

Public Prosecutor v Raman Selvam s/o Renganathan  
[2003] SGHC 210

**Case Number** : CC 33/2003  
**Decision Date** : 16 September 2003  
**Tribunal/Court** : High Court  
**Coram** : Tay Yong Kwang J  
**Counsel Name(s)** : G Kannan DPP and Derek Kang DPP (Attorney General & his Chambers) for the Prosecution  
**Parties** : Public Prosecutor — Raman Selvam s/o Renganathan

*Criminal Law – Controlled drugs – Presumption of trafficking – Whether accused in possession of drugs for purpose of trafficking – Possession, custody or control of keys to premises and relevant room – Misuse of Drugs Act (Cap 185, 1997 Ed) ss 5, 17, 18(1)(c), 18(2), 33(1) Misuse of Drugs Act (Cap 185, 1997 Ed).*

1. The accused was tried and convicted on the following charge:

“That you, Raman Selvam s/o Renganathan.

together with one Dhanabalan s/o A Gopalkrishnan, on the 24<sup>th</sup> day of February 2003, at about 8.35 pm, at Block 52 Teban Gardens Road #13-588, Singapore, in furtherance of the common intention of you both, did traffic in a controlled drug specified in Class A of the First Schedule to the Misuse of Drugs Act, Chapter 185, to wit, by having in your possession for the purpose of trafficking, 27 blocks of vegetable matter, 1 packet of vegetable matter and some loose vegetable matter, containing not less than 2715.6 grams of cannabis, without any authorisation under the Act or the Regulations made thereunder, and you have thereby committed an offence under section 5(1)(a) read with section 5(2) of the Misuse of Drugs Act, Chapter 185 and section 34 of the Penal Code, Chapter 224 and punishable under section 33 of the Misuse of Drugs Act.”

As the quantity of cannabis in question was more than 500 grams, the mandatory death sentence was imposed. A second similar charge relating to the above substances containing not less than 749.97 grams of cannabis mixture, a non-capital charge, was withdrawn upon the conviction on the first charge. The other person named in the charges, Dhanabalan s/o A Gopalkrishnan, pleaded guilty to the above two charges (but with the amount of cannabis in the first charge reduced below 500 grams) and was sentenced by Choo Han Teck J to undergo a total of 20 years imprisonment and to receive 24 strokes of the cane.

### The Prosecution's case

2. At around noon on 24 February 2003, a team of Central Narcotics Bureau ('CNB') officers was briefed by ASP Nigel Sim about two suspected male Indian cannabis traffickers, the accused and Dhanabalan (also known as Balu). The accused was operating a flower shop at Block 61 Teban Gardens Road while Balu was running a food stall in a coffee shop at Block 54 Teban Gardens Road. They were believed to have a large quantity of cannabis stored in one of the flats in Blocks 52, 53 or 54 (all blocks named are in the Teban Gardens Road housing estate unless otherwise stated). Photographs of the said male Indians were shown to the officers.

3. The team arrived in the vicinity of Block 52 at about 12.45 pm and kept observation there until about 5.35 pm when some of them were instructed to proceed to Block 24 (where the accused was residing) to arrest the accused. At the void deck of Block 24, they arrested two male Indians who were behaving suspiciously. These two suspects were later escorted to Clementi Police Division HQ.

4. In the meantime, another male Indian resembling the accused had disappeared from the scene and was believed to be hiding in #06-164 of Block 24 (the accused's flat). The CNB officers knocked on the main door of that unit and identified themselves but there was no response from within the flat. Several of the officers then left for the flower shop at Block 61 to ask the accused's wife, Vasuagee d/o Subramaniam, to help them gain access into the flat

5. At about 6.35 pm, they returned to the accused's flat with Vasuagee and tried to use her keys to open the main door. Although the keys worked, the door would not open as it was latched from within. The door was then kicked open. The CNB officers entered the flat and arrested the accused in the master bedroom after a struggle. His young son was also in the master bedroom. A search was then conducted and one Dunhill cigarette box containing two rolled-up papers of vegetable matter was found on top of the basin in the toilet located in the kitchen. Later that night, the accused was escorted to Block 52.

6. On the same day, another team of officers was briefed by Insp William Tan about the accused and Balu. This team arrived at the Teban Gardens Road housing estate in the late afternoon and arrested Balu at the coffee shop in Block 54 at about 6 pm. Two male Indians working at Balu's food stall were also arrested with him. A bunch of 4 keys was found in the trousers pocket of Balu.

7. Some of the CNB officers escorted Balu to the thirteenth floor of Block 53 intending to make enquiries at one of the flats in that block but no one was in that flat at that time. At around 6.50 pm, Balu was brought to the void deck of Block 52 where they met ASP Krishnan and ASP Nigel Sim. The two senior officers questioned Balu.

8. Balu was then brought up to #09-592 of Block 52 where the occupants of that flat were questioned. He was then brought up to the staircase landing at the thirteenth floor of that block and further questioned. At about 8.05 pm, an Indian lady (Indra d/o Ramasamy) walked up the stairs. Upon seeing the group of men, she turned around and walked away but was told by the CNB officers to continue to proceed to her destination. It was discovered that she was the owner of #13-588 and that she knew Balu as her tenant. ASP Nigel Sim asked her not to unlock the padlock on the gates. He then used the bunch of four keys seized earlier from Balu and two of the keys could unlock the padlock and the main door. The padlock and the main door were then re-locked and Balu was brought to the entrance of the flat as the CNB officers wanted to enter it in his presence. 9. Using the keys seized from Balu, the officers entered the flat (which had three bedrooms) and ascertained that he occupied the room next to the corridor. Balu showed them the key that unlocked the room door. He was then made to sit in the living room to await the arrival of the accused who had been arrested by the other team of officers.

10. When the accused arrived, Insp William Tan unlocked the door of the rented room using one of the four keys seized from Balu. This was done in the presence of both Balu and the accused. Packets of cannabis were found in the top left shelf and in the bottom right drawer of the wardrobe in the rented room. They were left in the positions in which they had been discovered until the arrival of the Investigating Officer, ASP Geoffrey Soh. Balu and the accused were placed in separate rooms under guard.

11. Later that night, the Investigating Officer and members of the Forensic Management Branch of the Criminal Investigation Department arrived. Photographs of the scene and the exhibits seized from the rented room were then taken. There were nine large blocks of cannabis in the top left shelf of the wardrobe. In the said drawer, there were nine small blocks of vegetable matter, one small block in a black bag, a plastic packet containing nine small blocks and a stained chopper. Inside the bedside drawers were a large and a small weighing scale, one stained chopping board, four paper cutters and a lighter. A plastic bag containing medication for Balu was placed on top of the bedside drawers. Rolls of masking tape, plastic wrapper and a handphone charger were also found in the room. There was also a black haversack in the wardrobe. An orange t-shirt was hanging in the

wardrobe and three other t-shirts were found on the single bed.

12. The remaining key out of the four seized from Balu was for the door to the master bedroom occupied by the owner of the flat.

13. Balu was then brought to his flat in Jurong West where a search was conducted. The accused was brought to CNB HQ. Later, at CNB HQ, the bundles of vegetable matter seized from the rented room were weighed by the Investigating Officer in the presence of Balu and the accused. The bundles were subsequently analysed by the Health Sciences Authority and were found to contain a total of not less than 2715.6 grams of cannabis, the subject of the charge.

14. Fingerprint examination of the exhibits seized from the said room revealed only one latent print on some Tamil Murasu newspapers dated 6 December 2002 but that was not traced to Balu or to the accused.

15. The investigations revealed that the accused and his wife rented a shop space at #01-05 in Block 61 in July 2002 to operate a flower shop which also sold clothes and prayer items. The rental was \$1200 per month. The accused's wife testified that their shop would be open from around 8.30 am to about 8.30 pm every day except Sunday when it would be closed. The accused would open the shop in the morning and would take care of it until about 2 pm when she would take over after completing her household duties and sending their two children to school. The accused would then return home.

16. She was the subscriber of a Singtel handphone bearing number 98279544 which was used by the accused. She used another Singtel handphone with the number 98956601, which was operated using the Hi-card system.

17. The accused's wife remembered having seen Balu talking to her husband in the flower shop several times in 2003 although they were not introduced to each other. A couple of years ago, their family had attended a party at the Fort Canning Park held by Balu to celebrate his daughter's birthday.

18. On 24 February 2003, she accompanied some CNB officers from the flower shop to her flat as they had asked her to follow them there. She confirmed that the main door of her flat could not be opened by the officers using her keys. She was told that the main door had been latched from within. She did not know why her husband had done that. After the CNB officers kicked the main door down, they dashed into the master bedroom and shut the room door. She was told to sit in the living room. As their young son (three and a half years old) was crying, he was brought out to the living room. The door to the master bedroom was then shut again. The flat was then searched. After that, the CNB offices took the accused away.

19. She said in cross examination that the accused would go to the port to work as a forklift driver whenever he was called upon to do so. On those occasions, which were eight to ten days a month, he could earn about \$2000. She would manage the shop herself during those times. He was the provider of the family, giving her slightly less than \$1000 per month for household expenses. They were paying for their flat using the money in his Central Provident Fund account. They had neither a car nor a motorcycle.

20. The flower shop business was definitely a profitable one as there was only one Indian shop in that area. They could make gross profits of \$100 to slightly less than \$200 per day. Business was particularly good during the Ponggul festival which fell on 15 January 2003. The shop ceased operation one week after the arrest of the accused as she was unable to manage it on her own.

21. Balu's father, who worked for a casket company, had placed orders for flowers with them.

Due to the delay in payments, the accused and Balu's father had some misunderstanding. She had also called him about the payments and he was very rude to her.

22. Indra (the owner of the flat where the cannabis was found) was a regular customer at their flower shop. She purchased some coconuts and sugar cane on 15 January 2003 for the Ponggul festival.

23. 23 February 2003, the day before her husband was arrested, was a Sunday. She walked to the neighbourhood market with her husband and their two children to take breakfast at a coffee shop there. Accompanying them was an Indian maid who was employed for only one week as she had originally planned to undergo some minor operation on her hand. After breakfast, she went alone to do marketing. Her husband told her to look for them at the 4-D lottery outlet.

24. At about 10 am, she met her family at the 4-D lottery outlet. The accused had bought two lottery tickets. Balu was also there playing with their children. She went home with the maid and the children while the accused and Balu left to have some drinks together. The accused returned home for lunch at around 12.30 pm that day. He informed her that he had been to the flower shop to clean the air conditioner. At home, he mopped the floor, played with the children and watched television. He did not leave the flat again that day.

25. On Monday, 24 February 2003, the accused left home at about 8.15 am to open the flower shop. At lunchtime, she brought his lunch to him and asked him to bring their son home as the boy was having a bad cough. When the CNB officers went to look for her later in the afternoon, she left the maid to take care of the flower shop while she was accompanied home by the CNB officers.

26. The owner of the flat at Block 52 #13-588, Indra d/o Ramasamy, 56 years old, works as a laboratory attendant in the Health Sciences Authority. She owns the flat jointly with her husband from whom she has been separated since 2000. Her husband did not return to the flat since their separation. Indra's working hours were 8 am to 5 pm on weekdays and 8 am to 12 noon on alternate Saturdays. She would usually leave her flat at about 7 am and return home at around 6.30 pm on weekdays. Occasionally, she would do some shopping and return home between 7.30 pm to 8.30 pm. During the weekend, she would stay overnight with her sister elsewhere in Singapore. Occasionally, she would stay over on Sunday night as well and go to work from her sister's home the next day.

27. Indra occupied the master bedroom. One of the bedrooms (not the one where the cannabis was found) was rented in November 2002 to a couple from India for about one month. The other bedroom (where the cannabis was found) was rented in September 2002 to a couple and their child, also from India, for some one and a half months.

28. After the tenants' departure, she tidied up the rooms. She did not look into the top left shelf of the wardrobe in the room in question. She did look inside the bottom right drawer of the wardrobe but there was nothing there. She also changed the padlock for the gates as she did not want anyone with spare keys to gain access to her flat.

29. She got to know the accused when she went to his flower shop to buy flowers and household items. Sometime in December 2002, she informed him that she had rooms to let and asked him to help her look for good tenants, preferably families. He advised her to look for individuals rather than families as tenants because the latter would be more likely to dirty her flat and create problems for her. She gave the accused the telephone number in her flat as well as her handphone number.

30. On 13 January 2003, the accused informed Indra that someone had offered \$300 per month for one of the rooms in her flat. She accepted the offer. The accused told her he would bring the potential tenant to view the rooms.

31. In the evening that day, the accused went to her flat with Balu and introduced Balu as a student who was working part-time as a private investigator. Balu confirmed this and chose the room in question. The accused asked Indra whether anyone else possessed the key to that room as Balu would be bringing an expensive computer to the room and did not want it stolen. Indra assured the accused that she was the only one who had the key. They also asked her whether there was anyone else living in the flat and whether her husband would be returning to the flat. Indra told them she was living alone. When she asked them when Balu would be moving in, the accused replied that it would be in two or three days' time. Indra offered to clear some clothing and utensils left by her in the said room but Balu said it was not necessary. During the half hour that the two men were in her flat, it was the accused who did most of the talking. Indra told the two men that she would not be home during weekends.

32. Indra confirmed that most of the utensils, old clothes, bedsheets and cushion covers in the wardrobe belonged to her. While the bed, the pillow, the bolster and the blanket belonged to her, the mattress did not. The accused told her he would be buying a mattress for the bed. Subsequently, when she was at his flower shop, the accused informed her that he had bought a mattress although she did not see him bringing it to the room. The three video tapes belonged to her husband but were left in the room by her. She also left a book in the room. The fan, the chair, the side table and the shelves were her belongings.

33. The next day, 14 January 2003, when Indra was at the accused's flower shop, the accused asked her for the keys to her flat. Indra told him she had forgotten to bring them. He asked her to bring the keys the following day and he would then pay her one month's rent. Bala was not present that day.

34. On 15 January 2003. Indra went to the flower shop and handed the accused the keys to the main door and the padlock. She told him she had misplaced the room key and would hand it to him when she found it. She asked him to hand the keys to Bala. The accused told Indra that Bala would be at her flat shortly although he did not say when. He then paid her \$300. The accused told her not to ask Bala for the rent as he (the accused) would be paying it. Indra asked him why he was paying the rent and the accused replied that Bala was his good friend and if he was in difficulty, he would help him out. He did not say, however, that Bala was in any difficulty. He also told her to ask him (the accused) in respect of anything involving Bala. Bala was again not in the flower shop that day. However, when Indra arrived at her flat, Bala was waiting outside. She told him she had handed the keys to the accused and would hand Bala the room key when she found it. Bala said he would take the keys from the accused later. He followed her into the flat, stayed a short while and then left. He had what appeared to be a small plastic bag of clothes.

35. Subsequently, Indra found the room key and, finding Bala in her flat after her work on 16 January 2003, handed it to him. It was in a bunch of two or three keys. Bala stayed in the flat for half an hour to an hour. She could not recall whether he spent the night there but believed he was in the flat the next day.

36. Sometime towards the end of January 2003, Indra met the accused and some of his friends near a provision shop in the housing estate. The accused showed her duplicate keys to her flat in a bunch. She asked him why he made the duplicates and he told her he had to paint and clean the rented room and in case Bala lost the original keys.

37. Indra saw Bala in her flat on five or six occasions, usually in the evening. After the room key was handed to him, the door to the rented room would be locked. Indra did not use her spare key to enter that room during the tenancy. On one occasion, the room door was ajar and she saw Bala sleeping inside. On two or three other occasions, when she was leaving the flat to go to work in the morning, she saw Bala's shoes outside the entrance. She did not see any of his belongings in the

bathroom located in the kitchen of the flat. Bala did not bring any of his friends to the flat.

38. On 14 February 2003, when Indra was at the flower shop to buy things, she asked the accused how she was to collect the rent since Bala was not always in the flat. The accused told her he would pay the rent and he did so. He also told her to collect the rent at his flower shop on the 15<sup>th</sup> day of each subsequent month.

39. Indra had asked the accused once why no computer was brought into the flat. The accused's reply was that he had no time and when he was free, he would bring the computer to her flat. After that, Indra did not ask the accused or Bala about the computer again.

40. On one occasion after 13 February 2003, the accused went to Indra's flat to look for Bala. Indra answered the door. Bala was in the flat watching television. The accused stood at the entrance to the flat and told Bala he had tried to contact him but Bala's handphone was not turned on. He told Bala to go out with him.

41. Saturday 22 February 2003 was her alternate Saturday off. On Monday 24 February 2003, Indra returned to her flat after work at about 8 pm. Walking up the flight of stairs to the thirteenth level, she was shocked to see some men questioning Bala. One of them asked her to produce her identity card but she did not have it with her. She showed them her office pass instead. She then walked to her flat and was about to unlock the padlock when she was stopped by one of the CNB officers who unlocked the padlock with his bunch of keys and then re-locked it. They then brought Bala to the flat and unlocked the padlock and the main door using the keys that they had. When asked whether she knew Bala, Indra said he was her tenant. She also told the CNB officers that she rented the room to Bala through the accused. The accused was brought to her flat later. Subsequently, Indra was brought into the rented room to identify the things that belonged to her.

42. Sometime between the date of arrest of the accused and 31 July 2003, when Indra attended the Preliminary Inquiry, she received a telephone call on her residential line from the accused's wife. She asked her how she knew her telephone number and was told that the accused had noted the number down. The accused's wife told Indra that if she were called up by the CNB and asked how many times she received rent, she was to say that she received it only once. Indra replied that she had already told the CNB that she received rent on two occasions from the accused and therefore could not change that version.

43. Beyond buying things from the accused's shop and asking him to help her look for a tenant, she had no other dealings with the accused. Her first encounter with Bala was on the evening of 13 January 2003 when the accused introduced him to her.

44. Balu was called by the Prosecution to testify against the accused. In his statement, he said he got to know the accused in 1998 when he was working with Lee Metal Pte Ltd and the accused was working as a forklift operator. When Lee Metal Pte Ltd merged with Natsteel to form Natferrous, Balu continued as an Operations Executive until his retrenchment in July 2002. He then worked part-time as a despatch rider and a private investigator.

45. Balu had smoked cannabis before knowing the accused. After becoming acquainted with the accused, Balu and he started smoking cannabis together. The two men became good friends. Subsequently, the accused joined Natferrous. In 2001, Balu helped the accused secure a stevedoring contract with the company. That contract lasted about a year until around the time of Balu's retrenchment in July 2002.

46. When he was out of work, Balu would go to the accused's flower shop. Around June 2002, he introduced his father, who worked for a casket company, to the accused and became the go-between for the supply of flowers by the accused to the casket company for about one and a half

months. The accused was slow in getting the flowers ready and the volume of orders was too high for him to handle. Balu then told his father to go to another supplier.

47. The payments to the accused for the flowers were not made promptly. That led to some misunderstanding between Balu's father and the accused and his wife. Later, Balu's father informed him that all outstanding amounts had been paid. Due to this dispute, Balu thought he would not be welcome at the flower shop and therefore stayed away from the accused for two to three months. He was also unhappy about the way his father had been treated.

48. When Balu went to the flower shop after that period of absence, the accused remarked sarcastically that Balu had gone back to look for him after such a long time. After that, they resumed their friendship.

49. In December 2002, the accused suggested to Balu that he start a food stall in the coffee shop at Block 54. The accused said he knew the owner of the coffee shop and could get Balu a good rent. Balu was not keen on the idea as he had never run a food stall before. However, when the accused raised the topic again in January 2003, Balu agreed to give it a try as he had no regular job for some time already.

50. The rent payable for the stall was \$1000 per month. Balu borrowed \$3500 from his father-in-law to buy the necessary tools of the trade. The stall commenced business one day before Chinese New Year which fell on Saturday, 1 February 2003.

51. The stall was open from 6 am to 11 pm daily. Balu travelled from his home in Jurong West Avenue 1 to the coffee shop in Teban Gardens on a motorcycle that he had borrowed from his brother or by taxi. Each taxi trip cost between \$3 to \$4. His brother-in-law and one Ravi, who turned out to be an illegal immigrant, assisted him in running the food stall. The business was not profitable. After work, Balu often joined the accused and some friends in beer drinking at a spot next to Block 61.

52. In the middle of January 2003, before the food stall commenced operations, the accused told Balu there was a place for him to rest during his working hours. Balu told him he could not afford to rent any place but he told Balu the rent had already been paid. He also told Balu he required the rented place to put his (the accused's) things and that he needed the place to be rented in Balu's name as the owner knew the accused lived in the vicinity and might find it odd that he wanted to rent a place so close to his home.

53. Sometime before the Ponggul festival on 15 January 2003, the accused brought Balu to Indra's flat. He told Balu the rent of \$300 had already been paid. The accused told Indra that Balu was the one who was renting the room, that he was a student and needed to keep a computer in the room. Balu did not correct the accused as he thought the accused was lying to Indra to hide his intention of storing his goods in the room. The accused asked her if anyone else was staying in the flat. Indra showed them the room in question and they then left her flat.

54. On 14 January 2003, the accused told Balu to go to Indra's flat the next day to collect the keys from her. When Balu arrived at the flat in the evening of 15 January 2003, Indra was not at home. However, he saw her walking towards the block of flats and therefore waited for her outside the flat. When Indra saw Balu, she informed him she had already handed the keys to the accused. Balu then went into the flat with her. She told him she could not locate the room key and would pass it to him when she found it.

55. After about half an hour, Balu left for the flower shop where the accused passed him two keys and asked him to make a duplicate set. He did so in Jurong West and handed the original and the duplicate sets to the accused the next day.

56. Sometime around 17 January 2003, the accused passed the two original and the two duplicate keys to Balu and asked him to go and test them at Indra's flat. Indra was not home. Balu let himself into the flat using the original keys and then tested the duplicate keys. All the keys worked. He remained in the flat and cleaned the kitchen. About an hour later, Indra returned home and told Balu she had found the keys to the rented room. She passed him two keys held on a key ring. He then left the flat. He was not sure whether he locked the room door before doing so. He returned to the flower shop and handed all six keys to the accused. Balu did not make duplicates of the room keys.

57. Balu went to the rented room on several other occasions after that day. Each time he went, he took the keys from the accused first. After resting in the room, he would return the keys to the accused.

58. In the last week of January 2003, Balu told the accused he needed money to run the food stall as the \$3500 borrowed from his father-in-law was not sufficient. The accused told him he could not give him any money but Balu could earn some money working for him. When Balu asked him about the nature of the work, the accused said he would show him and told Balu to wait for him at the ground floor of Block 24.

59. A short while later, the accused arrived at Block 24 carrying a plastic bag. The two men went up to the accused's home at level 6. No one was in. Inside the flat, the accused showed him the contents of the said plastic bag. They were a block of cannabis wrapped in aluminium foil and in plastic, a small weighing scale, a chopper, a cutting board and some masking tape. The accused said the block of cannabis weighed one kilogram. He showed Balu how to cut the block into twenty smaller ones using the chopper and the cutting board. He then weighed each of them. They were about 50 grams each. The accused then showed Balu how to wrap them in plastic and with masking tape.

60. The accused told Balu he would pay him \$100 for each one kilogram block of cannabis cut and packed in the manner shown. The accused then took the twenty packets and they left the accused's home. Balu knew that the accused would be selling the packets of cannabis. He confirmed that the small weighing scale, the chopper and the cutting board used by the accused were the same ones found by the CNB in the rented room on 24 February 2003. Balu did not bring these items to the room.

61. On 16 February 2003, Balu was mysteriously stabbed by a Chinese man at his food stall. Balu was sent to the hospital for treatment. He chose not to be warded but to return to his food stall to close up.

62. Back at the coffee shop in the late evening, Balu found a group of people waiting for him. Among them were the accused and some friends. Later, he had drinks with the accused and the friends. He did not want to return to his home in Jurong West that night as his wife was already upset with him operating the food stall and he wanted to avoid arguments over the stabbing incident. The accused was aware of this and so passed him the keys to Indra's flat for him to sleep in the rented room.

63. He ended up staying in the rented room for three nights (16 to 18 February 2003). He bought three t-shirts for himself for those few days he stayed away from home. On 19 February 2003, he returned the keys to the accused and went home. From then until 24 February 2003 when he was arrested, he would return home at about 3 to 4 am, change his clothing, sleep for a while in the living room or in another bedroom and then leave home before his wife woke up. He wanted to avoid her in order to avert quarrels.

64. Between 18 and 24 February 2003, Balu took the keys to Indra's flat from the accused on



two other occasions to go to the flat to shower. He returned the keys to the accused each time.

65. At about 10am on Sunday, 23 February 2003, Balu met the accused, his wife, their two children and another Indian lady (whom he did not know was their part-time maid) near the market in Teban Gardens. Balu's food stall was closed that day. After his family and the maid left, the accused went with Balu to the coffee shop where his food stall was located to have some drinks. The accused handed him the keys to Indra's flat and told him he would call him later to do something. During the one and a half hours they were together, the accused received a few calls on his handphone and left the coffee shop to board a taxi along Penjuru Road, which is the road alongside that apartment block. Balu did not know where the accused went. About 15 to 20 minutes later, the accused returned to the coffee shop on foot. After a while, the accused left Balu and his two friends.

66. At about 6pm, the accused called Balu on his handphone. Balu was at his food stall. The accused told him that the 'thing' was already up 'there'. Balu knew that meant the cannabis was in the rented room. The accused told him to cut one block and he would be paid the next day.

67. Between 7 and 8pm, the accused called Balu again to ask whether he had cut the cannabis. Balu said he had not. The accused told him he needed the cut and packed cannabis by morning the next day.

68. On Monday, 24 February 2003, the accused called Balu between 10 and 11am to ask again about the cannabis as he needed it urgently. He told Balu there was a weighing scale in the rented room that he could use to weigh the block of cannabis. The accused then called his brother-in-law to go to the coffee shop earlier to take over the food stall.

69. At about 12.30pm, the accused went to the rented room. Inside the room, he found a black haversack on the floor next to the bed containing ten blocks of cannabis wrapped in aluminium foil and in plastic. Balu weighed each block and then placed nine of them in the top left shelf of the wardrobe. He cut the remaining block into 19 smaller blocks, wrapped ten of them in plastic and placed them in a black bag in the bottom right drawer of the wardrobe and wrapped the other nine in masking tape and in plastic and threw them next to the said black bag.

70. During the cutting and wrapping process, which took more than an hour, Balu called the accused on his handphone to clarify the instructions. He was told to bring the small packets of cannabis to his food stall. He refused to do so. The accused then ended the call. Balu was angry because he had not expected to find such a large quantity of cannabis in the room. He decided that was to be the last time he cut and pack cannabis for the accused. He therefore rushed through the job, did not wrap all the packets in masking tape and threw the nine packets beside the black bag instead of placing them inside. He then put the black haversack in the wardrobe and left the flat to return to his food stall where he was arrested at about 6 pm and the bunch of four keys seized from him. He thought he would return the keys to the accused, as usual, after he closed the flower shop for the day at about 7 to 8 pm.

71. Balu admitted the four t-shirts, the medication and the handphone charger found in the rented room belonged to him. Some of the masking tape had been placed in the room by the accused. Balu bought some masking tape on 24 February 2003 as he thought there might not be enough to pack the cannabis.

72. On 26 February 2003, while both of them were in the cell in the Subordinate Courts after their case had been mentioned, the accused asked Balu to admit that all the cannabis was his as Balu was a 'first-timer' while he was not. If Balu agreed to do so, he would find some way to help him pay the legal fees. He told Balu the other alternative was that they would both go to the gallows.

73. The handphone used by Balu was the Singtel Hi-card type. He claimed he had produced his identity card when buying the Hi-card from a shop in Jurong West. However, Singtel's records showed the handphone was registered in a Chinese man's name and that all the particulars were that man's except the identity card number.

74. In cross examination, Balu said he started consuming cannabis during his national service in 1991 and 1992. His friends brought it for him. He did not buy the drug. He maintained he was retrenched not dismissed from his job at Natferrous where he had been drawing a gross salary of some \$2400 per month. He agreed the accused had shown him a contract signed with Natferrous for stevedoring work for the period July 2002 to January 2003.

75. He stated the accused demanded payment for the flowers ordered by his father but disagreed that the accused abused him about it. He heard from his father that there were arguments and bad feelings between him and the accused's wife over the lateness in payment. He was upset about the manner in which the accused and his wife treated his father and about the rumours that his father owed the accused money. He went looking for the accused after the hiatus of two or three months as he wanted cannabis for consumption which the accused had let him have for free.

76. Sometime in 2000, Balu bought a used car under hire purchase. The accused was to have been the guarantor for the loan but he was rejected by the finance company. Balu's wife then stood as the guarantor. He could not meet the payments and the car was re-possessed. He could not really explain why the finance company sent letters of demand to the accused. The accused was angry about that and told him to settle the matter with the finance company. After he called the finance company, they realised that they had sent to the wrong person and started sending such letters to his wife.

77. Balu agreed that it was the accused who suggested that he set up a food stall at the coffee shop in Block 54 and that the accused spoke to the owner of the coffee shop on his behalf. He disagreed that he told the accused he wanted to rent a room nearby so that he and his cook could go there to rest. When the accused brought him to Indra's flat the first time, the accused told him to keep quiet and just play along with the charade that it was Balu who wanted to rent the room. He denied that the accused paid the deposit of one month's rent on his behalf and that he paid the accused \$100.

78. He did not ask the accused to let him keep one set of keys for Indra's flat as he only went there as and when he needed to. He had been to the room once in late January 2003 to rest. That was before he started the food stall. In all, he went to the rented room on his own on about eight occasions. He complied with the accused's instructions not to tell anyone about the rented room.

79. Balu decided to help the accused in drug trafficking when he was short of money. He had pawned his valuables for about \$200. He needed to pay his cook \$50 per day. He also needed to settle his credit card debt, his car loan and the housing loan.

80. Balu agreed that his wife, his father, his brother-in-law, together with a friend and his wife went to the coffee shop in Block 54 on 17 February 2003, one day after the stabbing incident. However, he did not let his wife know about the stabbing. She was more concerned about their unpaid bills. He disagreed that the accused made fun of him in front of everyone there by remarking that even a cat would know how to jump away to avoid being stabbed but not him.

81. When told that there were no duplicate keys found in the accused's possession at the time of his arrest, Balu remarked that in the remand prison, one Saravanan, a fellow inmate, told him the accused had said he flushed the keys to Indra's flat away when the CNB officers were trying to get into his (the accused's) flat. (Saravanan was offered to the Defence for cross examination but the Defence declined to do so.)

82. Balu said he did not go to cut the cannabis on 23 February 2003 as it was a Sunday and he was afraid Indra would be in the flat. The unrolling of the masking tape would make a lot of noise. He had cut cannabis for the accused once before that day.

83. Balu's wife was called as a Prosecution witness late in the trial. She works as a secretary. They have a three year old daughter. She met the accused on two occasions. She had been to Balu's food stall twice. She found out about the stabbing incident only after her husband had been arrested.

84. She testified that her husband would usually return home every night after closing the food stall. However, they hardly spoke to each other because they had a lot of disagreement over money matters in the period before his arrest. She was unhappy that Balu had started the food stall without consulting her. She confirmed that Balu did not return home for three consecutive nights sometime in the middle of February 2003. Although she was not sure whether he returned home after those three nights, she did notice some of his soiled clothing in the laundry on two or three occasions. She also noticed that two big cushions were out of place on the living room floor in the morning, indicating that Balu had slept there. The main door of their flat had a door chime but if the main door was opened slowly, she would not be able to hear anything as she slept in the master bedroom with the door closed. She did not latch the main door inside the flat.

85. She confirmed she was at the food stall on 17 February 2003. Her intention in going there was to question Balu about a bill. They argued about it and Balu told her he did not return home as he had to stay back and clean up the food stall. He did not tell her where he was staying when she asked him. She was there for less than half an hour and knew nothing about the stabbing incident then.

86. At around noon on 24 February 2003, she telephoned her brother (who was helping Balu at the food stall) as she was not able to reach him on his handphone. Later, Balu called her from a payphone and she reminded him to pay some bills. She learnt of his arrest when some CNB officers went to their flat in the early hours of 25 February 2003.

87. Record from Singtel Mobile Pte Ltd showed that there was communication between Balu's and the accused's handphones on 23 and 24 February 2003 at the approximate times mentioned by Balu.

### **The case for the Defence**

88. The 38 year old accused testified in his own defence. He had been living in the flat at Block 24 with his family since 1998. In 2000, he worked as a forklift operator with a stevedoring company at the port in Pasir Panjang. In the course of his work, he got to know Balu. In 2001, he became a forklift operator at Natferrous where Balu was then working as an Operations Executive. They became friends.

89. In late 2001, the accused secured a stevedoring contract with Natferrous on a six-monthly basis. It was last valid up to January 2003. On 5 June 2002, he and his wife started the flower shop at Block 61, renting part of the shop space at \$1200 per month. He also paid \$50 per month for the shop's utility bill and \$30 per month for his wife's account in the Central Provident Fund. Business was poor in the first few months but picked up gradually to the extent of profits averaging \$120 per day. After he signed the last extension of the stevedoring contract in July 2002, Balu did not visit him at the flower shop and did not respond to his telephone calls. Balu went to the flower shop after two or three days. In the months following that, the accused did not see Balu at all.

90. The flower shop was open every day except Sunday which he spent with his family. His wife and he took turns to look after the flower shop. When he had no work at the shipyard, he would open

the shop at about 8.30 am. Later in the morning, his wife and his son would go to the shop to bring him breakfast. She would then bring their son to school, buy groceries at the market and return home to cook lunch. After lunch, she would take over the shop from the accused and he would return home to look after their son. Their daughter would usually leave for school between 9 to 10 am and return home at about 6.30 pm.

91. In September or October 2001, the accused stood as guarantor for a loan of \$38,400 which Balu took from a finance company. When Balu defaulted in the payments, the accused received a total of four or five letters of demand from the finance company, the last one dated 9 January 2003. He had been calling Balu since July 2002 about this matter but Balu did not respond to his calls. The accused also complained rudely to Balu's father about this.

92. The accused testified that his agreement with Balu's father about the orders for flowers was that payment would be made after four days. However, the deal was not adhered to and a debt built up. The accused had to chase Balu for payment. He even had to call the casket company which employed Balu's father about the debt. After some time, Balu and his father went to the flower shop to discuss the matter. After another two days, his father paid the accused \$600. However, more than \$1000 was still owing. In August 2002, his father issued a cheque for \$1200 to the accused but it bounced. To date, \$224.70 was still outstanding on the account.

93. When he finally saw Balu at the coffee shop at Block 54 in December 2002, he went up and spoke to him harshly. Balu said to him, "Relax, Sir" and promised he would speak to the finance company about the matter. He told the accused he had not found full time work yet.

94. Later that month, the accused met Balu at a friend's father's funeral. He learnt that Balu was still unemployed. When they were at the coffee shop later, the accused suggested to Balu to start a food stall there. He got him an offer of rent at \$500 per month for half a stall or \$20 to be paid daily. Subsequently, Balu took up the entire stall at \$1000 per month. The rent was not paid by the accused.

95. On 7 or 8 January 2003, Balu told the accused it was necessary to have a place near the coffee shop in which to rest. The accused recalled three women living in the vicinity looking for tenants had given him their contact numbers. Balu remarked that Block 52 (where Indra lives) was right behind his stall in Block 54 and he dialled Indra's handphone number. He then left on his motorcycle to apply for a hawker's licence.

96. That evening, Indra went to the flower shop and told the accused that his friend called her earlier about renting a room but she was busy then and told him to call her back later. She wrote down her address for the accused and then left the shop. When Balu returned to the flower shop at about 8 pm, the accused gave Indra's address to him and told him she said he could go for a viewing if he wanted. Balu requested the accused to go along with him as he did not know Indra. After getting his daughter to go and look after the flower shop, the accused accompanied Balu to Indra's flat.

97. At the flat, Indra told them two rooms were available. The accused asked Balu which room he preferred and Balu chose the one next to the corridor. There were no discussions about the rent or when possession was to be handed over. After about ten minutes, they left.

98. About a week later on 14 January 2003, Indra went to the flower shop in the evening and told the accused that Balu had said he wanted to move in on 15 January 2003 but had not made any payment nor returned her calls. The accused asked her what the rent was going to be. She said Balu agreed to pay \$300 for the room and would pay her more later. The accused then took out \$300 from a drawer and handed it to her. Indra bought a few things and then left the shop. He decided to give her the money as he was the one who recommended her flat to Balu.

99. As 14 January 2003 was the eve of the Ponggul festival, business continued late into the night. Balu went to the flower shop later and the accused told him about what had happened during Indra's visit. Balu then said, 'Sorry, sir' and handed him \$100, promising to pay the other \$200 subsequently. He then left for Indra's flat.

100. A little later, Indra returned to the flower shop to exchange the coconut bought earlier. She told the accused that Balu had just gone to the flat, that she had given him the keys and he was in the room cleaning it up.

101. At around 9.30 pm, Balu returned to the flower shop. He told the accused that he had received the keys to the flat but did not show them to him. He then left to make some preparations for the food stall that he was going to start.

102. 15 January 2003 was the Ponggul festival. The accused opened his flower shop early but did not see Balu at all that day.

103. In the last week of January 2003, Balu was going to Tekka Market to buy a roti prata hotplate for his stall. The accused asked him to buy a Canon colour cartridge for him. Later, when Balu could not be reached on his handphone and could not be found at the food stall, the accused saw his motorcycle at the carpark of Block 52. He then went up to the rented room to look for Balu. He stood outside the gates and asked Balu for the cartridge but Balu said he had forgotten to purchase it for him.

104. After the food stall opened for business, the accused and his family went there for meals. On 17 February 2003, the accused learnt that Balu was stabbed the day before. He went over to the food stall and saw Balu, his wife, his father and his brother-in-law and their friends there, all seated together. When the accused asked Balu about the stabbing, Balu lifted up his shirt to show five or six wounds and said that the attacker was a mentally unsound man. The accused then remarked jokingly in the presence of everyone that even a cat would know how to protect itself from attack. Balu was embarrassed by the teasing. His father asked the accused why he was causing Balu such embarrassment.

105. The accused denied having met Balu on Sunday, 16 February 2003, after he returned from the hospital late at night.

106. On Sunday, 23 February 2003, after the accused and his family had their breakfast at Block 37 near the market, he went to the 4-D outlet where he met Balu. Balu said he was not opening his food stall that day. He was unshaven as he had not returned home for one week. When the accused asked him why, he replied that it was because he had not informed his wife about the stabbing incident. Soon after that, the accused's wife returned from the market and the accused told her to bring the children home as he wanted to have coffee with Balu.

107. Balu was with two elderly men. Together, the four of them proceeded to the coffee shop at Block 54. On the way, the accused bought some bed sheets at a shop. They ordered their drinks and chatted at the said coffee shop. The accused then wanted to leave for his flower shop to do some cleaning. It was a Sunday routine for him to clean the airconditioner in the flower shop. One of the two elderly men urged him to stay a little longer. He obliged.

108. After a while, the accused left the coffee shop with a half glass of coffee. He left the bed sheets behind saying he would return soon. He then walked over to his flower shop at Block 61 and did some cleaning for less than half an hour. On his way back to the coffee shop, he bought a can of Carlsberg beer. At about 11.30 am, he rejoined the group. He ordered beer for everyone. Sometime between 12 noon and 12.30 pm, he left the group and walked home.

109. Back at his flat, he helped his wife with some home cleaning and did not leave the flat again that day. He made nine calls from his handphone to Balu's handphone between 2 pm and 7.35 pm that day. He believed the calls were about tips on the Singapore and Malaysian horse races that Sunday. In one call from Balu to him, Balu mentioned that he was painting the rented room.

110. The next day, 24 February 2003, the accused opened his flower shop as usual in the morning. When his wife and their maid went to take over the shop at lunch, he brought their young son home as he was not feeling well. They returned to the flat to sleep. He made two or three calls to Balu that afternoon. As he was taking his shower at about 6 pm, he heard his son crying, presumably because of the banging sounds coming from the main door of the flat and went out of the bathroom in a towel. His wife opened the door of the master bedroom and CNB officers rushed into the room and arrested him. He acknowledged that the two rolled up cigarettes of cannabis found in his flat belonged to him and that he smoked cannabis occasionally.

111. The accused denied Balu's testimony about how the room in Indra's flat came to be rented. He denied ever having possession of any of the keys for Indra's flat. Balu did not approach him at all for financial assistance for his food stall. The accused did not and could not have demonstrated cutting of cannabis in his flat as his son would be sleeping there. He denied having offered Balu \$100 to cut cannabis for him.

112. In cross examination, the accused said he smoked cannabis only when he had stomach pain due to his irregular meals. While he was working together with Balu, they would smoke cannabis together but he would not share the drug with Balu. When the accused did not have cannabis, Balu would give him some. He also bought cannabis from Balu on two or three occasions. The accused also bought from other suppliers in small amounts. The two sticks of cannabis found in his flat by the CNB officers was part of six joints of cannabis that Balu had put in an empty cigarette box and given to him.

113. The accused believed Balu was unhappy that he had taken over Balu's job at Natferrous as the one overseeing the stevedoring project. Balu's service was terminated as he had a poor punctuality record. He agreed it was Balu who recommended him to work in the company.

114. In March 2003, after their case had been mentioned in the Subordinate Courts, as they were being brought back to the Queenstown Remand Prison in the prison bus, Balu asked the accused in front of everyone in the bus how the CNB came to know about the rented flat when only Balu, the accused and Indra knew about it. The accused therefore believed that Balu thought the accused had framed him.

115. The accused found out about the stabbing incident (which happened on 16 February 2003) only in the morning of 17 February 2003. He went to the coffee shop at about 4 pm that day and spoke mainly with Balu's father. When Balu's wife was at the coffee shop, Balu did not lift up his shirt to show the wounds. He merely pointed to the areas where he was stabbed.

116. Balu paid the accused the balance of \$200 for the rental which the accused had paid to Indra on his behalf. After selling his New Singapore Shares, Balu also paid him another \$400 for the bets on horse races which the accused had paid for him earlier.

117. Indra offered the accused a commission for helping her get a tenant but he declined to take it. Balu wanted a room near his food stall so that he and his workers could rest there during the day. Balu could also stay there overnight as he needed to start the next day's business very early. The accused said if he was the one who wanted to rent the room, he would have done so when Indra approached him in November or December 2002. Asked whether Indra had any reason to lie about the accused, he said Indra and Balu were seated together in her flat when their statements were being recorded and Indra, due to her age and out of fear and confusion, could have been mistaken that it

was the accused who brought Balu to her flat and therefore merely answered 'yes, yes' to everything in the recording of her statement, essentially echoing Balu.

118. Neither the accused nor Balu told Indra that Balu was a student. However, since Balu had a computer in his work as a part time private investigator, Balu asked Indra whether it was safe to keep his computer there. The accused then asked Indra to whom she had given the room keys and she replied that her husband last went back to the flat four years ago. He might have said Balu was an educated man. He agreed he did most of the talking on the day of introduction but that was because Balu and Indra were asking him questions and he was responding to both.

119. The rent for February 2003 was paid on 15 February. A few days before that, Indra told the accused that she rarely met Balu and therefore did not know how to collect the rent from him. The accused told her he would let Balu know or would get the rent from him and keep it in his flower shop for her. On 15 February 2003, Balu telephoned the accused to say he was going to the barber shop that was next to the accused's flower shop for a haircut. The accused asked him whether he had paid the rent for that month and he replied he had not but was bringing the money with him. When the accused warned him not to play any tricks, Balu said if he did not believe him, he would pass the money to him for him to give to Indra. When Balu arrived, he passed the money to the accused who then telephoned Indra to get the money from him. He did not tell Indra that Balu's food stall was located in the block next to Indra's. He also did not tell Balu to go and pay Indra directly as he pitied the lady.

120. He said that the door of the master bedroom was not closed on 24 February 2003 when the CNB went into his flat. He did not hear anything strange. However, his son was crying while the main door was being banged and that was why he went out of the bathroom clad in a towel.

121. Asked why he had latched the main door from within, he said his block of flats was Singapore's first upgraded block and the main door's locking mechanism was such that when a person inside the flat wanted to lock the door, he had to use a key from inside the flat to it. That day, he did not bother to use the key and therefore simply latched the door. He could not hear the knocking the first time as he was in the toilet with its door closed and the television was on because his young son had awakened. To the assertion that he was doing so to avoid arrest, he retorted that if he knew the CNB was after him, then he should not be in his flat awaiting arrest. He only knew who the officers were after the arrest, which he claimed took place at 6.10 pm as he looked at the clock in the living room. This was because three outgoing calls were recorded as having been made from his handphone to the telephone in the flower shop after 6.10 pm. He claimed he had dialled the telephone number for his son and then handed the handphone to him.

122. The accused said he did not mention he had been to Indra's flat on 7 or 8 January 2003 with Balu in a statement recorded on 1 and 3 March 2003 as the interview room was very cold and he wanted to give the statement as quickly as possible and get out. He denied he avoided mentioning that incident in an attempt to minimize his role in the renting of the room. He told the Investigating Officer he had lent Balu \$400 to \$500 but the Investigating Officer recorded it as a loan relating to the food stall. Further, there was no reason for him to offer Balu \$100 for cutting each block as it was a task he could perform himself.

## **THE DECISION OF THE COURT**

123. Balu was an accomplice who had pleaded guilty to the charges albeit for a lesser amount of cannabis. Under s 116 Illustration (b) Evidence Act, the court may presume that an accomplice is unworthy of credit and his evidence needs to be treated with caution. This maxim must be considered in the light of the evidence adduced before the court.

124. I believed the evidence of Balu that the room in question was rented by the accused, that Balu made use of it only on the occasions mentioned and that each time, he had to take the keys from the accused and would return them to him after using the room. Balu was a man who was in financial straits. He had been retrenched and was out of work since July 2002. He could not pay his bills. The accused knew that because of the letters of demand from the finance company. His car was re-possessed. Balu's wife had frequent arguments with her husband over the unpaid bills. To set up the food stall, he had to borrow money from his father-in-law. He had to pawn jewellery and sell his New Singapore Shares. It was incredible that in those circumstances, he would think of the luxury of having a room to rest in during working hours. His home was only ten to fifteen minutes away by taxi or by motorcycle. Moreover, why would he waste money by starting the tenancy on 15 January 2003 when his food stall was not going to open until two weeks later?

125. Balu's evidence as to what was said in Indra's flat on the first occasion was corroborated by Indra who clearly had no reason whatsoever to implicate the accused in any way. The accused was the one lying to Indra about the status of Balu and was the one concerned about others having access to the rented room. He paid the rent for January and for February when he had no reason to, especially since Balu was within easy reach by handphone or by simply walking over to Block 54 where his food stall was. Indra's evidence was that the accused would pay the rent for Balu. The accused even bought the mattress for the rented room.

126 The duplication of the first set of keys was mentioned by both Balu and Indra. The accused clearly was in possession of the keys to Indra's flat. It therefore made good sense that Balu would hand him the room key as well when that was handed over by Indra to Balu. No evidence was adduced as to whether there was a duplicate room key made by the accused except the statement by Balu that a fellow inmate had heard the accused say he flushed his keys away. It made sense that if the accused wanted duplicates of the keys to the main door and the padlock, he would also make a duplicate of the room key. In any event, the evidence (as discussed below) showed that he must have had a duplicate room key as well. I accepted Balu's evidence that all the keys for gaining access to Indra's flat and the rented room were in the possession, custody or control of the accused.

127. Further evidence that the rented room was not Balu's second home could be seen in the absence of his personal belongings in the room and in the entire flat. He only had some t-shirts in the room (three of which he had bought only for the purposes of the three-night stay between 16 and 19 February 2003). . There were no underwear or trousers. If the accused was correct about Balu being unshaven on Sunday, 23 February 2003, then it begged the question why Balu would not even have a razor or a shaver in his second home.

128 The accused asked rhetorically why, if he wanted to rent the room, he did not rent it in November or December 2002 when Indra first approached him. Firstly, the timing as to when he needed the room was completely in his hands. Secondly, he could not have told Indra immediately that he wanted to rent the room as it was obvious from the evidence he wanted to have as little to do with it as possible. He needed someone to be the apparent tenant and Balu fit the position. Of course, it was not very clever of the accused to have told Indra that Balu was a student when Balu was going to open a food stall so near the home of Indra and neither was it very intelligent of him to have flashed the keys at Indra. However, I was convinced by the evidence he did those things.

129. I had no doubt that the accused was the true tenant of the rented room and that he had unrestricted access to it while Balu had access to it only upon request made to the accused.

130. In addition to Balu being an accomplice, it was also alleged that he could have been very unhappy with the accused over the various incidents. Insofar as the accused usurping his place at Natferrous was concerned, I was satisfied that Balu harboured no ill feelings against the accused. He tried to be the bridge between his father and the accused in placing orders for flowers which was to



the mutual benefit of his father and the accused. He stayed away from the accused for a while because he feared he would not be welcome after the altercation between the accused, his wife and Balu's father. He treated the accused at all material times with respect, addressing him as 'sir'. The same remarks applied to the letters of demand.

131. The accused was close enough to Balu to inform him about the availability of stall space and to advise him to try his hand in the food business. Balu obviously trusted him enough to accept the advice. As the accused also said, Balu even bought supplies from him.

132 Where the teasing and taunting incident over the stabbing was concerned, I had no doubt Balu was made of much sterner stuff than to be so easily hurt by such remarks. He had the fortitude to return to his food stall so late at night after what must have been a rather shocking incident. He could even hide it from his wife when she visited his food stall the next day to talk about their finances.

133. Even if he was upset over any of the above incidents, it did not appear to me that they were of such magnitude as to cause him to want an erstwhile friend to hang. He certainly did not seem to be such a wicked and vindictive person.

134 Returning to the stabbing incident, if the accused had teased Balu in front of his father and their friends on 17 February 2003, it would be remarkable that Balu's wife remained ignorant about the stabbing until after her husband had been arrested. It was entirely logical that Balu's friends, including the accused, would be concerned for him upon hearing about the stabbing. The accused, being a friend and constant companion who lived and worked in the vicinity, would surely have heard about it on the day of the incident on 16 February 2003. It was therefore highly believable that he and the rest of their companions would be at the coffee shop in Block 54 waiting for news about Balu. I believed Balu's testimony that the accused was at the said coffee shop that night and that he passed the keys to Indra's flat to Balu when the latter requested them. I also accepted Balu's evidence that he stayed in the rented room for only three nights, that he returned the keys to the accused thereafter and only took them on two other occasions for taking a shower, but not on Sunday, 23 February 2003.

135 Since at least one set of the keys to Indra's flat and the rented room was proved to be in the accused's possession, custody or control at all material times, s 18 (1)(c) Misuse of Drugs Act applies and the accused was presumed to be in possession of the cannabis found in the rented room. The only other person who could have had access to the rented room was Indra herself as the padlock had been changed after the previous tenants left. I believed her evidence that she did not enter the rented room after 15 January 2003. I accepted that Balu never brought his worker to the rented room at all. In any event, it would be ridiculous to suggest that the cook could be resting while the food stall was in operation. The presumption therefore remained un rebutted.

136 On Sunday, 23 February 2003, when one set of the keys was handed over to Balu by the accused, it was apparent that the accused had possession of or at least had access to the second set of keys. I accepted Balu's evidence that the accused left in a car and returned later on foot and, sometime later in the evening, called Balu to say that the 'thing' (ie, the cannabis) was already in the rented room. This fortified my view that there was a duplicate made of the room key as well since the evidence was that the rented room would be locked by the user when he left. The evidence suggested that the cannabis was placed in the rented room sometime that day although it was not the Prosecution's case that it was placed there that day.

137 Balu was left in no doubt as to what was meant by the 'thing' as he had been told in no uncertain terms he would be paid \$100 for each block of cannabis that he cut and packed. The accused had demonstrated the cutting to him before and Balu had done such cutting for the accused

once on an earlier occasion. The cutting board, the chopper and the small weighing scale were similar to those he had seen in the accused's flat during the demonstration. The accused also showed he was in no doubt as to what was in the rented room when he reminded Balu that he needed it cut and packed by the next day.

138 A large quantity of cannabis was involved. The large blocks were to be cut and packed into packets of 50 grams each. The cutting, weighing and packing paraphernalia also showed beyond doubt that the cannabis in the rented room was meant for trafficking and not for personal consumption. Clearly, by their actions and their words, the accused and Balu were acting in concert in possessing the cannabis for the purpose of trafficking.

139 I need only deal briefly with a few other matters that buttressed my view of the accused's guilt. The accused locked himself in the flat when the CNB arrived on 24 February 2003. He asked, rhetorically again, why he should hole himself up in the flat and not run away if he knew the CNB was around. The answer is simply that he did not know the CNB was coming specifically for him. Even if he was in the shower when they returned with his wife, it was incredible that he could not hear their knocks the first time. It required little common sense to know that the party of arresting officers could not have been knocking delicately on the main door. The accused asked Balu in the lock up of the Subordinate Courts to assume responsibility for all ten blocks of cannabis and promised him financial assistance in his defence. His wife tried to get Indra to say that he paid her rent for one month only, obviously with a view to distancing him from the rental of the room.

140 In all the circumstances of the case, I had no doubt that the accused was guilty as charged and I convicted him. The mandatory death sentence was passed on him accordingly.

*Convicted and sentenced to suffer death.*