

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 Ismaeel 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:

Malvendran Ganesh 34 years Malaysian National

Mark Lorence 50 years Brittan National

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

Where prosecutors were charged to 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, **Sohoi Leng**, that they are partners of company named N K D Technologies and the mentioned company is engaged in

trading in electronic 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 / **Sohoi Leng** that, while browsing the site of Face Book, got an announcement by NKT and contacted with numbers got form announcement, 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 electronic 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.

Sohoi, witnessed all of the inferences and investigations of the Public Prosecution that, while browsing the site of Face Book, got an announcement by NKT and contacted with numbers got form announcement, 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 electronic 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.

Jagith Singh witnessed the investigations of 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,

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

Since it is decided that the lesson 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 evidence 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.