

Public Prosecutor v Foong Chee Peng
[2011] SGHC 105

Case Number : Criminal Case No 9 of 2011
Decision Date : 28 April 2011
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Amarjit Singh and Andre Darius Jumabhoy (Attorney-General's Chambers) for the prosecution; Boon Khoon Lim and Dora Chua Siow Lee (Dora Boon & Company) for the accused.
Parties : Public Prosecutor — Foong Chee Peng

Criminal Law

28 April 2011

Choo Han Teck J:

1 On 30 September 2009 at about 4.03pm, officers from the Central Narcotics Bureau ("CNB") broke down the door to a flat known as #01-04, Sunshine Grove at 2 Jalan Labu Merah. The flat had two bedrooms. The accused, Foong Chee Peng, was arrested in the master bedroom. His sister, Foong Siew Found, was arrested in the second bedroom. She was not charged for the drugs found in the flat. The accused was, however, charged for trafficking in 40.23g of diamorphine contained in thirty-six packets, two straws, and one container found in his room. The charge was preferred under s 5(1)(a) read with s 5(2) of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed). It carries the death penalty under s 33 of the said Act.

2 After the charge was read to the accused, he informed the court that he wished to plead guilty. I asked that the Prosecution proceed with the evidence, and marked the Prosecution's Opening Address as an exhibit as the accused indicated that he accepted the case against him contained therein.

3 The CNB officers searched the master bedroom which was occupied by the accused and found the drugs which were the subject matter of the charge. Station Inspector Ng Tze Chiang Tony ("SI Ng") (PW9) recorded a contemporaneous statement from the accused by communicating with him in Mandarin. This statement consisted of a series of questions and answers. SI Ng recorded the questions and answers in English and translated them into Mandarin save for the answer to question number 3 which the CNB interpreter, Wong Png Leong (PW22), subsequently translated. In this statement, the accused acknowledged that the substances seized were, *inter alia*, heroin (*viz*, diamorphine) and that they belonged to him for the purposes of sale to others.

4 The accused was also served with the Notice of Caution and a statement was recorded pursuant to s 122(6) of the Criminal Procedure Code (Cap 68, 1985 Rev Ed). He admitted that there was no threat, inducement or promise made to him when he stated in the s 122(6) statement that "the things belong to me and got nothing to do with my younger sister" [*sic*]. By "things" the accused must be referring to the drugs referred to in the charge that was read to him to which his cautioned statement was made in response.

5 The forensic officers testified to the nature and weight of the drugs seized and they conformed to the charge. Consequently, I called upon the accused to rebut the prosecution case. After the standard allocation was read to him, he informed the court that he elected to remain silent and had no evidence to adduce.

6 Reviewing the evidence, I was satisfied that the prosecution had made out a case against the accused beyond reasonable doubt and I thus found the accused guilty as charged and convicted him accordingly.

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