basha Legal Translation) Judgment – Penal Case No. 48248/2018 (Dubai) Date of Judgment: 12 August 2018 **Court:** First Instance Court, Dubai **Presiding Judge:** Majdi Ismael Mahmood.

Case Narrative – Page 3

The victim, **Soo Hui Ling**, confirmed during all inferences and investigations conducted by the Public Prosecution that, while browsing Facebook, she received a notification from “NKD” and contacted the telephone numbers obtained from Facebook. She then communicated with individuals who played the fraud role and seized **441,000 dirhams** using fraudulent methods. They misled the victim by claiming to be partners of **N K D Technologies**, asserting that the company was engaged in trading in digital currency and could generate profits. They claimed she would receive an investment contract in the same currency after paying cash. Their argument was strengthened by the presence of an official website of the company, through which the victim could allegedly trade in the currency. It was later discovered that the website was fake and designed to deceive the victim, motivating her to hand over the amount mentioned above through banking transfer and cash.

Jagjit Singh witnessed the investigations in the Public Prosecutor’s Office and confirmed the content of the victim’s testimony.

The defendants were **not questioned due to absconding**.

During the court hearing, **they did not attend**.

Court’s Legal Reasoning

It is established in the Court of Cassation that the court of subject may derive its conviction regarding the incident from any evidence that reassures it, as long as such evidence is taken from correct papers.

Reference: Appeal No. 298 of 2004 – Penal Hearing of 8/1/2005.

Dubai Courts – Official Translation (Al Basha Legal Translation) Judgment – Penal Case No. 48248/2018 (Dubai) Date of Judgment: 12 August 2018 **Court:** First Instance Court, Dubai **Presiding Judge:** Majdi Ismael Mahmood.

Court's Legal Reasoning – Page 4

It is established that consideration in criminal trials is based on the conviction of the judge, formed from the evidence presented to him. His conviction may be based on any evidence available, provided that such evidence is taken from the correct documents of the lawsuit.

Reference: Paragraph 13 of Appeal No. 1734, Judicial Year 50 Technical Office 32 Date of Hearing: 26/01/1981 (Page No. 79)

Crimes of all kinds, except those requiring specific forms of proof, may be proven by all legal methods, including evidence and circumstantial indications. It is not permissible to require the judge to rely on a specific type of proof or to restrict the formation of his conviction to a particular evidentiary method.

Reference: Paragraph 12 of Appeal No. 1734, Judicial Year 50 Technical Office 32 Date of Session: 1981/01 (Page No. 79)

Given the incident as stated, the evidence presented is valid and reliable, and the court is reassured by the evidence mentioned above. The legal elements of the crime are established against the accused, and therefore they must be convicted pursuant to **Article 212** of the penal procedure rules and punished under the relevant articles cited in the case.

Judgment

The court ruled: To punish the accused with **imprisonment for two months** and to **ban/abscond them from the country**.

Al Basha Legal Translation Mahmoud Ali Legal Translator (English–Arabic & Vice Versa)
Entry No.: 652 Dubai, 2014