

B44A.

Para. 165A(2)

**Information Sheet to be exhibited in
an affidavit in support of a criminal motion for an extension of time
to lodge a notice of appeal under section 377(2) of the Criminal Procedure Code 2010, or
to lodge a petition of appeal under section 378(1) of the Criminal Procedure Code 2010**

1. Under section 377(1) of the Criminal Procedure Code 2010 (the “CPC”), except in certain cases mentioned in sections 374, 375 and 376 of the CPC, a person who is not satisfied with any judgment, sentence or order of a trial court in a criminal case or matter to which the person is a party may appeal to the appellate court against that judgment, sentence or order.
2. Under section 377(2) of the CPC, a person who wishes to appeal (the “appellant”) must lodge a notice of appeal:
 - (a) in the case of an appeal against conviction — within 14 days after the date of the sentence;
 - (b) in the case of an appeal against conviction and sentence — within 14 days after the date of the sentence; and
 - (c) in any other case — within 14 days after the date of the judgment, sentence or order.
3. Under section 378(1) of the CPC, the appellant or the appellant’s advocate must lodge a petition of appeal within 14 days after the appellant or the appellant’s advocate is served with a copy each of the record of proceedings and the grounds of decision.
4. Where a person is debarred from appealing due to non-compliance with the above timelines, the person may apply to the appellate court for an extension of time to lodge a notice of appeal or petition of appeal (as the case may be). The appellate court may, under section 380(1) of the CPC, permit the person to appeal if the appellate court considers it to be in the interests of justice.
5. In deciding whether to grant an extension of time to lodge a notice of appeal or a petition of appeal, the appellate court will consider all the circumstances, including: (a) the length of the delay in lodging the notice of appeal or the petition of appeal; (b) the reasons for the delay; and (c) the prospects of the intended appeal. The burden is on the applicant to explain any delay. The longer the delay, the greater the scrutiny applied by the appellate court to the explanation put forward for the delay and the prospects of success in the intended appeal. Where there is inordinate delay or an absence of any explanation for the delay, such that the appellate court concludes that the applicant had elected to accept the merits of the original decision, the applicant for an extension of time must demonstrate that there is a powerful probability that a substantial injustice has arisen in the criminal matter in respect of which the decision of the trial court was made: see *Adeeb Ahmed Khan s/o Iqbal Ahmed Khan* [2022] 2 SLR 1197 at [2] and [19]–[22] and *Public Prosecutor v Pang Chie Wei and other matters* [2022] 1 SLR 452 at [70].
6. To assist the Court in determining whether to grant an extension of time to lodge a notice of appeal or a petition of appeal, please complete and attach this information sheet as an exhibit in the supporting affidavit.

A Please set out the background relating to the decision of the trial court intended to be appealed against

1 Was the trial court the General Division of the High Court or a State Court?

2 When was the decision intended to be appealed against made?

3 Was the applicant convicted after trial, or convicted after pleading guilty?

4 In relation to the decision intended to be appealed against: (a) what were the charges that the applicant had been convicted of, and what was the sentence imposed for each of those charges; and (b) what was the total sentence imposed on the applicant?

B Please set out the background relating to the application for an extension of time

5 Please specify whether the applicant is applying for an extension of time to lodge a notice of appeal or an extension of time to lodge a petition of appeal.

6 Please specify the date by which the notice of appeal or petition of appeal (as the case may be) was required to be lodged under section 377(2) or section 378(1) of the CPC.

- 7 Please specify the length of the delay in the lodging of the notice of appeal or petition of appeal in terms of number of year(s), month(s) and/or day(s). This is to be calculated based on the difference between the relevant date stated in section 6 above and the date on which the application for an extension of time is filed.

- 8 With reference to the length of the delay stated under section 7 above, please explain the reasons for the delay in the lodging of the notice of appeal or petition of appeal (as the case may be).

C Please set out the facts relating to the applicant's intended appeal

- 9 Is the applicant's intended appeal against conviction or sentence or both?

- 10 Please briefly state the grounds of the applicant's intended appeal and the reasons for the applicant's belief that those grounds have merit (the detailed grounds should be set out in the applicant's written submissions).

I declare that all the information contained in this information sheet is true and correct to the best of my knowledge and belief.

Name of person making the affidavit