



الباشا للترجمة القانونية

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## Decisions

From Case No. 48248/Penal/2018

### Decision

| Decision type | Irrevocable Judgment |                    |
|---------------|----------------------|--------------------|
| Serial No     | 14                   | Date               |
|               |                      | 12 / August / 2018 |

The court ruled in the absence in punishing the accused parties by arresting both of them for a period of two months due the accusations against them and by exiling them from the country.

08/ August / 2018  
02/ August / 2018  
02/ August / 2018  
02/ August / 2018  
02/ August / 2018  
30/ July / 2018  
30/ July / 2018  
30/ July / 2018  
30/ July / 2018

Adjournment to issue the verdict

Referral order  
Referral order  
Referral order  
Referral order  
Temporary order  
Temporary order  
Temporary order  
Temporary order





Since it is decided that the consideration in criminal trials is based on the conviction of the judge based on the evidence presented to him, then his faith should be from any evidence that is available to him as long as this evidence is taken from the correct documents of the lawsuit.

Paragraph 13 of the appeal No. 1734 judicial year. 50 Technical Office 32 Date of the hearing 26/01/1981 (Page No 79).

Crimes of all kinds, except what described specially, may be proven by all legal methods, including evidence and evidence of circumstances, it is not allowed to ask the judge to take evidence without proof or to restrict the formation of his faith in a specific proof.

Paragraph 12 of the appeal No. 1734 Judicial year 50 Technical office 32 Date of the session 1981/01 No (page No. 79).

And where the incident as stated in his statement, the evidence is based on the validity and reliability of the accused to the court of the Tribunal for the evidence stated above.

Which has the legal elements of the crime against the accused and therefore have to be convicted pursuant to Article 212 of the penal procedure rules and punish them by the following articles of the statement.

For that,

The court ruled

By punishing the accused with imprisonment for two months and abscond/ ban them from country.



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with the currency contrary to the fact that it was later discovered as fake site, which would deceive the victim and motivating to hand over the amount mentioned above.

Soo Hui Ling, witnessed all inferences and investigations in the Public Prosecution that, while browsing the site of Facebook, got a notification by NKD and contacted by numbers got form Facebook, with these played the fraud role and seized the 4,41,000 dirhams by using a fraudulent way that they misled the victim, that they are partners of company named N K D Technologies and the mentioned company is engaged in trading in digital currency and they can make a profit from it through that currency, claiming that they will get the investment contract in the same currency after the cash payment and their argument is strengthened by the presence of an official website of the company, the victim can trade in site with the currency contrary to the fact that it was later discovered as fake site, which would deceive the victim and motivating to hand over the amount mentioned above through banking transfer and cash.

Jagjit Singh witnessed the investigations in the Public Prosecutor's Office with the content of the testimony of the victim.

The defendants were not questioned due to abscond.

And where as in court hearing, they not attended

Whereas it is decided in the court of cassation that the court of the subject shall derive its conviction from the probation of the incident from any evidence reassuring it as long as it takes its correct papers.

Appeal no. 298 of 2004 for penal hearing of 8/1/2005





partners of company named N K D Technologies and the mentioned company is engaged in trading in digital currency and they can make a profit from it through that currency, claiming that they will get the investment contract in the same currency after the cash payment and their argument is strengthened by the presence of an official website of the company, the victim can trade in site with currency contrary to the fact that it was later discovered as fake site, which would deceive the victim and motivating to hand over the amount, it is as per proved by documents.

Referred to this court and requested for punishment according to articles 1/44, 46,47,1/121,1/139 of the Amended Federal Penal Code No. 3 of 1987.

### The facts

Since the facts of this case, as determined by the certainty of the court and reassured by its findings from the rest of its papers and the investigations carried out and what took place in the hearing of the court obtained from what was reported by the victim / **Soo Hui Ling** that, while browsing the site of Facebook, got notification by NKD and contacted by telephone numbers got form it, with those played the fraud role and seized the 4,41,000 dirhams by using a fraudulent way that they misled the victim, that they are partners of company named N K D Technologies and the mentioned company is engaged in trading in digital currency and they can make a profit from it through that currency, claiming that they will get the investment contract in the same currency after the cash payment and their argument is strengthened by the presence of an official website of the company, the victim



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In the name of Allah

Judgment

In the name of His Highness Muhammad bin Rashid Al Maktoum, Ruler of  
Dubai

In the public hearing conducted on Dubai Courts on 12/8/2018.

Presided by the judge / Majdi Ismael Mahmood – Judge in First Instance  
Court

In the presence of Mr/ prosecutor attorney

Mr/ secretary

The following judgment was ordered

In penal case no . 48248/ 2018 – Penal Dubai

Filed from public prosecution against.

Malvindrán Ganesb

34 years Malaysian National

Mark Lawrence

50 years Brittan National

After reviewing the papers and hearing the requests of the Public Prosecution  
and the pleadings.

Where prosecution charged upon the accused.

Because they are in the jurisdiction of the Bur Dubai Police Station since  
August to December 2017.

Due to seizing themselves a cash amount of 4,41,000 dirhams by using a  
fraudulent way that they misled the victim, Soo Hui Ling.

