

Public Prosecutor v Balakrishnan a/l Sannasy and Another
[2008] SGHC 6

Case Number : CC 30/2007
Decision Date : 10 January 2008
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Amarjit Singh and Stanley Kok Pin Chin (Deputy Public Prosecutors) for the public prosecutor; Mohan Das Naidu (Mohan Das Naidu & Partners) for the first accused; B J Lean (B J Lean) for the second accused
Parties : Public Prosecutor — Balakrishnan a/l Sannasy; Muthurumaran Ramasamy

Criminal Law

Criminal Procedure and Sentencing

10 January 2008

Choo Han Teck J:

1 The appellant, Balakrishnan A/L Sannasy, and a co-accused, one Muthurumaran Ramasamy, pleaded guilty before me on a charge of trafficking in not less than 14.99g of diamorphine. The charge was brought under s 5(1)(a) read with s 5(2) of the Misuse of Drugs Act (Cap 185), 2001 Rev Ed and s 34 of the Penal Code (Cap 224), 1985 Rev Ed. The offence was committed on 5 December 2006 at or about 8.45pm in the vicinity of a McDonald's restaurant located at the East Coast Park. Both accused pleaded guilty to the charge.

2 From the statement of facts that both accused persons admitted without qualification, the appellant was caught in an entrapment exercise by the Central Narcotics Bureau ("CNB"). He was the one who established contact with an undercover agent of the CNB to whom he sold and delivered the drugs in question. At the meeting he handed the drugs to the said undercover agent. The second accused admitted to be the person who obtained the drugs for the appellant to sell. It was also noted in the statement of facts that the appellant owed the second accused money which he had hoped to repay by selling the drugs. On the evening when the arrests were made, the second accused was merely "loitering" in the vicinity.

3 In mitigation, counsel for the appellant pleaded that the appellant had an unhappy domestic life as he had a 14-year-old son who was born with a mental retardation, and also that he and his wife did not earn enough to provide money for his family's medical expenses. He expressed remorse and had no previous antecedents. I sentenced both accused persons to 24 years' imprisonment and 15 strokes of the cane. There was no appeal by the second accused.

4 The offence was punishable with mandatory caning of not less than 15 strokes and a term of imprisonment of not less than 20 years and not more than 30 years. The facts of this case were straightforward with nothing exceptionally harsh nor aggravating. The mitigating factors were similarly not sufficient in my view to merit the minimum sentence of 20 years. It is true that I might have ordered a term of slightly less than 24 years, say 22, but I could also have imposed a slightly longer sentence of say 25 or 26 years. It is difficult to say which length of time would be the correct one in such a case. I thought a term of 24 years with effect from 5 December 2006 to be a fair one.

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