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Malay Mail

# Ex-airman wins RM235,000 in damages after cops arrested, but failed to remand him... four times

R. Loheswar  
26 November 2019



Azrul Hardav Abdullah is seen at the Kuala Lumpur High Court November 26, 2019. — Picture by Hari Anggara

KUALA LUMPUR, Nov 26 — A former Royal Malaysian Air Force captain has won a civil case against the police and the government, after suing them for wrongful arrest and detention stemming from a raid at his work premises here in 2017.

High Court Judge Datuk Mohd Firuz Jaffril ordered the defendants to pay RM235,000 in damages and a further RM40,000 in court fees to Captain Azrul Hardav Abdullah, who was then accused of committing land fraud under Section 420 of the Penal Code.

The case, which was supposed to be heard this morning at 9am, also had to be postponed to 2.30pm after the defendants and their lawyers did not appear in court.

The plaintiff, who maintained he was innocent, was arrested four times by the police for investigation in January 2017, but at all four times, the courts had refused to grant the police remand orders.

Azrul was first detained on January 9 that year, at Plaza Dwtasik in Bandar Seri Permaisuri, a shared space from where he runs a property development company called Sun Sky Properties Sdn Bhd.

Senior police officer DSP Norzamani Mat Zim, along with several plain-clothes officers from the Johor state police had raided the plaintiff's office, confiscated files, documents and computers belonged to his company, before arrested him, and his staff.

Azrul and his staff were not told why they were arrested until 10pm that day, when it was learnt that they were brought in for investigation over a report lodged in Tanjung Kupang, Johor. They were later moved to the Kulajaya police lock-up.

The next day on January 10, the police were refused a remand order by the Johor Baru Magistrate's Court.

However, later that night at 9pm, Azrul and the others were arrested again and taken to the Commercial Crimes Division in the Johor Baru district police, where officers took their statements at 12.30am over another police report, this time lodged in Nusajaya.

On January 11, the Ayer Molek Magistrate's Court had also refused another remand order.

But that did not stop the police, who arrested and tried to remand them yet again on January 12 in Kuantan, Pahang, and later in Sepang, Selangor.

"His DNA was taken without his consent by a Superintendent Siva, who was never called here as a witness, and I also don't see the defendants company name in any of these reports of the police's investigations. There were also no grounds given for his second and third arrests except for a Tanjung Kupang police report.

"The law has to be followed stringently and one cannot be held once the remand order from the court was given. There is also no explanation given here to explain how the first, second and third police reports relate to each other," Justice Firuz said.



Azrul Hardav Abdullah and his lawyer Muniandhi Vestanathan are seen at the Kuala Lumpur High Court November 26, 2019. — Picture by Hari Anggara

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shall not be further detained in custody without the magistrate's authority.

The Court ordered the defendants — Norzamani, the Royal Malaysian Police, and the government of Malaysia — to pay damages up to RM60,000 for the four days of arrests from January 9 to 13, RM75,000 in loss income, RM100,000 for exemplary damages, and court fees of RM40,000.

"As you heard earlier the judge said I was an innocent bystander. The police were looking for someone else but decided to arrest everyone there including me," said Azrul when met outside the courtroom today.

"They never said a word, just took our MyKad and sent us all over. I've no reason to be in Johor and they took us there," Azrul recalled.

Azrul's lawyer Muniandy Vestanathan said the police should have released Azrul after the first remand was not granted, but they insisted on finding a way to keep them under remand.

They had asked for RM1.2 million as compensation for loss of contract and the indignity Azrul had to endure, more so as a former Air Force captain who served the country, but ultimately were happy with the verdict.

"The police never showed me any of the reports they claim had a connection with my client. I've not seen them. Even the superintendent Siva I do not know his full name nor designation except that he's from Johor.


"We proved to a certain degree that there was blame on the defendants and they are at fault. Ultimately, it's a good outcome," said Muniandy.

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