JUSNINAWATI ABDUL GHANI

v.

PP

Federal Court, Putrajaya
Alizatul Khair Osman Khairuddin, Rohana Yusuf, Mohd Zawawi Salleh, Tengku Maimun Tuan Mat, Idrus Harun FCJJ
[Criminal Appeal No: 05-275-11-2017(W)]
18 October 2019

Criminal Law: *Penal Code — Sections 130JA, 130M — Omitting to disclose information pertaining to a terrorist act — Appeal against conviction and sentence — Whether appellant legally bound to furnish information concerned — Whether prosecution of appellant unsustainable in law — Whether appellant charged and convicted of an offence not known to law — Criminal Procedure Code, s 13(1)(a)*

Statutory Interpretation: *Construction of statutes — Strict interpretation — Intention of Parliament concerning penal and criminal statutes — Whether no act or omission to be deemed criminal unless clearly made so by words of statute concerned*

The appellant was charged and tried at the High Court for omitting to disclose information pertaining to a terrorist act, an offence under s 130JA of the Penal Code ("Code") and punishable under s 130M of the Code. The High Court found the appellant guilty and sentenced her to seven years' imprisonment, the maximum term allowed by law. The conviction and sentence were upheld by the Court of Appeal, resulting in the present appeal. The case against the appellant, a policewoman with the rank of corporal, was that she possessed information about the plans of two individuals, ie Nor Azimah binti Adnan ("SP1") and Abdul Ghani bin Yaacob – known as "Abu Kedah" among the members of the Islamic State ("IS") – to travel to Syria and to commit terrorist acts by joining the military movement of the IS. The appellant was alleged to have been in possession of this information as early as August 2015. However, she withheld the information from her superiors. The prosecution adduced evidence that Abu Kedah had travelled to Syria and was killed in a battle at the Al Khair province. The sole issue for determination before this court was whether the appellant was legally bound to furnish the information concerned.

Held (allowing the appeal):

(1) The appellant was alleged to have committed the offence prior to the effective date of the new s 13(1)(a) of the Criminal Procedure Code ("CPC"), which was on 23 December 2016. It was trite that the new provision, which was in the form of substantive law, did not apply retrospectively. The new provision of s 13(1)(a) of the CPC which cast a duty on the public to give information

about the commission of an offence punishable under the Code or any other written law, was inapplicable to the case against the appellant. The old s 13(1)(a) of the CPC imposed a duty on every person, including the appellant, who was aware of the commission of the offence enumerated in that section, to give information to the nearest police station or police officer or penghulu. Once there was an omission, such persons became criminally liable. Certain offences were mentioned in s 13(1)(a) of the CPC, but it did not refer to the offence of travelling to a foreign country to commit terrorist acts under s 130JA of the Code, with which this court was concerned here. Thus, the appellant was not obliged to report the information concerned. (paras 22 & 26)

(2) It was a well-established principle of statutory interpretation that Parliament was not presumed to have intended to limit or interfere with the personal liberty of a citizen, unless it indicated this intention in clear, unmistakable and unambiguous terms. It was trite that criminal and penal statutes must be strictly construed, that is, they could not be enlarged or extended by intendment, implication, or by any equitable considerations. In other words, the language could not be enlarged beyond the ordinary meaning of its terms in order to carry into effect the general purpose for which the statute was enacted. Therefore, no act or omission was to be deemed criminal unless it was clearly made so by words of the statute concerned. Unless the contrary intention appeared, Parliament could not have intended under the old s 13(1)(a) of the CPC to impose a legal obligation on persons to furnish information in respect of the possible commission of a s 130JA offence. Therefore, the prosecution of the appellant for non-reporting the possible commission of a s 130JA offence by SP1 and "Abu Kedah", under s 130M of the Code, was unsustainable in law.(paras 27-28)

(3) The Court of Appeal was wrong in affirming the decision of the High Court. It must be borne in mind that the definition of "legally bound" was a negative test and the word "illegal" was applicable to everything which was an offence or which was prohibited by law or which furnished ground for a civil action. In the instant appeal, the prosecution adduced no evidence concerning the appellant's scope of work. There was also no evidence on record to show that the appellant was directed to gather intelligence on terrorist related activities and to transmit the same to her superiors. Thus, the appellant was charged and convicted of an offence not known to law. For the foregoing reasons, the Court of Appeal had committed a serious error of law warranting appellate intervention. The conviction against the appellant was wrong and unsustainable in law and must be quashed. (paras 31-32)

Case(s) referred to:

Akbaruddin Owaisi v. The Government of Andhra Pradesh [2014] Cr.l.J. 2199 (folld)

Chiew Poh Kiong v. PP [2001] 3 MLRH 48 (folld)

Dalip Bhagwan Singh v. PP [1997] 1 MLRA 653 (folld)

Dr Satyasaheel Nandlal Naik v. State of Maharashtra [1996] Cr.L.J. 1463 (folld)

Legislation referred to:

Criminal Procedure Code 1973 [Ind], ss 39, 279, 337, 338, 304A

Criminal Procedure Code, ss 13(1)(a), 103, 104

Criminal Procedure Code (Amendment) Act 2016, s 13(1)(a)

Evidence Act 1950, s 114(g)

Penal Code, ss 130JA, 130M

Penal Code [Ind], ss 279, 337, 338, 304A

Police Act 1967, ss 3(3), 20(3)

Other(s) referred to:

Craies on Statute Law, 7th edn, at p 529

Dr Hari Singh Gour, *Penal Law of India*, 1972, 9th edn, p 231

Maxwell on Interpretation of Statutes, 12th edn, pp 239-240

Counsel:

For the appellants: Farida Mohammad; M/s Farida & Company

For the respondent: Faizah Mohd Salleh; DPP

[For the Court of Appeal, judgment please refer to Jusninawati Abdul Ghani lwn. Pendakwa Raya [2018] MLRAU 308]

JUDGMENT

Mohd Zawawi Salleh FCJ:

Introduction

[1] The appellant was charged and tried at the Kuala Lumpur High Court for an offence of omitting to disclose information pertaining to a terrorist act. The charge read as follows:

> "Bahawa kamu, di antara bulan Ogos 2015 sehingga 22 Mac 2016, di Balai Polis Petaling Jaya, di Ibu Pejabat Daerah Petaling Jaya, dalam Daerah Petaling, dalam Negeri Selangor, yang mempunyai sebab untuk mempercayai bahawa suatu perbuatan keganasan iaitu kesalahan yang boleh dihukum di bawah s 130JA Kanun Keseksaan akan dilakukan, meninggalkan dengan sengaja daripada memberi apa-apa maklumat berkenaan dengan kesalahan itu, yang kamu terikat di sisi undang-undang untuk memberi, dan oleh itu kamu telah melakukan satu kesalahan yang boleh dihukum di bawah s 130M Kanun yang sama."

[2] After full trial, the High Court found the appellant guilty and sentenced her to seven years' imprisonment, the maximum term allowed by law. The sentence was ordered to run from the date of her arrest, ie on 22 March 2016. The conviction and sentence were upheld by the Court of Appeal on 8 November 2017. Aggrieved by the impugned conviction and sentence, the appellant has now appealed to this court.

[3] We have heard learned counsel for the appellant and learned Deputy Public Prosecutor ("DPP") at some length. We have also perused the written submissions carefully and examined the records available before us in its entirety. For the reasons that follow, we found that there was merit in this appeal and accordingly, we allowed the appellant's appeal and quashed the conviction and sentence.

Factual Background And The Antecedent Proceedings

[4] Briefly stated, the case against the appellant was that she possessed information about the plans of two individuals, ie Nor Azimah Adnan ("SP1") and one Abdul Ghani Yaacob to travel to Syria and to commit terrorist acts by joining the military movement of the Islamic State ("IS"). The appellant was alleged to have been in possession of this information as early as August 2015. However, she withheld the information from her superiors. The prosecution adduced evidence that Abdul Ghani bin Yaacob had travelled to Syria and was killed in a battle at the Al Khair province.

[5] The appellant was a Policewoman with the rank of corporal, stationed at the Petaling Jaya District Police Headquarters. She was allegedly drawn to the conflict in Syria via Facebook in 2013. She also had networking ties with several other IS militants such as Abu Syamil and Fudhail Omar through social media platforms. She was reprimanded and advised by an officer from the Bukit Aman Special Branch not to be involved with the terrorist group.

[6] At the trial, it was established that sometime in August 2015, the appellant was informed by her Facebook acquaintance, Nor Azimah binti Adnan ("SP1"), also nicknamed Umi Diyana, of her impending marriage to Abdul Ghani bin Yaacob and their travel plans to Syria to join the IS which was a terrorist related offence punishable under s 130JA of the Penal Code. Abdul Ghani was known as "Abu Kedah" among the members of IS.

[7] Sometime in September 2015, SP1 arranged for the appellant to meet with "Abu Kedah" and during the said meeting, "Abu Kedah" had informed the appellant of his intention to travel to Syria with SP1. SP1 testified that she had received a text message from "Abu Kedah" through "Whatsapp" application informing SP1 that the appellant had also aspired to go to Syria but her intention was aborted due to financial problems. SP1's plan to travel to Syria did not materialise because her marriage with "Abu Kedah" only lasted for five days and she was involved in a road accident in November 2015.

[8] The appellant's cautioned statements were tendered and marked as exh P6(a) to P6(e). It was stated in those statements that the appellant had utilised social media platforms such as Facebook and Telegram to communicate with other IS members; and she was being informed by "Abu Kedah" of his plan to take SP1 to Syria. However, the appellant did not report the information to her superior officers since she regarded Abu Kedah's plans as "empty talk".

Findings Of The High Court

[9] The offence with which the appellant was charged is provided under s 130M of the Penal Code which reads as follows:

> "130M. Intentional omission to give information relating to terrorist
>
> Whoever knowing or having reason to believe that any offence punishable under ss 130C to 130L has been or will be committed intentionally omits to give any information respecting that offence, which he is legally bound to give, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both."

[10] At the close of the prosecution's case, the learned Judicial Commissioner ("JC") was satisfied that a *prima facie* case had been established against the appellant. His Lordship found the following essential ingredients of the offence to have been proven by the prosecution:

(i) That the appellant had reasons to believe that a terrorist act would be committed;

(ii) That she had omitted to give that information in respect of the s 130JA offence; and

(iii) That she was legally bound to give information in respect of the s 130JA offence.

[11] The learned JC held that the prosecution had adduced credible evidence to prove that the appellant had reasons to believe that a terrorist act would be committed. In point of fact, "Abu Kedah" had gone to Syria in December 2015 after divorcing his wife and was killed in battle in April 2016. The learned JC had accepted the evidence of the investigating officer ("SP4") that the appellant had failed to transmit the information given to her by SP1. As for the third element, the learned JC had referred to s 13(1)(a) of the Criminal Procedure Code ("CPC"), s 3(3) and s 20(3) of the Police Act 1967 (Revised 1988) and held that the appellant, as a trained police personnel, was legally bound to collect information on terrorist group, process it and hand it over to the authorities.

[12] When called upon to enter her defence, the appellant elected to give an unsworn statement from the dock and did not call any witness. In a nutshell, the appellant had denied the charge against her and explained that she did not report the information received because she regarded the information as "empty talk" since it was not easy to enter Syria and it would incur substantial costs.

[13] Having considered the appellant's unsworn statement, the learned JC found that her explanation did not raise any reasonable doubt in the prosecution's case. The appellant's explanation was rejected by the learned JC and His Lordship was of the view that the appellant, who was a trained police

personnel, had no excuse at all not to report the information received. The learned JC was of the opinion that the issue about the difficulty of travelling to Syria did not arise as the appellant was in communication with several "Daesh" militant members who were already there.

Findings Of The Court of Appeal

[14] Being aggrieved with the decision, the appellant filed an appeal to the Court of Appeal. 11 grounds of appeal were raised by the appellant in assailing the learned JC's decision but the focus of counsel's argument was on the following issues:

(i) That in the circumstances of the case, the appellant could not have had reasons to believe or the knowledge that a terrorist act would be committed;

(ii) That the appellant had no legal obligation to give information under s 13(1)(a) of the CPC, relating to the commission of the offence punishable under s 130JA of the PC because s 13(1)(a) of the CPC makes no reference to s 130JA of the PC; and

(iii) That presumption of adverse inference under s 114(g) of the Evidence Act 1950 should have been invoked against the prosecution for failing to adduce forensic reports and/or digital evidence that points to a possibility of Facebook and/Telegram networking ties that the appellant has with the "Daesh" militant members.

[15] The Court of Appeal had unanimously dismissed the appellant's appeal and affirmed the conviction and sentence. In arriving at its findings, the Court of Appeal held that the learned JC had duly complied with the procedural requirement of subjecting the prosecution's evidence to a maximum evaluation based largely on the credibility and reliability of witnesses. In the circumstances of the case, the Court of Appeal found that the appellant must have had "reasons to believe" that a terrorist act would be committed. The Court of Appeal went further to hold that the non-production of the forensic reports and/or digital evidence was not by itself fatal for the prosecution case nor had it created any suspicion about the truthfulness of the version given by the prosecution witnesses.

[16] In respect of issue (ii), the Court of Appeal found that the learned JC had erred in law in his reliance on s 13(1)(a) of the CPC because the offence of travelling to a foreign country for the commission of terrorist acts under s 130JA of the PC was not one of those listed in subsection 1(a). However, the Court of Appeal held that the said error was not fatal because there are other statutes, ie s 3(3) and s 20(3) of the Police Act 1967, and ss 103 and 104 of the CPC which imposed a legal duty upon the appellant to report the information received.

The Appeal

[17] The sole issue for determination before this court was whether the appellant was legally bound to furnish the information concerned?

[18] To bring home the charge against the appellant, she must be shown to be legally bound to furnish information. "Legally bound" is defined in s 43 of the PC as follows:

> "43 'Illegal', 'unlawful' and 'legally bound to do'
>
> The word 'illegal' or 'unlawful' is applicable to everything which is an offence, or which is prohibited by law, or which furnishes ground for civil action.
>
> And in respect of the word 'illegal', a person is said to be 'legally bound to do' whatever it is illegal in him to omit."

[19] We referred to Dr Hari Singh Gour's comment in his book *Penal Law of India*, 9th edn, (1972) at p 231:

> "The test to see whether a person is "legally bound" to give information to do anything else is not whether he is enjoined by the law to give such information or to do such thing but to see whether the omission to do so would be "illegal" within the meaning of s 43, ie, is an offence under the Code, or is prohibited by law or is such as to give rise to a cause of action for a civil action. Thus the test is a negative one."

[20] The above proposition was cited with approval by Ian Chin J in *Chiew Poh Kiong v. PP* [2001] 3 MLRH 48. Applying the above test, it was contended by learned counsel for the appellant that it was not illegal for the appellant to omit to report the information received to her superior because s 13(1)(a) of the CPC only requires a person to furnish information in respect of offences specifically mentioned therein. Section 13(1)(a) reads as follows:

> "13. Public to give information of certain matters.
>
> (1) Every person aware:
>
> (a) of the commission of or the intention of any other person to commit any offence punishable under the following sections of the Penal Code:
>
> 121, 121A, 121B, 121C, 122, 123, 124, 125, 126, 130, 143, 144, 145, 147, 148, 302, 304, 307, 308, 363, 364, 365, 366, 367, 368, 369, 372, 372A, 372B, 376, 376B, 377C, 377CA, 377E, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460; or
>
> (b) …
>
> shall in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, immediately give information to the officer in charge of the nearest police station or to a police officer or the nearest penghulu of the commission or intention or of the sudden, unnatural or violent death or of the finding of the dead body, as the case may be."

[21] At this juncture, it is pertinent to note that the provision has been amended by the Criminal Procedure Code (Amendment) Act 2016 (Act 1521) which came into force on 23 December 2016. The new s 13(1)(a) reads as follows:

> "13. Public to give information of certain matters.
>
> (1) Every person aware:
>
> (a) of the commission of or the intention of any other person to commit any offence punishable under the Penal Code or any other written law;
>
> (b) …
>
> shall in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, immediately give information to the officer in charge of the nearest police station or to a police officer or the nearest penghulu of the commission or intention or of the sudden, unnatural or violent death or of the finding of the dead body, as the case may be."

[22] The appellant was alleged to have committed the offence prior to the effective date of the new provision, ie on 23 December 2016. It is trite that the new s 13(1)(a), which is in the form of substantive law does not apply retrospectively (see *Dalip Bhagwan Singh v. PP* [1997] 1 MLRA 653). In our view, the new provision of s 13(1)(a) of the CPC which casts a duty on the public to give information about the commission of an offence punishable under the Penal Code or any other written law, is inapplicable to the case against the appellant.

[23] The old s 13(1)(a) of the CPC corresponds with s 39 of the Indian Criminal Procedure Code 1973 ("CrPC") which reads as follows:

> "39. Public to give information of certain offences (1) Every person, aware of the commission of, or of the intention of any other person to commit, any offence punishable under any of the following sections of the Indian Penal Code, (45 of 1860), namely:- (i) ss 121 to 126, both inclusive, and s 130 (that is to say, offences against the State specified in Chapter VI of the said Code); (ii) ss 143, 144, 145, 147 and 148 (that is to say, offences against the public tranquillity specified in Chapter VIII of the said Code); (iii) sections 161 to 165A, both inclusive (that is to say, offences relating to illegal gratification); (iv) ss 272 to 278, both inclusive (that is to say, offences relating to adulteration of food and drugs, etc.); (v) ss 302, 303 and 304 (that is to say, offences affecting life); (va) s 364A (that is to say, offence relating to kidnapping for ransom, etc.); (vi) s 382 (that is to say, offence of theft after preparation made for causing death, hurt or restraint in order to the committing of the theft); (vii) ss 392 to 399, both inclusive, and section 402 (that is to say, offences of robbery and dacoity); (viii) s 409 (that is to say, offence relating to criminal breach of trust by public servant, etc.); (ix) ss 431 to 439, both inclusive (that is to say, offences of mischief against property); (x) ss 449 and 450 (that is to say, office of house-trespass); (xi) ss 456 to 460, both inclusive (that is to say, offences of lurking house-trespass); and (xii) ss 489A to 489E, both inclusive (that is to say, offences relating to currency notes and bank notes) shall, in

> the absence of any reasonable excuse, the burden of proving which excuse shall lie upon the person so aware, forthwith give information to the nearest Magistrate or police officer of such commission or intention."

[24] The Mumbai High Court in the case of *Dr Satyasaheel Nandlal Naik v. State of Maharashtra* [1996] Cr.L.J. 1463, had occasion to consider the issue whether a doctor was obliged to inform the police when he had treated a patient who died in a motor vehicle accident due to rash and negligent driving, which offences were punishable under ss 279, 337, 338 or 304A of the Indian Penal Code ("IPC"). The court held that there was no statutory obligation on a citizen to inform the police about the commissions of other offences that were not mentioned in s 39 of the CrPC. Therefore, the prosecution against the doctor for failure to inform about the accident to the police could not stand.

[25] In the same vein, the Andhra Pradesh High Court in the matter of *Akbaruddin Owaisi v. The Government of Andhra Pradesh* [2014] Cr.L.J. 2199 held as follows:

> "26. Every citizen who has knowledge of the commission of cognizable offence has the duty to lay the information before the police under s 39 Cr.P.C, (*State of Gujarat v. Anirudhsing* [1997] 6 SCC 514), which obligates every person, who is aware of the commission of the offences mentioned in that Section, to give information to the nearest Magistrate or Police Officer. There is no statutory obligation on a citizen to inform the police about offences other than those mentioned in s 39 Cr.P.C, (*Dr Satyasaheel Nandlal Naik v. State of Maharashtra* [1996] Cri.L.J. 1463), as it merely casts a duty and an obligation to report offences mentioned therein, omission to discharge which is made penal. The said Section has been designed with the purpose of securing information relating to the commission of an offence with all expedition so that investigation should ensue. Once the information, relating to the commission of the offence has actually reached the Police Station the requirements of Section 39 Cr.P.C. are fully satisfied. Every eye-witness or every person who is in the know of the circumstances relating to an offence is not expected, thereafter, to go to the Police Station to give a report of what he saw. (*State of Maharashtra v. Dashrath Lahanu Kadu* [1972] (45) Bombay Law Reporter 450)."

[26] So too here. The old s 13(1)(a) of the CPC imposes a duty on every person, including the appellant, who is aware of the commission of the offence enumerated in that section, to give information to the nearest police station or police officer or penghulu. Once there is an omission, such persons become criminally liable. Certain offences are mentioned in s 13(1)(a) of the CPC, but it does not refer to the offence of travelling to a foreign country to commit terrorist acts under s 130JA of the PC, with which we are concerned here. Thus, the appellant was not obliged to report the information concerned.

[27] It is a well-established principle of statutory interpretation that Parliament is not presumed to have intended to limit or interfere with the personal liberty of a citizen, unless it indicates this intention in clear, unmistakable and unambiguous terms. It is trite that criminal and penal statutes must be

strictly construed, that is, they cannot be enlarged or extended by intendment, implication, or by any equitable considerations. In other words, the language cannot be enlarged beyond the ordinary meaning of its terms in order to carry into effect the general purpose for which the statute was enacted. Therefore, no act or omission is to be deemed criminal unless it is clearly made so by words of the statute concerned (see *Maxwell on Interpretation of Statutes*, 12th edn, at pp 239-240 and Craies on Statute Law, 7th Edn, at p 529).

[28] In our considered view, unless the contrary intention appears, Parliament could not have intended under the old s 13(1)(a) of the CPC to impose a legal obligation on persons to furnish information in respect of the possible commission of s 130JA offence. On that score, we were in agreement with the Court of Appeal that the learned JC had erred in his reliance on the old s 13(1)(a) of the CPC. In the light of above discussion, it was our considered view that the prosecution of the appellant for non-reporting the possible commission of s 130JA offence by SP1 and "Abu Kedah", under s 130M of the Penal Code was unsustainable in law.

[29] Learned DPP vehemently argued that there are other statutes that impose legal obligation on the appellant to furnish information e.g. s 3(3) and s 20(3) of the Police Act 1967 which read:

> "3. Constitution of the Police Force.
>
> (1) …
>
> (2) …
>
> (3) The Force shall subject to this Act be employed in and throughout Malaysia (including the territorial waters thereof) for the maintenance of law and order, the preservation of the peace and security of Malaysia, the prevention and detection of crime, the apprehension and prosecution of offenders and the collection of security intelligence."
>
> "20. General duties of police officer.
>
> (1) Every police officer shall perform such duties and exercise such powers as are by law imposed or conferred upon a police officer, and shall obey all lawful directions in respect of the execution of his offence which he may from time to time receive from his superior officers in the Force.
>
> (2) …
>
> (3) Without prejudice to the generality of the foregoing provisions or any other law, it shall be the duty of a police officer to carry out the purposes mentioned in subsection 3(3); and he may take such lawful measures and do such lawful acts as may be necessary in connection therewith, including –
>
> (a) apprehending all persons whom he is by law authorised to apprehend;
>
> (b) processing security intelligence;
>
> (c)– (m)"

[30] In support of her submission, learned DPP cited the following passage of the Court of Appeal's grounds of judgment:

> "[14] Pada pandangan kami perayu telah dengan sengaja tidak memaklumkan pegawai atasannya mengenai maklumat yang diadukan dalam pertuduhan berkenaan. Harus dicatatkan juga bahawa perayu pernah ditegur dan dinasihatkan oleh pegawai atasan polis dahulu supaya tidak melibatkan diri dengan hal-hal yang berkaitan IS. Perayu semesti dan seharusnya menyedari seriusnya perkara yang ditegur itu dan betapa pentingnya maklumat yang diterima dan diketahuinya itu dalam konteks tanggungjawab tersebut. Sebagai anggota polis dan selaras dengan tanggungjawab yang dikenakan kepada semua anggota polis di bawah s 3(3), s 20(1) dan (3), Akta Polis 1967 dan s 103/104 KPJ, perayu dengan jelas terikat dengan perundangan statutori itu untuk memaklumkan maklumat berkenaan yang ternyata terjatuh dalam jaringan s 130JA kepada pihak atasannya. Kami dengan itu menolak hujahan peguam tentang isu ini."

[31] With the greatest respect, the Court of Appeal was wrong in affirming the decision of the learned JC. It must be borne in mind that the definition of "legally bound", as we had alluded to earlier in this judgment, is a negative test and the word "illegal" is applicable to everything which is an offence or which is prohibited by law or which furnishes ground for a civil action. In this instant appeal case, the prosecution adduced no evidence concerning the appellant's scope of work. There was also no evidence on record to show that the appellant was directed to gather intelligence on terrorist related activities and to transmit the same to her superiors. In our considered view, the appellant was charged and convicted of an offence not known to law.

Conclusion

[32] For the foregoing reasons, we were of the opinion that the Court of Appeal had committed a serious error of law warranting appellate intervention. We were firmly of the view that the conviction against the appellant was wrong and unsustainable in law and must be quashed. We, therefore, allowed the appellant's appeal and set aside the conviction and sentence imposed. Consequently, the appellant was acquitted and discharged forthwith. So ordered.

The Legal Review

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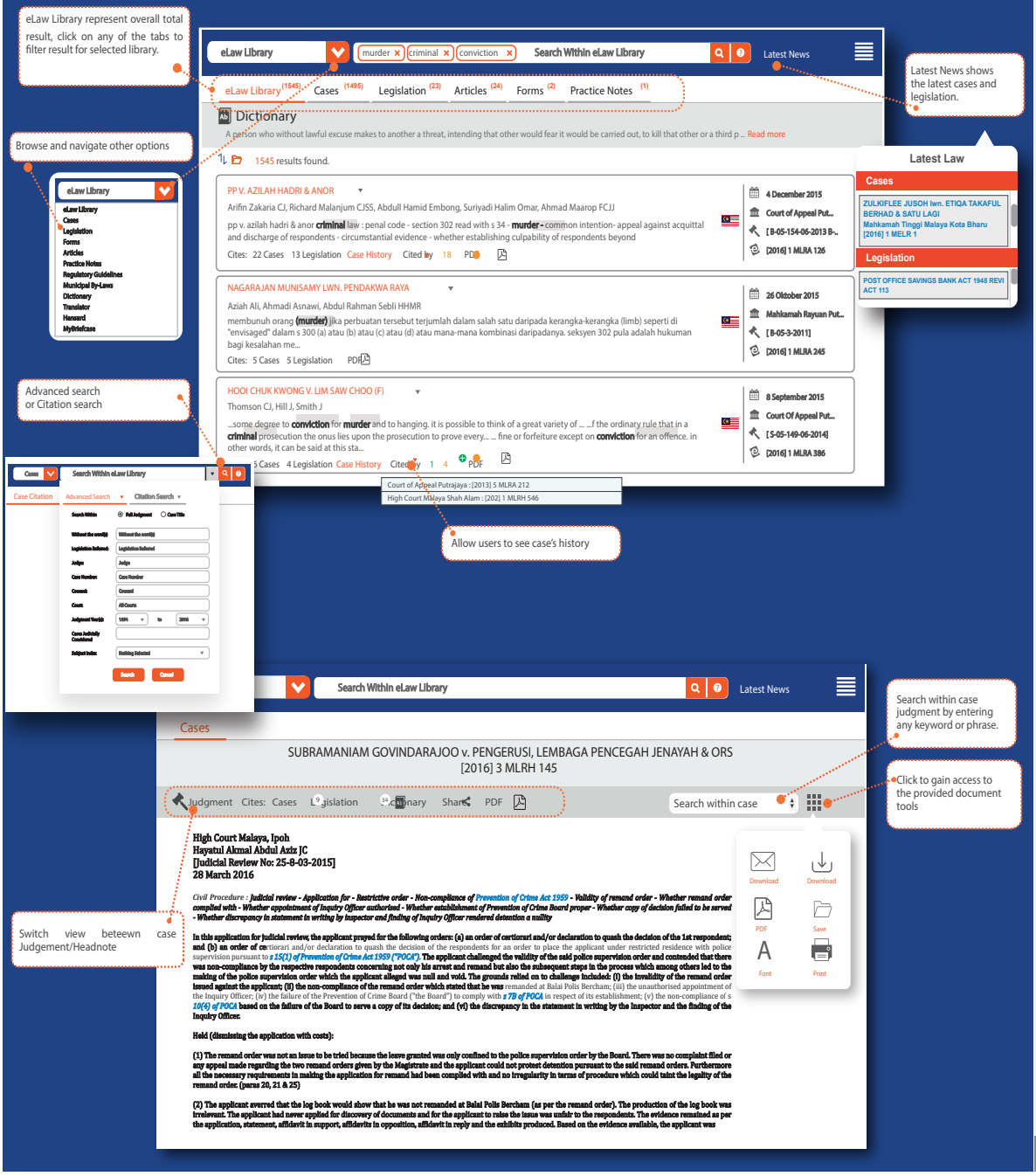

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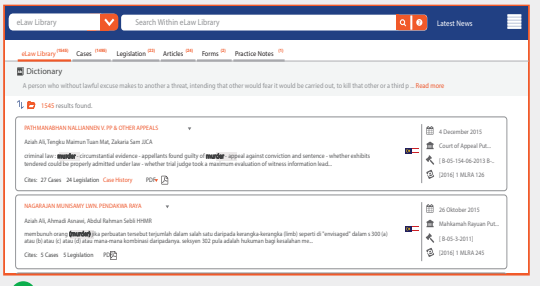

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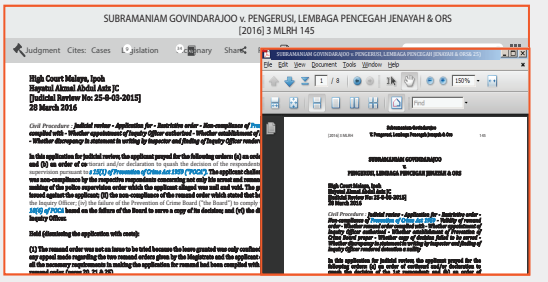

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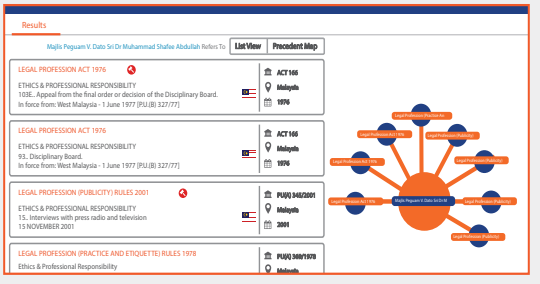

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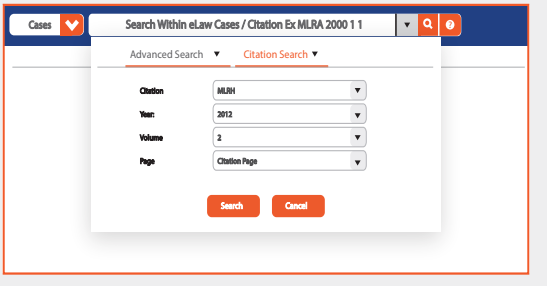

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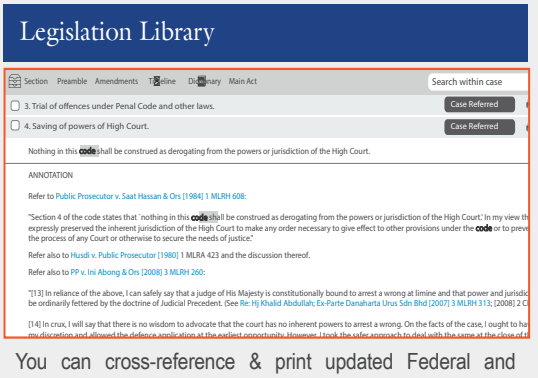

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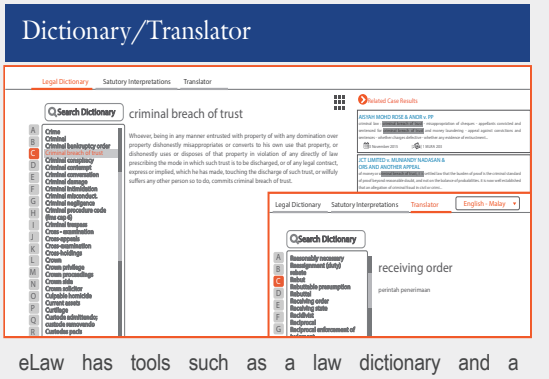

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