

Contraband items: Trader and driver are freed

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The offence under Section 135 (1) (d) of the Customs Act 1967, punishable under Section 135 (iii) of the same Act which carries a fine of up to 20 times the value of the seized item, or a maximum of three years' imprisonment or both, upon conviction.

KOTA KINABALU: A businessman and a driver were freed from separate charges of having contraband cigarettes, alcoholic beverages and firecrackers valued more than RM1 million. Tan Pick Len @ Tan Pick Lan, 71, and driver Omar Kiftiani, 36, were discharged and acquitted by Magistrate Wan Farrah Farriza Wan Ghazali without their defence being called. The court ruled that the prosecution failed to establish a prima facie case both accused. For Tan, on the first count, he is accused of possessing the contraband cigarettes and alcohol at a house in Kg Bontoi, Tamparuli on Jan 23, 2019, at 12.30pm. The offence under Section 135 (1) (d) of the Customs Act 1967, punishable under Section 135 (iii) of the same Act which carries a fine of up to 20 times the value of the seized item, or a maximum of three years' imprisonment or both, upon conviction. On the second count, Tan allegedly had the contraband firecrackers at the same time and place. The offence under Section 4(2) of the Explosives Act 1957 provides imprisonment of up to five years or a maximum fine of RM10, 000 or both, upon conviction. For Omar, he is accused of possessing 170,000 sticks of contraband cigarettes at the same time and place as Tan. Twelve witnesses were called by the prosecution during the hearing. Counsel Jul Hamri Jumhani represented Tan and Omar.