

Loh Yun Xin v Public Prosecutor
[2008] SGHC 197

Case Number : Cr M 27/2008
Decision Date : 07 November 2008
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Applicant in-person; Kan Shuk Weng (Deputy Public Prosecutor) for the respondent
Parties : Loh Yun Xin — Public Prosecutor

Criminal Procedure and Sentencing

7 November 2008

Choo Han Teck J:

1 The applicant was sentenced on 29 August 2008 on four charges after he pleaded guilty to them. The charges were in relation to offences under the Misuse of Drugs Act, Chapter 185. One charge was for possession of 0.45g of Ketamine for the purpose of trafficking; one was for possession of 2.33g of Ketamine; one was for possession of 0.93g of ecstasy tablets; and one was for consumption of methamphetamine. He was sentenced to a total of nine years imprisonment with effect from 7 June 2008 and was also ordered to be given five strokes of the cane.

2 By virtue of s 247(1) of the Criminal Procedure Code, Chapter 68, the applicant had ten days to appeal against the sentences. Time for appeal thus lapsed on 9 September 2008. He informed the prison authority that he wished to appeal on 18 September 2008 and this application was filed on 21 September 2008. He indicated that he wished only to appeal against the trafficking charge for which he was sentenced to six years imprisonment and five strokes of the cane. His only reason for not appealing on time was that he believed that once he filed his appeal he would be sent back to the Queenstown Remand Prison where his enemy was and he did not want to be there. That was not at all a sufficient reason not to comply with the time limited for appeal. Prisoners do not have the luxury of choosing where they should serve their custodial sentence. Furthermore, as a repeat offender having committed a similar offence in 2003, the sentence of six years and five strokes did not appear to be excessive at all.

3 For these reasons, his application for leave to appeal out of time was dismissed.

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