

Public Prosecutor v Sabtu bin Abdullah alias Ramli bin Abdullah
[2001] SGHC 8

Case Number : CC 2/2001
Decision Date : 10 January 2001
Tribunal/Court : High Court
Coram : Kan Ting Chiu J
Counsel Name(s) : Christina Koh, James Lee, Paul Chia and Kelvin Chua for the prosecution; Ahmad Nizam (Muzammil Nizam & Partners) and Rashidah binte Kader Saheer (Surian & Partners) for the accused
Parties : Public Prosecutor — Sabtu bin Abdullah alias Ramli bin Abdullah

JUDGMENT:

Grounds of Decision

1. The accused faced two capital charges under section 7 of the Misuse of Drugs Act for importing 3,285.8g of cannabis and 1,452.8g of cannabis mixture into Singapore on 21 April 2000 at the Woodlands Checkpoint in motor car EW 9938 E.
2. At the outset of the case, defence counsel Mr Ahmad Nizam indicated that the accused had instructed him that he would not contest the charges. When the charges were read and explained to him, the accused pleaded guilty to both charges. He was given the opportunity to reconsider his position at the close of the prosecution case, but he maintained his plea.
3. In view of the severity of the charges, the prosecution was directed to prove its case in the usual way. Defence counsel was allowed to cross-examine the witnesses called and did question some of them.
4. The evidence on the arrest of the accused and the recovery of the drugs was not disputed. At about 3.20 am on 21 April 2000, the accused and his wife Rabiah binte Ramat arrived at the Woodlands Checkpoint in his car EW 9939 E from Johor Bahru. They were stopped for a random check by Customs Officer Khaleelur Rahman. A plastic bag was found in the boot of the car. It contained vegetable, fruits and food items and a slab of substance wrapped in aluminium foil and plastic. When Customs Officer Khaleelur Rahman questioned the accused about the packet, he admitted it was "ganja", and that there were another four slabs in the spare tyre compartment. Four slabs of the same matter were hidden in the spare tyre compartment when the car was searched.
5. All five slabs were sent to the Department of Scientific Services for analysis and were found to contain cannabis and cannabis mixture referred to in the charges.
6. Subsequent to his arrest, the accused made a cautioned statement and three investigation statements, all of which were admitted in evidence without objection. In these statements the accused admitted that he had agreed with a person known to him as "Jo" to bring the five slabs of "ganja" to Singapore for a payment of \$300 a slab. Pursuant to the agreement "Jo" handed to him the five slabs in Tampoi, Johor, and he kept them in the boot and the spare tyre compartment of his car. The arrangement was that someone will telephone him to collect the drugs after they were brought into Singapore.
7. The accused revealed in the statements that he had done that because he was in need of money. He was not working, and used to earn RM400-500 a month from a prawn farm in Negri Sembilan of which he was a part owner. Heavy rains last year damaged the dam which supplied water to the pond. The prawns died and the farm suffered losses. To compound his problems, his wife was ill for eight months preceding the incident and her medical expenses were about \$300-400 a month.
8. The prosecution submitted that on the basis of the undisputed facts and the decisions in *Ko Mun Cheung & Anor v PP* [1992] 2 SLR 87 and *Ng Kwok Chun & Anor v PP* [1993] 1 SLR 55 that "import" in s 7 bears the same meaning it does in s 2 of the Interpretation Act, which is to bring or cause to be brought into Singapore by land, sea or air, the two offences of importing cannabis and cannabis mixture were established.

9. In the circumstances, I found the accused guilty on the charges he faced and imposed the mandatory death sentence on him.

Kan Ting Chiu

Judge

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