

DALAM MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR

DALAM WILAYAH PERSEKUTUAN

(BAHAGIAN DAGANG)

GUAMAN NO:

TAHUN 2011

Dalam perkara Seksyen 58, 59
dan 360 Capital Markets and
Services Act 2007

Antara

Securities Commission Malaysia

... Plaintiff

Dan

1. Ahmad Nazmi Bin Mohamed
(No. K/P: 850521-03-5243)
2. Mohd Shahrul Firdaus Bin Zakaria
(No. K/P: 851220-08-5049)
3. Mohd Khalid Bin Sujud
(No. K/P: 870516-01-5609)
4. Fakhrul Arif Bin Ahmad Husni
(No. K/P: 880526-08-6063)
5. Fakhrul Mukmin Bin Ahmad Husni
(No. K/P: 840922-08-5891)
6. Fakhrul Razi Bin Ahmad Husni
(No. K/P: 910727-08-6013)
7. Ahmad Fauzi Bin Ambran
(No. K/P: 770709-08-5605) ...Defendan-Defendan

ORIGINATING SUMMONS

Let all parties concerned attend before the Judge in Chambers on the day of 2011, at a.m./p.m. on the hearing of an application by the Plaintiff for the following Orders:-

- (1) a declaration that the Defendants jointly and/or severally were and/or are not authorized and/or licensed and/or do not hold any license to carry on or hold themselves out as carrying on a business of trading in futures contracts within the meaning of Schedule 2, of the Capital Markets and Services Act 2007;

- (2) an order that the Defendants jointly and/or severally, whether by themselves, their agents, servants or otherwise be forthwith restrained from holding themselves out as a holder of a Capital Market Services Licence or a Capital Market Services Representative's Licence;

(3) an order that the Defendants jointly and/or severally be restrained, whether by themselves, their agents, servants or otherwise, from carrying on or holding themselves out as carrying on a business of trading in futures contracts;

(4) an order that the Defendants jointly and/or severally forthwith be restrained, whether by themselves, their agents, servants or otherwise, from soliciting, accepting deposits, acquiring, collecting and/or utilizing and/or attempting to solicit, accept deposits, acquire, collect and/or utilize any monies and/or funds wheresoever situated for the purposes of investment and/or trading in futures contracts and/or any other form of investments whatsoever;

(5) an order restraining each of the Defendants, whether by themselves, their agents, servants or any of them, from disposing, removing or otherwise dealing with the monies held in the following accounts, including all monies deposited, received

and/ or, placed in a suspense account, whether prior to or subsequent to the grant of this Order, pending the disposal of this action or until further order;

- (a) CIMB Bank Berhad account no. 1408-1201-196-058;
- (b) Malayan Banking Berhad account no. 514011-715-109;
- (c) Malayan Banking Berhad account no. 514329-121-576;
- (d) CIMB Futures Trading Account No. 302638 held by Ahmad Nazmi Bin Mohamed;
- (e) CIMB Futures Trading Account No. 302576 held by Mohd Shahrul Firdaus Bin Zakaria;
- (f) CIMB Futures Trading Account No. 302646 held by Mohd Khalid Bin Sujud;
- (g) CIMB Futures Trading Account No. 302647 held by Fakhrul Arif Bin Ahmad Husni;
- (h) CIMB Futures Trading Account No. 302550 held by Fakhrul Mukmin Bin Ahmad Husni;
- (i) CIMB Futures Trading Account No. 302691 held by Fakhrul Razi Bin Ahmad Husni;

- (j) CIMB Futures Trading Account No. 302555 held by Ahmad Fauzi Bin Ambran;
- (k) Interactive Futures Trading Account No. A949 held by Ahmad Nazmi Bin Mohamed;
- (l) Interactive Futures Trading Account No. A952 held by Mohd Khalid Bin Sujud;
- (m) Interactive Futures Trading Account No. A948 held by Fakhrul Arif Bin Ahmad Husni;
- (n) Interactive Futures Trading Account No. A947 held by Fakhrul Mukmin Bin Ahmad Husni;
- (o) Interactive Futures Trading Account No. A959 held by Ahmad Fauzi Bin Ambran;
- (p) Oriental Pacific Futures Trading Account No. R10129 held by Fakhrul Arif Bin Ahmad Husni;
- (q) Oriental Pacific Futures Trading Account No. 10331 held by Fakhrul Mukmin Bin Ahmad Husni & Mohd Shahrul;
- (r) Oriental Pacific Futures Trading Account No. 10122 held by Fakhrul Mukmin Bin Ahmad Husni and Shalidia; and
- (s) Oriental Pacific Futures Trading Account No. A959 held by Ahmad Fauzi Bin Ambran.

(hereinafter collectively referred to as "**the said accounts**")

(6) an order that all monies paid into the said accounts or any other accounts for or on behalf of the Defendants by any persons whomsoever pursuant to the futures contracts trading scam and/or any other scam carried out by the Defendants jointly and/or severally whether by themselves, their agents, servants and/or otherwise be frozen and forthwith paid by CIMB Futures Sdn Bhd, Interactive Futures Sdn Bhd and Oriental Pacific Futures Sdn Bhd;

(7) an order that the Plaintiff be entitled to take into possession and/or custody all and/or any accounts into which any monies whatsoever have been paid and/or transferred into by any third parties whomsoever for the purposes of investment and/or trading in futures contracts and/or any other form of investments whatsoever including but not limited

to the accounts set out as follows and/or any accounts held in the names of the Defendants as a result of the futures trading scam and/or any other scam carried out by the Defendants jointly and/or severally whether by themselves, their agents, servants or otherwise;

- (a) CIMB Bank Berhad account no. 1408-1201-196-058;
- (b) Malayan Banking Berhad account no. 514011-715-109;
- (c) Malayan Banking Berhad account no. 514329-121-576;
- (d) CIMB Futures Trading Account No. 302638 held by Ahmad Nazmi Bin Mohamed;
- (e) CIMB Futures Trading Account No. 302576 held by Mohd Shahrul Firdaus Bin Zakaria;
- (f) CIMB Futures Trading Account No. 302646 held by Mohd Khalid Bin Sujud;
- (g) CIMB Futures Trading Account No. 302647 held by Fakhrul Arif Bin Ahmad Husni;
- (h) CIMB Futures Trading Account No. 302550 held by Fakhrul Mukmin Bin Ahmad Husni;

- (i) CIMB Futures Trading Account No. 302691
held by Fakhrul Razi Bin Ahmad Husni;
- (j) CIMB Futures Trading Account No. 302555
held by Ahmad Fauzi Bin Ambran;
- (k) Interactive Futures Trading Account No.
A949 held by Ahmad Nazmi Bin Mohamed;
- (l) Interactive Futures Trading Account No.
A952 held by Mohd Khalid Bin Sujud;
- (m) Interactive Futures Trading Account No.
A948 held by Fakhrul Arif Bin Ahmad Husni;
- (n) Interactive Futures Trading Account No.
A947 held by Fakhrul Mukmin Bin Ahmad
Husni;
- (o) Interactive Futures Trading Account No.
A959 held by Ahmad Fauzi Bin Ambran;
- (p) Oriental Pacific Futures Trading Account
No. R10129 held by Fakhrul Arif Bin Ahmad
Husni;
- (q) Oriental Pacific Futures Trading Account
No. 10331 held by Fakhrul Mukmin Bin Ahmad
Husni & Mohd Shahrul;

(r) Oriental Pacific Futures Trading Account
No. 10122 held by Fakhrul Mukmin Bin Ahmad
Husni and Shalidia; and

(s) Oriental Pacific Futures Trading Account
No. A959 held by Ahmad Fauzi Bin Ambran.

(8) an order that the Plaintiff upon taking into possession and/or custody all such accounts including the said accounts as stated in prayer 7 of this order, be entitled to forthwith freeze all such accounts including the said accounts and/or conduct an audit of the said accounts and/or utilize the monies therein and/or any other measure whatsoever at the sole discretion of the Plaintiff for the purpose of preserving the monies and/or compensating and/or distributing to any and/or all persons who had paid and/or invested monies and/or suffered loss and damage as a result of the futures trading scam and/or any other scam carried out by the Defendants jointly and/or severally whether by themselves, their agents, servants or otherwise;

(9) an order that the Plaintiff be entitled to take into possession and/or custody all and/or any contracts entered into by the Defendants whether by themselves, their agents, servants CIMB futures or otherwise as a result of the futures trading scam and/or any other scam carried out by the Defendants jointly and/or severally whether by themselves, their agents, servants or otherwise;

(10) an order that the Plaintiff upon taking into possession and/or custody all such contracts as stated in prayer 8 of this order, be entitled to forthwith take all necessary steps and/or any other measures whatsoever at the sole discretion of the Plaintiff including but not limited to deal with the contracts and/or terminate all such contracts and to utilize all monies realized from the said contracts for the purpose of preserving the monies and/or compensating and/or distributing to any and/or all persons who had paid and/or invested monies and/or suffered loss and damage as a result of the futures trading scam and/or any other scam

carried out by the Defendants jointly and/or severally whether by themselves, their agents, servants or otherwise;

(10) an order for an inquiry and account of all profits and monies acquired, solicited and/or collected by the Defendants from trading in futures contracts and thereupon an order that the Defendants pay to the Securities Commission the accounted sum within 14 days from the date of an order of court, to be applied at the Plaintiff's discretion for the purposes of restitution;

(11) costs;

(12) such further and other relief as the Court deems fit

The grounds of this application are set out in the affidavit of EDDY ADZROY BIN BAHAROM, affirmed on and filed herein and briefly stated are, inter alia, as follows:-

1. The Defendants have illegally and/or fraudulently and/or contrary to law solicited and received payments and/or monies from the public purportedly for the purpose of trading in futures contracts and/or any other forms of investments,.
2. The Defendants are not authorized and/or registered and/or licensed to trade in futures contracts as required under s. 58 and 59 of the Capital Markets and Services Act 2007;
3. Presently the Defendants have received a sum of approximately RM1,927,001.00 from the members of the public purportedly for the purposes of trading in futures contracts and/or any other forms of investments,.
4. The Securities Commission, as the regulatory body institutes these proceedings to protect the interests of the public investors and to prevent further illegal and/or fraudulent trading by the

No. 57 Hala Lapangan Perdana 1
Panorama Lapangan Perdana
Pasir Putih
31650 Ipoh
Perak

6. **Fakhrul Razi Bin Ahmad Husni**
No. 57 Hala Lapangan Perdana 1
Panorama Lapangan Perdana
Pasir Putih
31650 Ipoh
Perak

7. **Ahmad Fauzi Bin Ambran**
Poji's Group
AM Assurance Bhd
Greentown Business Centre
30450 Ipoh
Perak

And/or

5, Palma D/1,
Bandar Sri Botani,
Ipoh 31350, Perak

This **Originating Summons** is filed by Messrs Zul Rafique & Partners whose address for service is at D3-3-8 Solaris Dutamas, No. 1 Jalan Dutamas 1, 50480 Kuala Lumpur, Malaysia solicitors for the Plaintiff herein.

Ref: NRK/SAI/21103482

(Tel: 03-6209 8228) (Fax: 603-6209 8381)

Note - This summons may not be served more than 6 calendar months after the above date unless renewed by order of the Court.

If a defendant does not attend personally or by his counsel or solicitor at the time and place abovementioned such order will be made as the Court may think just and expedient.