

IN THE COURT OF APPEAL OF THE REPUBLIC OF SINGAPORE

[2025] SGCA 47

Court of Appeal / Originating Application (OAC) No 2 of 2025

Between

Pannir Selvam a/l Pranthaman

... Applicant

And

Attorney-General

... Respondent

JUDGMENT

[Criminal Procedure and Sentencing — Sentencing — Execution — Stay of execution]

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Pannir Selvam a/l Pranthaman

v

Attorney-General

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Woo Bih Li JAD

7 October 2025

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Introduction

1 The applicant, Mr Pannir Selvam a/l Pranthaman (“Applicant”) is a prisoner awaiting capital punishment (“PACP”) who is scheduled to be executed on 8 October 2025. CA/OAC 2/2025 (“OAC 2”) is an application filed on his behalf by his counsel, Mr Too Xing Ji (“Mr Too”), for the following orders:

1. Permission to apply for a stay of execution of the Applicant's death sentence presently scheduled for Wednesday, 8 October 2025;
2. Permission to apply to the Public Prosecutor (“PP”) for a Certificate of Substantive Assistance (“CSA”) under s. 33B(2)(b) of the Misuse of Drugs Act 1973 (“MDA”) on the basis of new, material developments arising in the Applicant's case;
3. Permission to challenge the PP's refusal to issue a CSA if the application for a CSA is denied;

4. Consequential directions, including a direction that within 21 days or such other reasonable time after the PACC application is filed, the Respondent files and serves an affidavit:
 - a. Stating the reason(s) put forward by the Malaysian authorities and/or the Royal Malaysia Police (“PDRM”) in requesting permission to interview the Applicant at Changi Prison on or about 27 September 2025;
 - b. Stating the basis upon which the Singapore authorities considered and approved the request;
 - c. Disclosing and exhibiting any and all written correspondence, records, or documents pertaining to the request and the approval thereof;
 - d. Addressing the status of PDRM's arrest and investigations of Shanmugam a/l Rajamanikam (“Shanmugam”), Thinesh a/l SM Balachandran (“Thinesh”), and Ganesh;
 - e. Addressing whether and to what extent the Applicant's information was used or is being used operationally by the CNB/PDRM; and
 - f. Addressing the PP's reconsideration of the CSA in light of these developments.
5. Liberty to apply; and
6. An interim stay of execution, pending the determination of this permission application and any consequent PACC application.

2 Although these prayers are not felicitously drafted, I understand OAC 2 to be an application for permission under s 60G of the Supreme Court of Judicature Act 1969 (2020 Rev Ed) (“SCJA”) to make a post-appeal application in a capital case (“PACC application”). The contemplated PACC application is for a stay of the Applicant’s execution pending: (a) an application to the Public Prosecutor for a certificate of substantive assistance (“CSA”) under s 33B(2)(b) of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) (“MDA”); and (b) a further

challenge to any denial of that application by the Public Prosecutor. In addition to permission to make this PACC application, the Applicant seeks a stay of his execution pending the determination of OAC 2 and, should permission be granted, the determination of his PACC application. He also seeks various consequential directions.

3 OAC 2 is placed before me as a single Judge sitting in the Court of Appeal pursuant to s 60G(2) of the SCJA.

Background and history of previous proceedings

4 On 2 May 2017, the Applicant was convicted by the High Court of a single charge under s 7 of the MDA for importing not less than 51.84g of diamorphine into Singapore on 3 September 2014. The court found that the Applicant was a courier whose involvement in the offence fell within s 33B(2)(a)(i) of the MDA. However, as the Public Prosecutor did not issue a CSA to him under s 33B(2)(b) of the MDA, the court sentenced the Applicant to death (see *Public Prosecutor v Pannir Selvam Pranthaman* [2017] SGHC 144).

5 On 9 February 2018, the Court of Appeal dismissed the Applicant's appeals against his conviction and sentence.

6 The post-appeal applications subsequently brought by the Applicant, as well as other relevant developments, are set out in summary in *Pannir Selvam Pranthaman v Attorney-General* [2025] 1 SLR 237 (“*Pannir Selvam Pranthaman (PACC Permission)*”) (at [5]–[21]) and *Pannir Selvam Pranthaman v Attorney-General* [2025] 1 SLR 1345 (“*Pannir Selvam*

Pranthaman (PACC Application)”) (at [6]–[18]). For the purposes of this judgment, it suffices to draw attention to the following.

7 On 24 June 2019, the Applicant applied for leave to commence judicial review proceedings in relation to, among other things, the Public Prosecutor’s decision not to issue a CSA to him. This application was dismissed by the High Court on 12 February 2020 (see *Pannir Selvam a/l Pranthaman v Attorney-General* [2022] 3 SLR 838). The Applicant filed an appeal against the High Court’s decision on 25 February 2020. The appeal was dismissed by the Court of Appeal on 26 November 2021 (see *Pannir Selvam a/l Pranthaman v Attorney-General* [2022] 2 SLR 421 (“*Pannir Selvam (JR)*”). In doing so, the Court of Appeal noted that, while the decision not to issue a CSA had first been made by a former Attorney-General based on information provided to him between 4 May 2015 and 14 March 2016, the subsequent Attorney-General had considered all additional information provided by or on behalf of the Applicant as at 22 May 2019 and determined that the earlier decision not to grant a CSA should stand (see *Pannir Selvam (JR)* at [43] and [47]).

8 More recently, on 19 February 2025, the Applicant was granted permission to make a PACC application for: (a) a stay of his execution pending the determination of his complaint to the Law Society of Singapore against his former counsel; (b) a stay of his execution pending the determination of CA/SUM 16/2023 (“SUM 16”) and, if SUM 16 was successful, the determination of CA/CA 2/2023 (see *Pannir Selvam Pranthaman (PACC Permission)*). This PACC application was, however, dismissed by a five-judge panel of the Court of Appeal on 5 September 2025 (see *Pannir Selvam Pranthaman (PACC Application)*).

9 On 4 October 2025, the Applicant was notified that his execution had been scheduled for 8 October 2025.

10 On 6 October 2025, Mr Too filed OAC 2 on behalf of the Applicant with a supporting affidavit and written submissions. A supplementary affidavit of Mr Too was also filed later that day.

11 On 7 October 2025, the Attorney-General (“Respondent”) filed an affidavit from a Deputy Director of the Central Narcotics Bureau (“CNB”) (Operations), Tang Zhixiong Aaron (“Deputy Director Tang”), and written submissions.

The parties’ cases

12 The Applicant’s case is premised upon the following factual account advanced in Mr Too’s affidavit and supplementary affidavit:

(a) From 9 September 2014 to 20 February 2019, the Applicant had provided information to the CNB and the Attorney-General’s Chambers (“AGC”) about three persons who were linked to his drug importation offence of 3 September 2014. These persons were: (a) the Applicant’s handler, Shanmugam a/l Rajamanikam (“Shanmugam”), to whom the Applicant had referred to as “Anand”; (b) Shanmugam’s boss, one “Ganesh”; and (c) an associate of Shanmugam, Thinesh a/l SM Balachandran (“Thinesh”), who assisted in the recruitment of drug couriers.

(b) The information provided by the Applicant was conveyed at some point in time by the CNB to the Royal Malaysia Police (“RMP”). The Applicant’s family was apparently informed of this on or around

3 March 2021 by the Chief Police Officer of Johor, Dato' Ayob Khan Mydin Pitchay, although they were also told that the contents of the CNB's letters to the RMP could not be disclosed to them.

(c) On 27 September 2025, three officers from the RMP interviewed the Applicant at Changi Prison, Singapore. During this interview, the Applicant was asked to recount the events leading up to his drug importation offence of 3 September 2014 and to identify the roles of Shanmugam and Thinesh. The RMP officers informed the Applicant that Shanmugam and Thinesh had been arrested in Malaysia "because of [the Applicant's] case" and were under investigation for their links to his drug importation offence of 3 September 2014. They also informed the Applicant that, although Shanmugam and Thinesh had not been found to be in possession of drugs at the time of their arrests, both had tested positive for drug consumption and had been charged accordingly. The purpose of the RMP's visit to Singapore was to obtain the Applicant's statements to advance its investigations against Shanmugam and Thinesh for drug trafficking. When the Applicant was asked whether anyone else had been involved, he informed the RMP officers about Shanmugam's boss, Ganesh, and told them that he had previously provided Ganesh's phone number in a statement to the CNB. The RMP officers responded that they would obtain this information directly from the CNB.

13 Mr Too says he learned about the interview by the RMP officers and the arrests from the Applicant during a prison visit on 1 October 2025. On 3 October 2025, he wrote to the AGC to ask the Ministry of Home Affairs ("MHA") to defer the Applicant's execution pending ongoing investigations by

the RMP relating to the Applicant's drug importation offence of 3 September 2014. The AGC replied on 3 October 2025 to say that the MHA was unable to accede.

14 As mentioned above, the Applicant was notified on 4 October 2025 that his execution was scheduled for 8 October 2025. OAC 2 was filed on 6 October 2025.

15 The Applicant submits that the RMP's arrests and/or ongoing investigations into Shanmugam, Thinesh and Ganesh, of which he first learnt during his interview of 27 September 2025, constitute "new and material developments". According to him, there is a reasonable basis to infer that the information provided by him had led to and/or materially assisted in these arrests and/or ongoing investigations. The Applicant therefore intends to apply to the Public Prosecutor to reconsider his earlier decision not to issue a CSA in the light of this new material.

16 The Applicant further submits for the following reasons that he should be granted a stay of his execution:

(a) Should a CSA indeed be issued to the Applicant, this will have a direct bearing on his sentence of death. The High Court had found that the Applicant was a courier whose involvement fell within s 33B(2)(a)(i) of the MDA. Accordingly, with a CSA, the Applicant would qualify for the alternative sentencing regime under s 33B(1)(a) of the MDA.

(b) The Applicant is a material witness in the RMP's criminal investigations, which may eventuate in the prosecution of upstream

suppliers of drugs to Singapore. There is therefore a public interest in the preservation of his evidence.

17 The Applicant also submits that the court possesses an inherent jurisdiction and power to grant a stay in exceptional circumstances, as recognised by the Court of Appeal in *Pannir Selvam Pranthaman (PACC Application)* (at [66]).

18 The Respondent resists the application, which, in his submission, is nothing more than an abusive attempt to stymie the carrying into effect of the Applicant's death sentence. He observes that, in *Pannir Selvam (JR)*, the Court of Appeal had upheld the decision not to issue a CSA to the Applicant. As the Applicant has not provided any new information to the CNB since 20 February 2019, including during the interview with the RMP on 27 September 2025, there is no basis to mount a fresh challenge against that decision. In any event, the CNB has confirmed, by way of the affidavit from Deputy Director Tang that none of the information previously provided by the Applicant substantively assisted the CNB in disrupting drug trafficking activities within or outside Singapore. The Respondent further observes that, in the absence of any affidavit filed by the Applicant, Mr Too's account of the interview on 27 September 2025 is inadmissible hearsay evidence. In any event, the information provided by the Applicant to the RMP cannot qualify him for a CSA because, under s 33B(2)(b) of the MDA, any substantive assistance must be provided to the CNB and, at the latest, during his trial.

The law governing an application for PACC permission

19 Before making a PACC application, an applicant is required under s 60G(1) of the SCJA to apply to the Court of Appeal for, and obtain, its

permission to do so. Section 60G(7) prescribes several matters which the Court of Appeal must consider in determining an application for permission to make a PACC application:

In deciding whether or not to grant an application for PACC permission, the Court of Appeal must consider the following matters:

- (a) whether the PACC application to be made is based on material (being evidence or legal arguments) that, even with reasonable diligence, could not have been adduced in court before the relevant date;
- (b) whether there was any delay in filing the application for PACC permission after the PACP or counsel for the PACP obtained the material mentioned in paragraph (a) and the reasons for the delay;
- (c) whether subsection (4) is complied with;
- (d) whether the PACC application to be made has a reasonable prospect of success.

Section 60G(4), to which s 60G(7)(c) refers, provides that the applicant must file written submissions in support of the application for PACC permission, and such other documents as are prescribed in the Rules of Court 2021, within such periods as are therein prescribed (see *Pannir Selvam Pranthaman (PACC Permission)* at [23]).

20 The requirements under ss 60G(7)(a)–(c) are not disputed in the present application. I therefore only consider, pursuant to s 60G(7)(d), whether the contemplated PACC application has a reasonable prospect of success.

Whether the PACC application to be made has a reasonable prospect of success

21 I begin with the law governing the Public Prosecutor’s decision whether to issue a CSA. Section 33B(2) of the MDA provides:

The requirements referred to in subsection (1)(a) are as follows:

(a) the person convicted proves, on a balance of probabilities, that his or her involvement in the offence under section 5(1) or 7 was restricted —

(i) to transporting, sending or delivering a controlled drug;

(ii) to offering to transport, send or deliver a controlled drug;

(iii) to doing or offering to do any act preparatory to or for the purpose of his or her transporting, sending or delivering a controlled drug; or

(iv) to any combination of activities in sub-paragraphs (i), (ii) and (iii); and

(b) the Public Prosecutor certifies to any court that, in his or her determination, the person has substantively assisted the *Central Narcotics Bureau* in disrupting drug trafficking activities within or outside Singapore.

[emphasis added]

22 Further, in *Pannir Selvam (JR)*, the Court of Appeal held that, in the context of information provided by an accused person to the CNB, it was *not* sufficient for the purposes of s 33B(2)(b) of the MDA that the information was *inherently capable* of being useful. Such information must have *actually* been used by the CNB in disrupting drug trafficking activities within or outside Singapore (at [66]). Put another way, the overarching test to be applied by the Public Prosecutor was whether the information provided by the accused person had *enhanced the operational effectiveness of the CNB*. Section 33B of the MDA contemplated that, at a minimum, the information provided by the accused person must have been used by the CNB in some way before the accused person could be regarded as having substantively assisted the CNB. It was not sufficient for the information simply to be reliable and of inherent practical value (at [87]–[88] and [92]).

23 In my view, there is no basis for the Applicant’s submission that he is entitled to a CSA. His contemplated PACC application is for a stay of his execution pending his application to the Public Prosecutor for a CSA and a further challenge to that decision should it be unfavourable to him. The intended application and challenge have no reasonable prospect of success.

24 I first make clear one preliminary point. Mr Too’s affidavit mentions that the Applicant had provided information to the Singapore authorities between 9 September 2014 and 20 February 2019. There is no suggestion that the Applicant has provided any new information to the CNB since 20 February 2019. Deputy Director Tang’s affidavit also confirms that he has not. It further adds that all the information provided by the Applicant to the RMP during his interview on 27 September 2025 had previously been provided to the CNB. The Applicant’s argument, rather, is that the RMP’s arrests and/or ongoing investigations into the activities of Shanmugam, Thinesh and Ganesh, of which he was first informed during that interview, demonstrate that the information previously provided by him had in fact been useful.

25 I add that the Applicant and Mr Too were aware about communications between the CNB and the RMP on information provided by the Applicant since around 3 March 2021 (see [12(b)] above). I elaborate as follows:

- (a) The Applicant was convicted and sentenced on 2 May 2017.
- (b) His appeals against his conviction and sentence were dismissed on 9 February 2018.
- (c) On 24 June 2019, the Applicant filed HC/OS 807/2019 (“OS 807”) seeking leave to commence judicial review proceedings, in

particular, in respect of the Public Prosecutor’s decision not to issue him a CSA.

(d) On 12 February 2020, the High Court dismissed this application.

(e) On 25 February 2020, the Applicant filed an appeal by way of CA/CA 33/2020 (“CA 33”) against the High Court’s decision.

(f) On 5 March 2021, Mr Too wrote on behalf of the Applicant to the AGC. At that time, Mr Too was practising under BMS Law LLC. His letter mentioned the conversation which the Applicant’s family had had on or around 3 March 2021 with the Chief Police Officer of Johor. The letter requested confirmation and the disclosure of correspondence between the CNB and the RMP in respect of the Applicant on the basis that this touched upon the issue of whether the Applicant had substantively assisted the CNB in disrupting drug trafficking activities within or outside Singapore.

(g) On 8 March 2021, the AGC replied to refuse the request. It elaborated that any reference to the RMP about information provided by the Applicant to the CNB was to information provided by the Applicant on 20 August 2018 and 24 September 2018, more than half a year after the Applicant’s appeal against conviction and sentence was dismissed. The CNB had confirmed on affidavit dated 1 July 2019 that none of this information proved useful to the CNB.

(h) On 26 November 2021, the Court of Appeal dismissed the appeal in CA 33.

26 There is no evidence as to whether Mr Too or the Applicant’s family had made or pursued any further inquiry with the RMP at that time on the RMP’s response to information from the Applicant or any possible investigation by the RMP. There is also no elaboration by Mr Too as to whether he had raised the possibility of investigations by the RMP to the Court of Appeal in CA 33 before it rendered its decision on 26 November 2021. Mr Too was one of the counsel who represented the Applicant in OS 807 and in CA 33.

27 In my view, there are two difficulties with the argument for the Applicant that he is entitled to a CSA. First, it is speculative for the Applicant to suggest that the RMP’s arrests and/or ongoing investigations into Shanmugam, Thinesh and Ganesh were the result of the information provided by the Applicant. Mr Too asserts that the Applicant was informed by the RMP officers that Shanmugam and Thinesh had been arrested “because of [the Applicant’s] case”. Leaving aside the Respondent’s objection that Mr Too’s evidence is hearsay, this may simply mean that Shanmugam and Thinesh were arrested for their possible involvement in the Applicant’s drug importation offence of 3 September 2014. It does not follow that they were arrested because of information provided by the Applicant. Furthermore, it is unclear whether any information provided by the Applicant has substantively assisted the RMP in its investigations.

28 Second, and in any event, it is clear from the plain wording of s 33B(2)(b) of the MDA that any substantive assistance from the Applicant must have been rendered to the CNB and not to any foreign law enforcement agency. As the Respondent submits, this interpretation is also consistent with the purpose of s 33B, which is to enhance the operational effectiveness of *the CNB* (see *Pannir Selvam (JR)* at [85]). Moreover, the question whether an accused

person should be granted a CSA is to be certified by the Public Prosecutor of Singapore, *ie*, the Respondent acting in that capacity. It would put the Public Prosecutor of Singapore in an invidious position if he were required to take into account any assistance that might have been rendered to any authority outside Singapore. Accordingly, even if the Applicant can be said to have substantively assisted the RMP in its anti-drug operations, this does not suffice to take him within the scope of s 33B(2)(b) of the MDA. It is worth reiterating that the Court of Appeal has already decided that he is not entitled to seek judicial review of the non-certification by the Public Prosecutor based on his alleged assistance to the CNB.

29 The Respondent has also argued that the latest time for an accused person to provide information to the CNB for the purpose of obtaining a CSA is during his trial. The Court of Appeal in *Pannir Selvam (JR)* left open the question whether, in reviewing the Public Prosecutor's determination under s 33B of the MDA, the court could take into account information provided by an offender after the dismissal of the appeal against his conviction and sentence (at [104]). Likewise, it is unnecessary to address this question at present.

30 I now address the Applicant's argument about the possibility of future criminal proceedings in Malaysia against Shanmugam, Thinesh and/or Ganesh. His argument is that there is a public interest in the preservation of his evidence because he is likely to be a material witness in those proceedings. In *Pannir Selvam Pranthaman (PACC Application)*, the MHA explained that, under its policy on the scheduling of executions, it would consider whether a PACP's testimony was required in any proceedings brought by the State, such as criminal proceedings (see [28]). Nonetheless, I am of the view that as the MHA's policy can only be reasonably interpreted as referring to domestic State-

brought proceedings, any criminal proceedings initiated in Malaysia against Shanmugam, Thinesh and/or Ganesh would clearly fall outside its ambit. Indeed, the Applicant does not argue to the contrary. The MHA's policy statement in *Pannir Selvam Pranthaman (PACC Application)* therefore does not assist the Applicant, and he rightly does not seek to rely on it.

31 Instead, the Applicant appears to rely on the court's inherent jurisdiction and power to grant a stay in exceptional circumstances. However, as the Court of Appeal made clear in *Pannir Selvam Pranthaman (PACC Application)*, there is a high threshold to be crossed before this may be successfully invoked, and it will be incumbent on an applicant to demonstrate how this high threshold has been crossed (at [66]). The Applicant raises the argument about public interest but any reference by the Court of Appeal to public interest is to the public interest in Singapore and not in any other country. I add that any question of criminal proceedings in Malaysia arising from information from the Applicant is open-ended.

32 In my view, there is nothing exceptional whatsoever about the circumstances of the present case and therefore no basis to exercise the court's inherent jurisdiction and power to stay the Applicant's execution. The Applicant cannot rely on s 33B(2)(b) of the MDA for the reasons given. He also cannot rely on possible criminal proceedings in another jurisdiction to circumvent MHA's policy or to seek a stay of his execution.

Conclusion

33 There is no basis to grant the present application to order a stay of execution. I therefore dismiss it summarily without the need for an oral hearing pursuant to s 60G(8) of the SCJA.

Woo Bih Li
Judge of the Appellate Division

Too Xing Ji (Too Xing Ji LLC) for the applicant;
Terence Chua Seng Leng, Wuan Kin Lek Nicholas (Yin Jianli) and
Darren Ang Jin Wee (Attorney-General's Chambers) for the
respondent.
