



**IN THE HIGH COURT OF MALAYA AT IPOH
IN THE STATE OF PERAK DARUL RIDZUAN, MALAYSIA
[CRIMINAL TRIAL NO: 45B-2-03/2016 & 45B-3-03/2016]**

BETWEEN

PUBLIC PROSECUTOR

AND

1) SARAVANAN RAJAGOPAL

2) GANESAN KUPUSAMY

CRIMINAL LAW: *Murder - Section 302 of Penal Code - Circumstantial evidence - Common intention - Deceased slashed with intention of causing him death - Whether murder was perpetrated in furtherance of common intention of accused persons to commit murder - Whether prosecution had established a prima facie case against accused persons*

CRIMINAL PROCEDURE: *Defence - Denial - Murder with common intention - Accused persons gave two different versions pertaining to events that took place on day of murder - Accused persons were unreliable and untrustworthy witnesses - Evidence of accused persons conflicted with one another - Unsatisfactory features in testimony of accused persons - Whether testimony of accused persons were consistent with their innocence - Whether defence created a reasonable doubt on prosecution's case*

[Accused persons were found guilty and sentenced to death.]

Case(s) referred to:

Adiswaran Tharumaputrintar v. PP & Other Appeals [2014] 3 CLJ 813 FC (*refd*)

Balachandran v. PP [2005] 1 CLJ 85 FC (*refd*)

Duis Akim & Ors v. PP [2013] 9 CLJ 692 FC (*refd*)

Legislation referred to:

Criminal Procedure Code, s. 277

Penal Code, ss. 34, 302

JUDGMENT

- [1] The first accused, Saravanan a/l Rajagopal, and the second accused, Ganesan a/l Kupusamy, were charged on separate dates with the murder of one Gobinathan a/l Kumaravellu (“the deceased”) under section 302 of the Penal Code read with section 34. As the charges against them were identical, it would suffice to set out only the charge against the first accused:

“Bahawa kamu, bersama-sama (1) rakan bernama Ganesan a/l Kupusamy No. 7000217-08-5293 pada 05 Julai 2015 jam lebih kurang 12.00 tengahari hingga 1.00 petang di belakang Restoran Nashmeer, Laluan Klebang Restu 2, Medan Klebang Restu, Chemor Ipoh Perak, dalam Daerah Kinta di dalam Negeri Perak Darul Ridzuan, telah melakukan pembunuhan dengan menyebabkan kematian ke atas Gobinathan a/l Kumaravellu No. K.P 710905-08-6221 dan oleh yang demikian, kamu telah melakukan satu kesalahan yang boleh

dihukum dibawah Seksyen 302 Kanun Keseksaan dan dibaca bersama Seksyen 34 Kanun yang sama.”

- [2] On the application of the learned deputy public prosecutor, the charges against the both accused were heard together.

Case for the Prosecution

- [3] The prosecution called 7 witnesses to prove their case. The prosecution evidence was that on 5 July 2015, the first and second accused were at Nasmir restaurant (“restaurant”) in Klembang Restu, Ipoh, together with Kesavan Gurappan (“Kesavan”) (PW1) and Anberson Mathiyalagan (“Anberson”) (PW2). The restaurant operated at the end lot of a row of shop houses. Around 12 noon, that day, the deceased was viciously slashed to death at the back lane of this restaurant.
- [4] The prosecution relied solely on the testimony of Kesavan and Anberson to establish the identity of the assailants who had murdered the deceased.
- [5] Kesavan testified that on the morning of 5 July 2015, he picked up the first accused from the latter’s house at Tanjung and proceeded to Klebang Restu. He picked up the first accused using his motorcycle bearing registration number AJE 2672 and took him to the restaurant. Whilst they were there, he received a phone call from the second accused who asked to be picked up from a petrol station 5 minutes away from the restaurant. He did so. They were at the restaurant to meet a scrap metal dealer. According to Kesavan, he had met the first accused only about one month before the incident, whereas he and the second accused had been friends for about a year before the incident.
- [6] They were later joined by Kesavan’s friend Anberson whom he had telephoned to meet him at the restaurant. The four of them sat at a

table in front of the restaurant. Kesavan then observed his former employer, the deceased, circling the area near the restaurant in a white Waja. A little later, the deceased was seen again but this time he was riding a motorcycle. At this juncture, the first accused borrowed Kesavan's motorcycle and left the restaurant with the second accused.

- [7] About 10 minutes later, the accused persons came back to the restaurant. Kesavan noticed a badminton bag in the carrier of his motorcycle. The deceased was seen entering a hardware shop a few shops away from the restaurant. The first and second accused left the restaurant again on his motorcycle in the direction of the hardware shop. Shortly thereafter, Kesavan saw the deceased running into the restaurant shouting "tolong, tolong" and was pursued by the first accused wielding a knife with a long blade. The deceased exited the restaurant through the back door into the back lane. Kesavan saw the second accused riding his motorcycle and go past the restaurant towards the back lane.
- [8] Kesavan said that he, Anberson and the others who were in the restaurant rushed to the back lane to see what was happening. He saw the first accused strike two blows on the deceased's hand with the knife, whilst the second accused sat on the motorcycle and watched the attack. Kesavan added that he and Anberson panicked and left the restaurant within 5 minutes of the incident and proceeded to Anberson's house at Sungai Siput.
- [9] According to Kesavan, that night, the first and the second accused came to Anberson's house and compelled him to follow them to the first accused's house in Tanjung. Kesavan stayed at the first accused's house for about 3 weeks and did not see the second accused after that night.

- [10] Continuing with his testimony, Kesavan said that the first accused found a buyer and sold his (Kesavan's) motorcycle after the incident. The first accused informed him that it had to be sold as it was evidence that could implicate him with the murder of the deceased. Kesavan left the first accused's house for Rawang after 3 weeks without informing anyone.
- [11] Kesavan was arrested by the police on 17 August 2015 at the Ipoh railway station when he returned to Ipoh on the advice of his parents. He said he returned as a close relative of the family had been arrested in connection with this case.
- [12] Kesavan was subjected to lengthy cross examination by counsel for the first accused. He admitted in cross examination that 3 weeks prior to the murder of the deceased, an incident had taken place at Indah Water Seri Klebang where he worked as a security guard for the deceased. The first and second accused had come there to visit him but this angered the deceased. The deceased parked his car in front of the second accused's lorry to block him from entering the place. The first and second accused and a few others reacted by smashing the deceased's car windscreen and the deceased escaped by running out of his car. The deceased blamed him for the incident and terminated him a few days later.
- [13] The main thrust of the cross-examination by counsel for the first accused throughout was that the first accused was not involved in the murder of the deceased. It was put to Kesavan that the deceased was slashed by Anberson and him. It was also put to Kesavan that he was at the restaurant that day to meet the deceased whom he had earlier messaged to meet him there. It was also put to him that his intention that day was to exact revenge as the deceased had fired him from his job as a security guard recently for being involved in drug activities. Kesavan denied all these allegations.

- [14] It was further put to Kesavan by counsel for the first accused that he had brought a knife to the restaurant and had asked Anberson to come meet him there to help him attack the deceased. It was lastly put to Kesavan that he had confessed to one Anand that he had slashed the deceased to death. Kesavan again denied all the allegations.
- [15] Counsel for the second accused, did not cross examine Kesavan at length. Kesavan was merely asked to confirm that the second accused was seated on the motorcycle when the deceased was being slashed.
- [16] Anberson corroborated Kesavan's evidence that it was the first accused who slashed the deceased and that the second accused watched the incident, seated on the motorcycle. Anberson said the deceased was his friend's father. I pause here to observe that though the first accused had in cross examination put to Kesavan that it was he and Anberson who had jointly slashed the deceased, this suggestion was, however, not put to Anberson. Instead, it was put to him that it was Kesavan who had slashed the deceased, and his testimony implicating the first accused was not true as he was improbable he could have witnessed the incident as the restaurant was full of people at the time. Anberson vehemently denied this.
- [17] It bears mention that after the evidence of Anberson, counsel for the first accused, Mr. Ranjit Singh, for no apparent reason, discharged himself, and was replaced by Mr. M. Saravanan.
- [18] The prosecution also led evidence through Dr. Siti Zanariah binti Md Naziri ("PW3"), a pathologist, who performed the autopsy on the deceased. She found 19 injuries on the deceased's body consisting of four deep slash or chop wounds and the rest were superficial incisive wounds. The four chop wounds were on the deceased's head, two of which were deep and penetrating. The

defensive injuries to both the deceased arms were deep and had severed his arteries and fractured the bones in both his hands. Dr. Siti Zanariah opined that the deceased had died from excessive bleeding from these slash wounds which could have been caused by a sharp object.

[19] The investigating officer ASP Nirmala Arumugam (“PW7”) testified that she went to the scene of incident about 1 pm on being notified of the incident. She noticed that the hardware shop near the restaurant had a CCTV camera. She viewed the CCTV footage and it showed that at 12.07 p.m the deceased had entered the hardware shop and left at 12.10 p.m. It also showed the deceased being chased by a Indian male wielding a parang. The Indian male had a white helmet on and was wearing a short sleeved red shirt and tight fitting long pants. The CCTV footage also showed the deceased a few minutes later at the backlane of the hardware shop trying to avoid two persons on a motorcycle, the pillion on the motorcycle was armed with a parang. Screenshots from the footage were produced as exhibits. The screenshots were unclear and the faces could not be identified. The investigating officer explained that the CCTV footage could not be produced in court as it could no longer be found in the thumb drive in which she had transferred it to from the computer at the hardware shop.

[20] The investigating officer stated that the first accused was arrested about a month later, on 3 August 2015 and the second accused on 5 October 2015. The others arrested in connection with the murder of the deceased were Kesavan and Anberson. The investigating officer testified that the police had looked for the parang at a river shown by the Kesavan, but failed to recover it. She also added that the employees at the restaurant were unable to identify the assailants.

- [21] In cross examination, it was put to the investigating officer by counsel for the first accused, that she had threatened Kesavan and Anberson to implicate the first accused and second accused with the murder, if they wanted to be released.
- [22] The deceased's son ("PW6") identified the deceased as his father and confirmed that he died on 5 July 2015. He testified that he was present during the incident at the Indah Water Seri Klebang when his father's windscreen was smashed by the accused persons. He stated that during the incident the first and second accused were each armed with a parang and an iron rod, respectively.

Ingredients of the offence

- [23] In order to establish the murder charge, it is incumbent upon the prosecution to prove:
- (a) that the death of the deceased, Gobinanthan a/l Kumaravellu had taken place;
 - (b) that his death had been caused by the first accused slashing him;
 - (c) such act was done with the intention either of causing death or of causing bodily injury sufficient in the ordinary course of nature to have caused his death; and
 - (d) the murder was perpetrated in furtherance of the common intention of the first and second accused to commit murder.
- [24] I shall take ingredients (a) and (c) first. The evidence of the deceased's son and the pathologist established that the deceased was Gobinanthan a/l Kumaravellu, and that he had died on 5 July 2015. The evidence of the pathologist as regards the nature of the

injuries found on the body of the deceased, particularly those on his head, showed that the deceased was slashed with the intention of causing him death.

[25] As regards ingredient (b), the prosecution relied on the evidence of Kesavan and Anberson to establish that it was the first accused who had slashed the deceased. I found no merit in the contention by the first accused that the prosecution's key witnesses, Kesavan and Anberson were unreliable witnesses whose evidence ought to be rejected. Equally, I found no merit in the contention that they had a motive to falsely implicate the first accused to exonerate themselves. The evidence of Kesavan and Anberson was not shaken or broken in any way during cross examination.

[26] As regards ingredient (d), it was the prosecution's case that the first accused had slashed the deceased in furtherance of the common intention between him and the second accused to kill the deceased. It is instructive in this regard to refer to the pronouncements of the Federal Court in *Adiswaran Tharumaputrintar v. PP & Others* [2014] 3 CLJ 813 with regard to the law on common intention at paras 79 and 80:

In *Om Prakash v. State* AIR [1956] All 241, it was held that presence on the spot for the purpose of facilitating or promoting the offence is itself tantamount to actual participation in the criminal act. The court cited the example where a person who is an eye-witness of the incident is present at the spot as well as [the example of] a person who is a confederate of the assailant. The former is not guilty because he is present merely to see the commission of the crime. On the other hand, the latter is guilty because he is present for the purpose of seeing that the crime is committed.

In *Wan Yurillhami Wan Yaacob & Anor v. Public Prosecutor* [2010] 1 CLJ 17 at p. 35; [2001] 1 MLJ 749 at p. 764 this court opined:

It is a well established principle of law in dealing with the criminal liability under s. 34 of the Penal Code that a pre-concert or preplanning may develop on the spot or during the course of the commission of the offence, but the crucial test is that such plan must precede the act constituting the offence. The existence of common intention is a question of fact and in each case it may be proved as a matter of inference from the circumstances of the case (see the cases of *Mahbub Sha v. Emperor* AIR [1945] PC 118 and *Suresh v. State of Uttar Pradesh* AIR [2001] SC 1344...

- [27] Applying the principles here, the evidence of Kesavan and Anberson showed that though the first accused was the actual doer of the criminal act in the present case, the second accused was also present and participated by assisting him in two ways. First, there was unchallenged evidence that prior to the murder, the first and the second accused had left the restaurant for a short while and when they returned, there had a badminton bag with them. It was true that there was no direct evidence as to what was in the said bag, but the fact the murder took place soon after they had returned, indicated it must have been the parang that was used to slash the deceased.
- [28] In this regard, it was pertinent to note that the deceased's son had testified that during the incident at Indah Water Seri, the first accused was armed with a parang. This, to my mind, demonstrated that the accused persons kept a parang in their lorry, and had left the restaurant to bring it to attack the deceased.

- [29] Secondly, the second accused also assisted the first accused to flee the crime scene on Kesavan's motorcycle. The parang that was used in the commission of the offence was not found at the scene of crime. This indicated that it was taken away by the first accused.
- [30] Based on the above facts, I ruled that on a maximum evaluation of the evidence the prosecution had established a *prima facie* case against the accused persons which if left unrebutted would warrant their conviction. See *Balachandran v. PP* [2005] 1 CLJ 85.

Defence

- [31] Both the accused elected to give evidence on oath. Each denied having anything to do with the murder of the deceased.
- [32] I shall now refer to the evidence of the first accused in detail. He said he was at the material time working for the second accused, who was in the business of buying and selling scrap metal. The first accused admitted being at the restaurant on the date of the murder with the second accused, Kesavan and Anberson. He also admitted that Kesavan had picked him up that morning from his house and took him to the restaurant, and thereafter picked up the second accused.
- [33] The first accused said that he and the second accused had come to Klebang Restu to meet a supplier of scrap metal. Whilst the three of them were having a meal at the restaurant, he saw the deceased circling around the restaurant in his motorcycle.
- [34] He then heard the second accused ask Kesavan if he had a parang, and the latter said he did. Kesavan then telephoned Anberson to bring a knife to the restaurant. When Anberson came to the restaurant, Kesavan asked him if he had brought a knife and the former confirmed it. He heard them plotting to kill the deceased. On hearing this, he panicked and excused himself went to the toilet.

When he came out, he heard the deceased shouting for help and running to the back of the restaurant which opened to the back lane.

- [35] According to the first accused, he then went to the back lane and saw the second accused and Kesavan slashing the deceased. He was shocked and asked Anberson to send him home. That night, the second accused came to his house and warned him that if he reported the matter he would suffer the same misfortune as the deceased. It was for this reason, he had not put this version to Kesavan and Anberson during cross examination. The other reason for not doing so was because of one Mosses, a fellow inmate in Taiping prison. Mosses, at the behest of the second accused, assaulted him and warned him not to implicate the second accused during the trial. According to him, one Sargeant Mazlan from Taiping prison was aware of this matter and would be able to confirm it.
- [36] The first accused also denied that he had sold Kesavan's motorcycle. He alleged that he has been falsely implicated by the investigating officer because of an incident involving her husband. The investigating officer's husband had one occasion come over to his house and shouted abuses at his dad over a pawn ticket, and when he approached the former to hit him, he left.
- [37] The first accused accepted that 3 weeks prior to the murder, the incident described by Kesavan had taken place at Indah Water Seri Klebang. An altercation broke out when the deceased blocked the path with his car. However, he denied that he had shattered the windscreen of the deceased's car. He pointed to the second accused and Kesavan as the persons who smashed the windscreen using a iron rod and a parang respectively. He claimed he was in the lorry during the incident.



- [38] In cross examination, it was put to the first accused by the deputy public prosecutor that he and the second accused had acted in concert to kill the deceased. They had on seeing the deceased going into the hardware shop, given chase and when the deceased ran to the back lane, slashed him to death. It was further put to him that his version of the events was untrue, and that it was he who slashed the deceased.
- [39] The first accused called 2 witnesses, his father (“DW2”) and Mosses (“DW3”). Sergeant Mazlan was subpoenaed but was not called. DW2 testified that he and the investigating officer’s husband had a misunderstanding over some pawn ticket a few years ago and the investigating officer has falsely implicated his son with the murder.
- [40] Mosses, in his evidence, admitted that he had assaulted the first accused at Taiping prison but explained this had nothing to do with this case. He had assaulted the first accused because the latter had uttered vulgarities at him.
- [41] That brings me to the second accused’s version of facts. He denied that he had slashed the deceased as alleged by the first accused. He denied having anything to do with the murder. He admitted he was at the restaurant on the date of the murder with the first accused, Kesavan and Anberson and Kesavan had picked him up from the Mobil station where he had parked his lorry. He was there to meet a scrap metal dealer that Kesavan had arranged for him to meet at the restaurant.
- [42] According to him, the scrap metal dealer did not show up. About half an hour later, he received a call from his customer, an Indonesian called Man. At about this time, he saw the deceased riding a motorcycle in front of the restaurant. He and the second accused left the restaurant on Kesavan’s motorcycle to meet his

customer at a shop nearby. He bought copper wires from this customer and put it in a bag. It then realised that he had left his pouch which contained his wallet, at the restaurant and came and back with the first accused to retrieve it. Whilst on the way to the customer's shop to make payment, the first accused asked to be dropped off near a Maybank in the vicinity.

- [43]** The second accused claimed that after paying the customer, he went back to his lorry and left the bag of copper wires therein. He came back after 10 minutes, but did not see the first accused near the Maybank or the restaurant but heard a commotion from behind the restaurant. He then rode his motorcycle to the backlane and saw several people, including Kesavan, Amberson and the first accused. He called out to the first accused who approached him and informed him that there was a quarrel. The first accused was not carrying any weapons. He asked the first accused to follow him and he proceeded to the Mobil station where his lorry was parked. He took his lorry and went home and asked the first accused to return the motorcycle to Kesavan.
- [44]** Continuing with his testimony, he alleged that later that night, the first accused telephoned him and asked him to follow him to Kesavan's house in Sungai Siput to return the motorcycle. The first accused wanted a lift back to his house. On reaching Kesavan's house, he saw the first accused talking to Kesavan, and was later informed by the first accused that Kesavan wanted to stay with him (the first accused) for 2 to 3 days. The next day, the first accused telephoned him again and mentioned that the deceased had passed away following a fight with Kesavan.
- [45]** The second accused, like the first accused admitted that 3 weeks prior to the murder, the incident described by Kesavan had taken place at Indah Water Seri Klebang. He admitted smashing the

windscreen of the deceased's car and added that the first accused had used a knife to damage the same. He denied having requested Mosses to assault and threaten the first accused.

- [46] Under cross examination, the second accused denied that the first accused had slashed the deceased in furtherance of their common intention to kill him. He denied that the reason he and the first accused had left the restaurant was to take the parang from the lorry. He denied that he had assisted the first accused to flee from the scene of the incident.

The principles applicable at the close of the defence case

- [47] The duty of the court at the end of the defence case is to determine whether the defence has created a reasonable doubt in the prosecution's case. This is illustrated by the judgment of the Federal Court in *Duis Akim & Ors v. PP* [2013] 9 CLJ 692, wherein it was observed:

We note that when assessing the defence the learned trial judge surprisingly revisited his earlier findings upon which he called for the defence. Such approach is quite contrary to the principle of maximum evaluation of the evidence adduced at the close of the prosecution's case. Indeed in his judgment the learned trial judge made it very clear that he had conducted a maximum evaluation of the evidence adduced by the prosecution before calling for the defence. In *Public Prosecutor v. Khong Soh* [1966] 2 MLJ 137 MacIntyre J said this at p 139:

Having held that a *prima facie* case had been made out against the respondent, the learned president should have given his reasons for holding why the respondent's evidence had created a reasonable doubt in his mind.

Thus, in the present case the learned trial judge, having given the evidence before him the maximum evaluation before calling for the defence, should have therefore focused on whether the defence had cast a reasonable doubt in the prosecution's case and even if it did not, whether as a whole the prosecution had proved its case beyond reasonable doubt before finding the appellants innocent or guilty for the offence as charged.

Has the defence created a reasonable doubt

[48] There are three conflicting versions here. First, the prosecution's version that the deceased was slashed to death by the first accused acting in concert with the second accused. Next, the first accused's version that he had nothing to do with the offence, and the deceased was slashed by the second accused and Kesavan, and the third version by the second accused that he has not involved in the murder.

[49] I must now assess the testimony of the first accused. It goes without saying that if I believed the version given by Anberson and Kesavan, then the defence of the accused must necessarily fail, for on that version, it was clear that it was the first accused who slashed the deceased with a parang and the second accused was present at the scene of the murder. It was also clear on that version that the murder took place soon after the accused persons returned to the restaurant with a badminton bag.

[50] I was completely satisfied that the testimony of Kesavan and Anberson was that of witnesses of truth. Having seen them give their evidence, and having observed their demeanour, especially under cross-examination and having tested it against the totality of the evidence I was satisfied that they were telling the truth about

what they had witnessed. They had no reason to falsely implicate the first and second accused.

- [51] There were several unsatisfactory features in the testimony of the first accused. First, he gave two very different versions pertaining to the events of 5 July 2015. His first version as put to Kesavan was to the effect that it was Kesavan and Anberson who had slashed the deceased. This version was abandoned in his evidence, and he elected to proceed with the version that the deceased was slashed by the second accused and Kesavan, whereupon he took a lift from Anberson and immediately left the scene of incident. The first accused was represented by counsel at all material times, and I find it difficult to believe that if indeed, he had been threatened by the second accused as alleged, his solicitor would not have brought it to the court's attention at the relevant time. I find the first accused to be an unreliable and untrustworthy witness who had no regard for the truth.
- [52] Secondly, during the cross examination of Kesavan, it was put to him that he had confessed to killing the deceased to one Anand, but this person was not called to corroborate his version. There was also no mention of Anand by the first accused in his evidence.
- [53] Next, the first accused alleged that he has been falsely implicated by the investigating officer with the murder of the deceased because of the incident involving him and her husband. It strains credulity to accept his allegation that the investigating officer would fix up an innocent man with murder over a minor incident, assuming his evidence about the incident was true.
- [54] I turn now to assess the evidence of the second accused. His evidence conflicted with that of the first accused. As in the case of the first accused, having accepted, as I did, the testimony of Kesavan and Anberson, which affords proof that the second

accused was at the back lane when the deceased was slashed, and the parang used to slash the deceased was brought to the restaurant in a badminton bag by the first and second accused. His defence must also fail.

- [55] There were also several unsatisfactory features in the testimony of the second accused. The gist of his evidence was that all he saw a group of people at the back lane and heard the words “potong, potong”. He did not see who had slashed the deceased. There was a lack of detail in his evidence as to what he saw. I find the lack of detail troubling. The fact the second accused was vague as to how the incident actually occurred was not consistent with his innocence. The evidence of Kesavan and Anberson showed that he would have seen who slashed the deceased.
- [56] It was clear to me that he did not want to implicate the first accused to ensure that no suspicion would be cast on him. It cannot be gainsaid that if he implicated the first accused, he would have to admit that the first accused had the parang with him when they escaped on Kesavan’s motorcycle.
- [57] The second accused also did not call his customer Man, from whom he alleged he had bought copper wire in a bag to substantiate his version. Man could have corroborated his version that there was no parang but copper wires in the badminton bag that brought to the restaurant.
- [58] For the reasons given, I do not believe the evidence of the accused persons nor has it raised any reasonable doubt in the prosecution case. I therefore find that the prosecution has proved its case against the accused persons beyond a reasonable doubt. Accordingly, I find the first and second accused guilty and convict them of the charge of murder. They are accordingly, sentenced to

death in accordance with section 277 of the Criminal Procedure Code.

Dated: 30 JUNE 2017

(S M KOMATHY SUPPIAH)

Judicial Commissioner

High Court of Malaya

Ipoh

Date of Decision: 16 JUNE 2017

Counsel:

For the 1st accused - M Saravanan; M/s S Muthu & Co

For the 2nd accused - Charan Singh & Jagdave Singh; M/s Nurul & Charan

For the public prosecution - Harris Ong Mohd Jeffrey Ong