

Public Prosecutor v Paner Selvom a/l Rajoo and another
[2018] SGHC 63

Case Number : Criminal Case No 15 of 2018
Decision Date : 19 March 2018
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Andrew Tan and Sia Jiazheng (Attorney-General's Chambers) for prosecution; Allagarsamy s/o Palaniyappan (Allagarsamy & Co), Dhanaraj James Selvaraj (James Selvaraj LLC) and Sheik Umar Bin Mohamed Bagushair (Wong & Leow LLC) for the first accused; Mahadevan Lukshumayeh (S.T. Chelvan & Company) and Krishna Ramakrishna Sharma (Krishna R Sharma) for the second accused.
Parties : Public Prosecutor — Paner Selvom a/l Rajoo — Jagapalan Jayaram

Criminal law – statutory offences – Misuse of Drugs Act

[LawNet Editorial Note: The accused persons' appeals against their sentences in Criminal Appeals Nos 7 and 8 of 2018 were dismissed by the Court of Appeal on 7 November 2018 with no written grounds of decision rendered. The Court of Appeal stated that the sentences passed on them were the minimum sentences specified under the law.]

19 March 2018

Choo Han Teck J:

1 The prosecution's case led by Deputy Public Prosecutor ("DPP") Andrew Tan was that the two accused persons trafficked in 1,620.4g of cannabis and 1,264g of cannabis mixture on 6 May 2016.

2 The prosecution's evidence was that the first accused was driving a trailer truck on the morning of 6 May 2016 and he stopped the truck along Pasir Ris Grove where he packed three blocks of cannabis and cannabis mixture into a brown paper bag. Officers from the Central Narcotics Bureau ("CNB") then observed the second accused arriving in a car, bearing licence number SJJ 3969P. They saw the second accused walk to the trailer and climb into it. They saw him getting out again a short while later, carrying the brown paper bag that the first accused had packed the cannabis and cannabis mixture in.

3 The second accused then drove to a car park at Jalan Kayu where he was arrested by CNB officers at 8.25am. The first accused was arrested at Pasir Ris Grove about the same time.

4 Both men were charged with two charges of trafficking, in respect of the same three blocks of cannabis and cannabis mixture weighing 1,620.4g and 1,264g respectively. The second charges for both accused persons, in respect of the 1,264g of cannabis mixture, were stood down.

5 The brown paper bag was seized and forensic investigation by the Health Sciences Authority found the DNA of the first accused on both the interior and exterior surfaces of the bag. The prosecution also admitted, without challenge, the statements of both accused persons. The first accused admitted to the charge in his statements. The second accused denied knowledge of the contents of the paper bag in his statements. I do not accept the second accused's denial. In the

same statement, the second accused admitted that he was told to put the paper bag near a drain in the vicinity of Seletar Mall. The second accused also stated that he would be paid \$300 – \$500 for the delivery, and admitted that even \$150 would be a “good price ... for such an easy job”. Further, the person who arranged for the delivery, who the second accused knew as ‘Abang’, instructed the second accused not to contact him, but instead to wait for ‘Abang’ to contact the second accused. In the circumstances, I find that the second accused knew that the paper bag contained drugs.

6 On the evidence above, I called upon the defence of both accused and they elected not to give evidence. No other evidence was called on their behalf either. I was satisfied that the prosecution had proved its case and there being no contrary evidence nor any factor that warranted otherwise, I found both guilty as charged. The prosecution submitted a certificate of substantive cooperation for both accused and DPP Andrew Tan further stated that the prosecution would not challenge the court’s finding that both accused acted merely as couriers. I therefore sentenced both accused to terms of life imprisonment with effect from 7 May 2016 and 15 strokes of the cane.

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