Digitally signed by NUR FARHANA BINTI HASHIM
E-KEHAKIMAN SABAH & SARAWAK
Signing Date:08.05.2026 16:07:12 +0800

MALAYSIA

IN THE HIGH COURT OF SABAH AND SARAWAK

AT KOTA KINABALU

SUIT NO. BKI-22NCvC-47-5/2026 (HC2)

BETWEEN

MARCEL JUDE A/L M S JOSEPH
(NRIC NO. 610308-10-6249) **... PLAINTIFF**

AND

SURUHANJAYA PENCEGAHAN RASUAH MALAYSIA
(SPRM) **... DEFENDANT**

STATEMENT OF CLAIM

1. The Plaintiff is MARCEL JUDE A/L M S JOSEPH (NRIC No. 610308-10-6249), a former Advocate and Solicitor for AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT.

2. The Defendant is SURUHANJAYA PENCEGAHAN RASUAH MALAYSIA (SPRM), a public body and/or statutory authority having its address at No. 2, Leboh Wawasan, Presint 7, 62250 Putrajaya, Wilayah Persekutuan Putrajaya.

3. At all material times, the Plaintiff was retained by AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT to act as their counsel and solicitor in criminal proceedings in Kota Kinabalu, including the following matters:

   (a) BKI-61R-10/12-2016;
   (b) BKI-61R-11/12-2016;

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(c) BKI-61R-13/12-2016;
(d) BKI-61R-14/12-2016;
(e) BKI-62R-16/12-2016 to BKI-62R-24/12-2016;
(f) BFT-61R-1/12-2-17; and
(g) BFT-61R-60/12-2017

(hereinafter collectively referred to as "**the said criminal proceedings**").

4. The Plaintiff rendered extensive professional legal services in and in connection with the said criminal proceedings from about February 2018 onwards, including taking instructions, perusing voluminous documents and charges, attending interviews and conferences, undertaking legal research, trial preparation, examinations in chief, cross-examinations, re-examinations, judicial review work, appellate work, applications for release of funds and all matters incidental thereto.

5. On or about 4 October 2016, the Defendant seized and/or caused to be seized monies, bank monies, jewellery and other assets belonging to the said AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT, including monies far in excess of RM5,000,000.00.

6. By reason of the seizure and/or continued withholding of the said monies and assets by the Defendant, the said AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT were unable to pay the Plaintiff's professional fees from their own available funds.

7. On 30 September 2022, the Plaintiff issued Proforma Bill Ref: MJ/TH-001/2022 to AWANG MOHD TAHIR BIN MOHD TALIB in the sum of RM2,500,000.00.

8. On 30 September 2022, the Plaintiff issued Proforma Bill Ref: MJ/TH-002/2022 to FAUZIAH BINTI PIUT in the sum of RM2,500,000.00.

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9. On 21 February 2023, a Statement of Account in respect of the aforesaid two Proforma Bills was prepared and/or issued showing a total sum of RM5,000,000.00 payable to the Plaintiff, and the said AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT accepted and/or confirmed the same.

10. The sum of RM5,000,000.00 is due and owing to the Plaintiff for legal fees, costs and expenses incurred and/or accrued in and in connection with the said criminal proceedings.

11. On 27 December 2023, the said AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT executed before a Commissioner for Oaths a Letter of Authorization/Instruction addressed to the Commissioner of the Defendant, whereby they expressly requested the Defendant to release and pay to the Plaintiff the sum of RM5,000,000.00 out of their assets seized by the Defendant, namely the monies in their bank accounts, for the payment and settlement of the Plaintiff's legal fees, costs and expenses in respect of and in connection with the said criminal proceedings, and further stated that their instructions therein were irrevocable.

12. By reason of paragraph 11 above, the Plaintiff says that the said Letter of Authorization/Instruction created in favour of the Plaintiff:

    (a) an irrevocable authority and/or mandate to the Defendant to pay the Plaintiff RM5,000,000.00; and/or

    (b) an equitable assignment and/or equitable charge over RM5,000,000.00 out of the identified fund then seized, frozen, held, retained and/or controlled by the Defendant.

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PARTICULARS OF IDENTIFIED FUND

13. The identified fund referred to in paragraph 12 above includes:

    a) monies in the bank accounts belonging to AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT seized and/or frozen by the Defendant; and/or

    b) other monies of the said AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT seized, held and/or controlled by the Defendant and sufficient to satisfy the said sum of RM5,000,000.00.

14. The Defendant had notice of the Plaintiff's said entitlement, interest and claim at the latest by the letters dated 9 January 2024 and 31 January 2024 sent in relation to the release and payment of the said RM5,000,000.00.

15. The Defendant acknowledged receipt of the said request and/or letter dated 9 January 2024 on 10 January 2024.

16. The Plaintiff shall further rely on the endorsement, acceptance and/or approval appearing on the said request and/or letter dated 9 January 2024 by the then Chief Commissioner of the Defendant.

17. By a further letter dated 31 January 2024 addressed to the Chief Commissioner of the Defendant, the said Letter of Authorization/Instruction dated 27 December 2023 was enclosed again and the Defendant was again requested to urgently release and pay the said RM5,000,000.00.

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18. Notwithstanding the aforesaid and despite full notice of the Plaintiff's entitlement and claim, the Defendant failed, refused and/or neglected to release and pay the said sum of RM5,000,000.00 or any substantial part thereof to the Plaintiff.

19. The Defendant continued to withhold and/or retain the Plaintiff's said sum of RM5,000,000.00 and/or otherwise failed to honour the Plaintiff's said entitlement and interest.

20. By reason of the matters pleaded above, the Defendant has acted in breach of and/or contrary to the Plaintiff's rights, interest and entitlement in the identified fund.

21. Further and/or alternatively, after having notice of the Plaintiff's entitlement, interest and claim, the Defendant wrongfully retained and/or dealt with the identified fund inconsistently with the Plaintiff's rights and is liable to account to the Plaintiff for the sum of RM5,000,000.00.

22. By reason of the Defendant's refusal, failure and/or neglect to release and pay the said RM5,000,000.00, the Plaintiff has suffered loss and damage.

PARTICULARS OF LOSS AND DAMAGE

23. The Plaintiff's loss and damage includes:

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(a) outstanding legal fees, costs and expenses in the sum of RM5,000,000.00;
(b) loss of use of the said monies;
(c) continuing loss and damage.

24. AND THE PLAINTIFF CLAIMS:

(1) A declaration that the Letter of Authorization/Instruction dated 27 December 2023 executed by AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT created an irrevocable authority, mandate and/or equitable assignment and/or equitable charge in favour of the Plaintiff over the sum of RM5,000,000.00 out of the monies and/or assets seized, frozen, retained and/or controlled by the Defendant belonging to the said AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT.

(2) A declaration that the Defendant had notice of the Plaintiff's said entitlement and is bound to honour and give effect to the same.

(3) An order that the Defendant forthwith release and pay to the Plaintiff the sum of RM5,000,000.00 from the monies and/or assets of AWANG MOHD TAHIR BIN MOHD TALIB and FAUZIAH BINTI PIUT seized, frozen, retained and/or controlled by the Defendant.

(4) Alternatively, damages in the sum of RM5,000,000.00.

(5) Interest on the sum of RM5,000,000.00 at such rate and for such period as this Honourable Court deems fit until full realization.
(6) Costs.

(7) Such further or other relief as this Honourable Court deems fit.

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Dated 6th DAY OF MAY, 2026

Digitally Signed by PRISKILA AKWILA SINEM
E-KEHAKIMAN SABAH & SARAWAK
Signing Date:06.05.2026 07:52:59 +0800

MESSRS PRISKILA AKWILA ADVOCATES

Solicitors for the Plaintiff

This **STATEMENT OF CLAIM** is filed by Messrs Priskila Akwila Advocates, Advocates & Solicitors for the Plaintiff whose address for service is at 8-1, 8th Floor, Suria Sabah Shopping Mall, 1, Jalan Tun Fuad Stephens, 88000 Kota Kinabalu, Sabah, Malaysia