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Former RMAF captain awarded RM235,000 for wrongful arrest

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KUALA LUMPUR: A former Royal Malaysian Air Force (RMAF) captain was awarded damages totalling RM235,000 by the High Court here today after winning his suit against the police and government for breach of statutory duty and wrongful detention in 2017.

Judge Datuk Mohd Firuz Jaffril ordered DSP Norzamani Mat Zim, the Royal Malaysian Police and the Government to pay the damages after allowing the suit by Azrul Hardav Abdullah, 58.

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The court also ordered the defendants, represented by senior federal counsel Nik Mohd Noor Nik Kar to pay a cost of RM40,000 to the plaintiff.

Azrul Hardav, who was represented by counsel Muniandy Vestanathan and Fiona Aurelia Culas, filed the suit in December 2017.

In the judgment, Mohd Firuz said the plaintiff, who is currently a director at a property development company named Sun Sky Property Sdn Bhd, was arrested on Jan 9 2017, and was brought to Johor Bahru magistrate Court to obtain a remand order but it was not granted by the magistrate.

"The magistrate did not grant the remand and ordered plaintiff to be released but this did not happened, the plaintiff was brought to Johor police headquarters and rearrested. No ground of arrest was given.

"Having arrested the plaintiff again, the first defendant (Norzamani) applied for second remand order and the magistrate also refused to grant the remand order and ordered plaintiff to be released," he said.

Mohd Firuz added after the second remand order was dismissed, the plaintiff was held in custody and was taken to Kuantan, Pahang for the third remand but the application was also refused by the Kuantan magistrate.

He said on the fourth attempt, Azrul Hardav was taken to Sepang for a further remand attempt but miraculously that did not happen.

"I was of the opinion that the detention was unlawful. The plaintiff should not been kept in custody without the order of the magistrate. According to the first defendant, he was only following the instruction from his superior 'Supt Siva', unfortunately 'Supt Siva' was never called as a witness during trial," he said.

Mohd Firuz awarded Azrul Hardav RM75,000 for lost of liberty and RM15,000 for each day while in detention or RM60,000 in total.

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The court also granted RM100,000 to the plaintiff for exemplary damages. — *Bernama*

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