

Public Prosecutor v Teo Cheow Kim
[2007] SGHC 70

Case Number : CC 11/2007
Decision Date : 17 May 2007
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Eugene Lee Yee Leng and Kenneth Chuah (Deputy Public Prosecutors) for the Prosecution; Ho Meng Hee (Ho Meng Hee & Co) and Chew Siang Tong (ST Chew & Partners) for the accused
Parties : Public Prosecutor — Teo Cheow Kim

17 May 2007

Choo Han Teck J:

1 The accused was a 52-year-old man charged under s 5(1)(a) read with s 5(2) of the Misuse of Drugs Act (Cap 185, 2001 Rev Ed) for trafficking in 30.37g of diamorphine on 2 November 2006 along Race Course Road, Singapore. The facts were straightforward. Officers of the Central Narcotics Bureau (“CNB”) kept the accused under surveillance from 7pm of the day of his arrest. The officers who watched him at the vicinity of Block 10 Selegie Road where he stayed testified in detail about their observations on the accused. These officers were SI Goh Teck Hock, SSgt Daniel Neo Thiam Leng, SSgt Wong Siew Weng, SSgt Ridzuan bin Abdul Razak and Sgt Leow Yan Sin. These officers then moved to Block 740 Bedok Reservoir Road to watch another person at a shop house at unit #01-3167. A person known to the CNB as “Lim Ah Tee” was seen standing near the back door of this unit at about 8.50pm. The accused was then seen meeting Lim Ah Tee and the two men went into the shop house from the back door.

2 SI Goh Teck Hock testified that he saw the two men leaving the shop house a while later and the accused was seen carrying a yellow plastic bag. He was seen running across Bedok Reservoir Road to board a taxi bearing licence number SHA 3131K. The taxi took the accused first to Kampong Java Road, and then Hampshire Road where he alighted, still carrying the yellow plastic bag. The accused walked across Race Course Road and entered the Banana Leaf Apollo Restaurant. He was seen leaving the restaurant at about 9.30pm where he was arrested by a team of CNB officers led by SI M Subramaniam. The yellow plastic bag and a bunch of bananas carried by the accused were seized from the accused upon his arrest.

3 The yellow plastic bag was handed by SI Subramaniam to SSgt Mohd Affendi bin Ideris who took over custody of the bag. The accused and one Lim Hock Kim (who was arrested also at the Banana Leaf Apollo Restaurant shortly after the accused) were brought to the CNB Headquarters. Lim Hock Kim was not involved in the present trial where the accused was the sole accused person. The yellow plastic bag was opened by SSgt Mohd Affendi in the presence of the accused and Lim Hock Kim. The yellow plastic bag was found to contain a white plastic bag with the “NTUC Fairprice” logo, and in it were three bundles wrapped in newspapers and in each bundle was a plastic packet each containing granular substances. The granular substances were sent to the Health Sciences Authority (“HSA”) and analysed and found to contain 13.09g, 9.36g and 7.92g of diamorphine respectively. The drugs in question were seized from the accused by SI Subramaniam and passed to SSgt Mohd Affendi, and then to ASP Lim Teck Lim, Wendy Lim of HSA and then Tay Siew Leng the investigating officer. There

was no evidence or even indication of any break in the chain of custody of the drugs.

4 The accused did not challenge the written statements made by him on 6 and 11 November 2006 and recorded by ASP Lim Teck Lim. The accused admitted that he knew that he was carrying heroin in the yellow plastic bag. He also admitted that he was paid to transport the heroin. He elected not to testify when his defence was called. He also did not call any other witness to testify on his behalf although he asked that one of the CNB interpreters to be summoned for cross-examination. This was Wu Nan Yong who recorded the s 122(6) statement of the accused. That statement was not admitted into evidence at all and Mr Ho, counsel for the accused, was unable to say what Mr Wu was needed for. In the circumstances, I saw no reason to have the interpreter summoned for cross-examination.

5 In his closing submission, counsel for the accused suggested that the prosecution had not proved its case beyond reasonable doubt. Two points were made. First, that the accused had stated that he was collecting the heroin from a motorcycle, but, counsel submitted, in a subsequent statement, that is, the one made on 11 November 2006, the accused said he collected the heroin from a bicycle instead. I was unable to see how this had created any doubt as to the elements of the offence under which the accused was charged.

6 Secondly, counsel suggested that the drugs seized from the accused could have been mixed-up with other drugs since the photographer Low Hiok testified that he had taken photographs of the drugs seized from the accused together with drugs seized from another accused. The prosecution evidence showed that the two sets of drugs were distinctly marked and accounted for, and no evidence whatsoever was adduced in any way to convert counsel's speculation into a reasonable doubt in my mind. Accordingly, I found that the prosecution had made out its case against the accused beyond reasonable doubt. I, therefore, convicted the accused and sentenced him to suffer death.

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