

Choi Byeongkuk v Public Prosecutor  
[2011] SGHC 6

**Case Number** : Magistrate's Appeal No 393 of 2010 (DAC 42066 of 2010)  
**Decision Date** : 11 January 2011  
**Tribunal/Court** : High Court  
**Coram** : Choo Han Teck J  
**Counsel Name(s)** : S K Kumar (S K Kumar & Associates) for the appellant; Toh Shin Hao (Deputy Public Prosecutor) for the respondent.  
**Parties** : Choi Byeongkuk — Public Prosecutor

*Criminal Procedure and Sentencing*

11 January 2011

**Choo Han Teck J:**

1 The appellant pleaded guilty to a charge of possession of tenamfetamine, a Class A controlled drug. He was a 36-year old Korean who was entering Singapore from Kuala Lumpur on 13 September 2010. He was given the tablets by his friend in Kuala Lumpur and he kept them in his trouser pocket. When he was stopped by immigration officers he readily took out the tablets and admitted to possessing them.

2 His counsel, Mr S K Kumar, submitted that the appellant had forgotten about the tablets when he was entering Singapore and only recalled that they were with him when he was questioned at the immigration checkpoint. He was also a first offender. However, two other charges were taken into consideration for sentencing. The first concerned possession of two other Class A drugs, and the second concerned the possession of utensils for drug consumption. The maximum penalty for an offence under s 8(a) of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed), under which the appellant was charged, is imprisonment up to 10 years or fine up to \$20,000 or both.

3 For first time offenders on a charge similar to the one before this court, a sentence of imprisonment may be as low as six months or less, and although the sentence here of 8 months' imprisonment might have been a little on the high side given the circumstances, it was not one which could be said to be manifestly excessive. For this reason the appeal was dismissed

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