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CBT of RM100,000 belonging to fishermen: Man loses appeal

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KOTA KINABALU: A 61-year-old man failed in his appeal against his conviction and jail sentence of two years for misappropriating RM100,000 belonging to the Fishermen's Association of Marudu-Pitas. High Court Judge Datuk Nurchaya Haji Arshad, in delivering her decision on Thursday, upheld the decision by the Sessions Court on Yunus Odis.

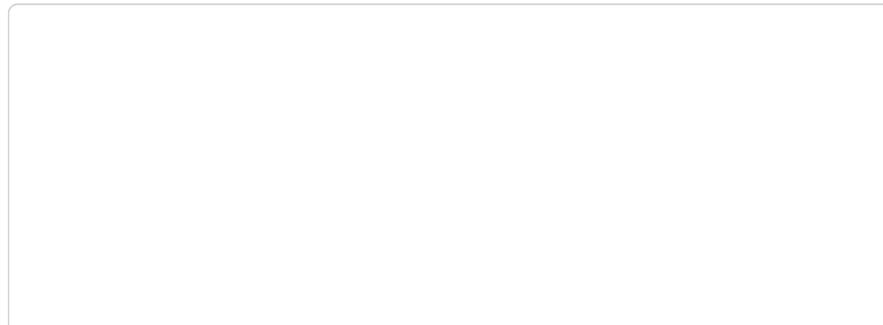
The court also maintained the Sessions Court's decision to discharge and acquit another man, Fitri Alias, from criminal breach of trust involving the said money.

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The prosecution had appealed against Fitri's acquittal.

Yunus and Fitri, 31, were accused of committing the offence on March 24, 2009 at the association's office in Kota Marudu.

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The charges stated that Fitri, who was the association's general manager in the area, was entrusted with the money from Dana Transformasi Nelayan Syarikat Siti Bersatu but breached this trust by giving the money to Yunus.

Fitri was charged under Section 409 of the Penal Code, which carries a jail term of between two years and 20 years and whipping or a fine, if found guilty while Yunus was charged under Section 403 of the Penal Code which provides for a jail term of between six months and five years and whipping and liability of a fine on conviction.

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Yunus was found guilty and sentenced to two years' jail, while Fitri was discharged and acquitted of the charge

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...however, managed to obtain a stay of execution of the sentence pending appeal to the Court of Appeal.

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Yunus and Fitri were represented by counsel Mohd Ari Nazrah and Michelle Rossana Usman, respectively, while Customs Deputy Public Prosecutor (DPP) Afifah Yusof appeared for the prosecution.

In another appeal, the court dismissed the prosecution's appeal against the inadequacy of imprisonment sentence imposed on a 23-year-old local man, who was jailed four years for setting fire to his employer's house.

Nurchaya maintained the jail term on Mohd Azlie Guahil, an assistant vegetable transporter, after hearing both parties' arguments.

DPP Gan Peng Kun informed the court that Azlie set fire to the house as he was unhappy over not being paid his salary and that the sentence should be at least 10 years.

Azlie, who was not represented, told the court that he did it because he was stressed and had lost his mind.

"The boss kept postponing for half a year paying my salary which amounted to about RM5,000," said Azlie, adding the said house was actually an empty house and that he felt satisfied for razing the house.

Azlie was on April last year sentenced to four years' jail by the Sessions Court for setting fire to the house of one Hasili Karimin in Ranau, at 8.40pm on April 4, 2015.

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