

Executives and staff of Beijing Pangu Investment Co., Ltd.

Deliberately destroying accounting documents, accounting books, financial accounting reports,
First-instance verdict of illegal detention case announced publicly

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On the morning of December 14, the People's Court of Xigang District, Dalian City, Liaoning Province opened a court session against the defendants Guo Wencun, Ma Cheng, and Sheng Ruigang, executives and employees of Beijing Pangu Investment Co., Ltd., for intentionally destroying accounting documents, accounting books, and financial accounting reports. , the defendants Guo Wencun and Zhao Guangdong's illegal detention case were publicly pronounced in the first instance. The court ruled that the four defendants were guilty and sentenced them to corresponding penalties according to law. After the verdict was pronounced, all four defendants expressed their obedience to the court's judgment in court and did not appeal.

On November 20, 2017, the People's Court of Xigang District, Dalian City held a public hearing of the first instance on the case. Under the auspices of the collegial panel, the prosecution and the defense conducted cross-examination of evidence and court debate. The defendants Guo Wencun, Ma Cheng, Sheng Ruigang, Zhao Guangdong and their defenders had no objection to the criminal facts and charges charged by the procuratorate. At the same time, the four defendants all argued that they destroyed accounting data or illegally detained them under Guo Wengui's order. His defender pointed out that the four defendants all confessed their crimes truthfully, pleaded guilty and repented; In their final statements, the four defendants all expressed their guilt and remorse in court, and expressed their gratitude to the case-handling agency for handling the case in a civilized manner according to law and fully protecting their litigation rights.

The court held that the defendants Guo Wencun, Ma Cheng and Sheng Ruigang were ordered by Guo Wengui to deliberately destroy the accounting vouchers, accounting books, and financial accounting documents that Beijing Pangushi International Hotel Co., Ltd. should keep in accordance with the law. If the circumstances are serious, it constitutes the crime of deliberately destroying accounting vouchers, accounting books, and financial accounting reports. Defendants Guo Wencun and Zhao Guangdong were instructed by Guo Wengui to illegally detain others and deprive them of their personal freedom, both of which constitute the crime of illegal detention. The procuratorate accused the defendants Guo Wencun, Ma Cheng and Sheng Ruigang of deliberately destroying accounting vouchers, accounting books, and financial and accounting reports. Defendant Guo Wencun committed several crimes alone, and should be punished for several crimes in accordance with the law. In the joint crime of deliberately destroying accounting vouchers, accounting books, and financial and accounting reports, the defendants Guo Wencun, Ma Cheng, and Sheng Ruigang were ordered by Guo Wengui to commit crimes, and they were all accomplices; Confessing other crimes that have not been grasped by the judiciary has the circumstances of voluntary surrender; the defendants

Guo Wencun, Ma Cheng, and Zhao Guangdong were all able to truthfully confess their crimes, plead guilty and repent after they arrived at the case. Based on this, each defendant can be given a lighter punishment according to law.

Based on the facts of each defendant's crime, the nature and circumstances of the crime, and the degree of harm to society, and in accordance with the relevant provisions of the "Criminal Law of the People's Republic of China", the court sentenced defendant Guo Wencun to the crime of intentionally destroying accounting vouchers, accounting books, and financial accounting reports. Two years and six months in prison and a fine. He was sentenced to two years and six months in prison for the crime of illegal detention, and he was sentenced to three years and six months in prison and a fine; The crime of accounting books and financial accounting reports was sentenced to two years and six months in prison and a fine; the defendant Zhao Guangdong was sentenced to two years and six months in prison for illegal detention; the defendant Sheng Ruigang was sentenced to two years and six months in prison for deliberately destroying accounting documents, accounting The crime of accounting books and financial accounting reports shall be sentenced to two years and four months in prison and a fine.

Attached are the relevant criminal law provisions:

Article 162-1, paragraph 1, who conceals or deliberately destroys accounting vouchers, accounting books, and financial and accounting reports that should be preserved according to law, and the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, and shall be fined 20,000 yuan in addition or alone. A fine of not less than RMB 200,000.

Article 238, Paragraph 1. Whoever illegally detains others or deprives others of their personal freedom by other means shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights. If there are circumstances of beating or humiliating, a heavier punishment shall be given.

Paragraph 2 of Article 67. Where a criminal suspect or defendant under compulsory measures or a criminal who is serving a sentence truthfully confesses to other crimes that the judiciary has not yet grasped, he shall be regarded as surrendering himself.

Paragraph 3: Although the criminal suspect does not have the circumstances of voluntary surrender as stipulated in the preceding two paragraphs, if he truthfully confesses his crime, he may be given a lighter punishment; if he truthfully confessed his crime to avoid particularly serious consequences, he may be given a lighter punishment.

Article 69 Where one person commits several crimes before the judgment is pronounced, except for those who are sentenced to death or life imprisonment, the sentence shall be less than the total term and not less than the maximum term of the several crimes. Criminal detention shall not exceed one year, and if the total term of fixed-term imprisonment is less

than 35 years, the maximum term shall not exceed 20 years; if the total term is more than 35 years, the maximum term shall not exceed 25 years.

Those who are sentenced to fixed-term imprisonment and criminal detention for several crimes shall be sentenced to fixed-term imprisonment. If one of the several crimes is sentenced to fixed-term imprisonment and public surveillance, or criminal detention and public surveillance, the surveillance must still be implemented after the fixed-term imprisonment and criminal detention are completed.

If there are additional punishments imposed for several crimes, the additional punishments must still be executed. If the additional punishments are of the same type, they shall be executed jointly, and for those of different types, they shall be executed separately.

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