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JUDGMENT EXPRESS

MOHAMMAD AZANUL HAQIMI TUAN AHMAD AZAHARI

v.

TIMBALAN MENTERI DALAM NEGERI, MALAYSIA & ORS

Criminal Procedure: Habeas corpus - Appeal against High Court's refusal to issue appellant a writ of habeas corpus - Whether appellant denied his right to be represented by counsel - Whether there was technical defect - Whether detaining authority did not meet its burden to satisfy the court that strict requirements of law were met - Whether appellant's detention unlawful - Wilful withholding of material evidence - Whether adverse inference may be invoked on respondents

Evidence: Adverse inference - Section 114(g) Evidence Act 1950 - Wilful withholding of material evidence - Whether adverse inference may be invoked on respondents for failure to adduce the minutes of the Board hearing - Whether there was withholding or suppression of evidence - Whether oblique motive shown ...

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LATEST REPORTED CASES



MLRA 2019 September Vol 5 (Part 1)

- *Mohammad Azanul Haqimi Tuan Ahmad Azahari v. Timbalan Menteri Dalam Negeri, Malaysia & Ors* [2019] 5 MLRA 1 [FC]
Criminal procedure - Habeas corpus
- *Mohd Syamsul Md Yusof & Ors v. Elias Idris* [2019] 5 MLRA 10 [FC]
(Copyright - Infringement - Substantial reproduction)
- *Amanah Raya Berhad v. Ong Chin Hoo* [2019] 5 MLRA 24
(Sale of land - Beneficial ownership)
- *Balakrishnan Kaliappan v. Shameena Nathesan* [2019] 5 MLRA 40
(Divorce - Division of matrimonial assets - Matrimonial home)
- *Merck Sharp & Dohme Corp & Anor v. Hovid Berhad* [2019] 5 MLRA 50
(Patents - Inventive Step)
- *Tidamarine Engineering Sdn Bhd v. Kerajaan Malaysia* [2019] 5 MLRA 68
(Arbitration - Award - Setting aside)



MLRH 2019 September Vol 5 (Part 1)

- *Critical System Specialist Sdn Bhd v. CLLS Power System Sdn Bhd* [2019] 5 MLRH 1
(Contract law - Damages)
- *ENRA Engineering And Fabrication Sdn Bhd v. Gemula Sdn Bhd & Another Case* [2019] 5 MLRH 19
(Construction law - Construction of garage in military camp)
- *Pinpoint Consortium (M) Sdn Bhd v. Mammoth Empire Land Sdn Bhd* [2019] 5 MLRH 39
(Civil procedure - Appeal)
- *Prosperous Resources Sdn Bhd v. Grad Suites Sdn Bhd* [2019] 5 MLRH 53
(Summary judgment - Application for)
- *Sundra Rajoo Nadarajah v. Menteri Hal Ehwal Luar Negara, Malaysia & Ors* [2019] 5 MLRH 64
(Civil procedure - Judicial review)
- *Teledonion Sdn Bhd v. Mohd Effendi Jamaluddin* [2019] 5 MLRH 75
(Civil procedure - Appeal)



MELR 2019 September Vol 3 (Part 1)

- *Airod Sdn Bhd lwn. Kesatuan Pekerja-Pekerja Airod (KPPA) & Satu Lagi* [2019] 3 MELR 1
(Prosedur sivil - Semakan kehakiman)
- *Junainah Amran v. Aloft Kuala Lumpur Sentral* [2019] 3 MELR 13
(Dismissal - Insubordination)
- *Mohd Arif Mohd Sharif v. Tenaga Nasional Berhad* [2019] 3 MELR 46
(Dismissal - Misconduct)
- *Sene Stephane Jean v. Konecranes Sdn Bhd* [2019] 3 MELR 72
(Dismissal - Incompetency - Inability to manage company staff)

SELECTED CASES JUST RECEIVED

- *Khairuddin Abu Hassan v. Datuk Seri Haji Ahmad Hamzah & Ors*
[\[2019\] MLRAU 283](#) [FC]
- *Martego Sdn Bhd v. Arkitek Meor & Chew Sdn Bhd*
[\[2019\] MLRAU 271](#) [FC]
- *Ann Joo Steel Berhad v. Pengarah Tanah Dan Galian Negeri Pulau Pinang & Anor & Other Cases*
[\[2019\] MLRAU 292](#) [FC]
- *Aingaran Muniandy v. PP & Other Appeals*
[\[2019\] MLRAU 261](#) [COA]
- *Wan Ahmad Azlan Wan Majid & Ors v. Chew Yuan Heng & Anor*
[\[2019\] MLRAU 262](#) [COA]
- *Great Eastern Life Assurance (Malaysia) Berhad v. Prakasa Rao Samachulu*
[\[2019\] MLRAU 260](#) [COA]
- *Kemacahaya Development Sdn Bhd v. Syarikat Bekalan Air Selangor Sdn Bhd & Ors And Another Appeal*
[\[2019\] MLRAU 245](#) [COA]
- *Che Group Berhad v. Dato Kweh Team Aik*
[\[2019\] MLRHU 946](#) [HC]
- *Chan Phaik Leng v. Mahkamah Perusahaan Malaysia & Anor*
[\[2019\] MLRHU 919](#) [HC]
- *Diana Ann Seah v. Kew Chew Wat @ Khoo Che Wat; Bar Council Malaysia (Intervener)*
[\[2019\] MLRHU 852](#) [HC]

Latest Legislation

(a) New Principal Acts

Act/Principal No.	Title	In Force From
Act 813	Departure Levy Act 2019	1 August 2019 as the date on which the provisions in Part I, Part II, Part IV, section 17, section 18, section 31, Part VII, Part VIII except for section 37, Part IX, Part X and Part XI to the Act 1 September 2019 as the date on which the provisions in Part III, Part V except for sections 17 and 18, Part VI except for section 31, and section 37 to the Act
Act 812	Finance Act 2018	The Income Tax Act 1967 [Act 53] see s 3; The Promotion of Investments Act 1986 [Act 327] see s 31; The Stamp Act 1949 [Act 378] see s 63; The Real Property Gains Tax Act 1976 [Act 169] see s 69; The Labuan Business Activity Tax Act 1990 [Act 445] see s 71; The Service Tax Act 2018 [Act 807] see s 83; The Sales Tax Act 2018 [Act 806] see s 91
Act 811	Suruhanjaya Pengangkutan Awam Darat (Dissolution) Act 2018	1 January 2019 [PU(B) 732/2018]
Act 810	Subang Golf Course Corporation Act 1968 (Revised-2018)	1 October 1968; Date appointed for coming into operation of this revised edition pursuant to paragraph 6(1)(xxiii) of the Revision of Laws Act 1968 [Act 1]: 12 November 2018

(b) New Amending Acts

Act/Principal No.	Title	In Force From	Principal/Amending Act No
Act A1602	Youth Societies and Youth Development (Amendment) Act 2019	Not Yet In force	Act 668
Act A1601	Fisheries (Amendment) Act 2019	Not Yet in Force	Act 317
Act A1600	Peaceful Assembly (Amendment) Act 2019	Not Yet in Force	Act 736
Act A1599	Revision of Laws (Amendment) Act 2019	1 August 2019	Act 1
Act A1598	Consumer Protection (Amendment) Act 2019	Not Yet In force	Act 599

(c) Legislation Updates

Act/Principal No.	Title	Amended by	In Force From	Section amended
Act 1	Revision of Laws Act 1968	Act A1599	1 August 2019	Section 6 and Section 14

(d) PU(A) & PU(B)

Act/Principal No.	Title	In Force From
PU(A) 229/2019	Factories And Machinery (Exemption To Malaysian Refining Company Sdn. Bhd., Sungai Udang, Malacca) Order 2019	Not In Force Yet
PU(A) 228/2019	Customs (Prohibition Of Imports) (Amendment) (No. 3) Order 2019	1 November 2019
PU(A) 227/2019	Price Control And Anti-Profiteering (Determination Of Maximum Retail Price For Petrol And Diesel) (No. 29) Order 2019	Not In Force Yet
PU(A) 226/2019	Income Tax (Exemption) (No. 9) Order 2019	The Year of Assessment 2018 until The year of assessment 2019
PU(A) 225/2019	Federal Constitution (Delimitation Of Constituencies) (State Of Sabah) Order 2019	22 August 2019
PU(B) 413/2019	Notification Of Values Of Crude Petroleum Oil Under Section 12	30 August 2019 to 12 September 2019
PU(B) 412/2019	Notice Of Proposed Revocation Of Reservation Of Land For Public Purpose For Lot 480784 Mukim Kuala Lumpur	Not In Force Yet
PU(B) 392/2019	Appointment of Notary Public	Not In Force Yet
PU(B) 391/2019	Notice to Third Parties	Not In Force Yet
PU(B) 390/2019	Notice of Extension of Time Period for Making Preliminary Determination	Not In Force Yet

(e) Hansard

- [14th Parliament, 2nd Term, 2nd Meeting](#)

(f) State Legislation

Act/Principal No.	Title	In Force From	State
9 of 2002	Syariah Court Civil Procedure Enactment 2002	1 February 2004	Pahang
3 of 1994	Evidence (Syariah Court) Enactment 1994	24 November 1994	Perak
6 of 2006	Syariah Court Civil Procedure Enactment 2006	Not In Force Yet	Perlis



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