

Public Prosecutor v Pang Siew Fum and another
[2010] SGHC 40

Case Number : Criminal Case No 49 of 2009
Decision Date : 04 February 2010
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Leong Wing Tuck, David Low and Chua Ying-Hong (Deputy Public Prosecutors) for the prosecution; Subhas Anandan, Irving Choh and Lim Bee Li (KhattarWong) for the first accused; Ramesh Tiwary (Ramesh Tiwary & Co) and Adrian Chong (Low Yeap Toh & Goon) for the second accused.
Parties : Public Prosecutor — Pang Siew Fum and another

Criminal Law

[LawNet Editorial Note: The appeal to this decision in Criminal Appeal 4 of 2010 was dismissed by the Court of Appeal on 21 October 2010. See [\[2011\] SGCA 5.](#)]

4 February 2010

Judgment reserved.

Choo Han Teck J:

1 Officers from the Central Narcotics Bureau (“CNB”) arrested two persons on 16 June 2008. Pang Siew Fum, the first accused, was arrested at 8.50pm at the traffic junction of Lorong 6 and Lorong 7 in Toa Payoh. Cheong Chun Yin, the second accused, was arrested a little later as he was alighting from a taxi on Arab Street. Both of them were subsequently charged and tried before this court under s 5(1)(a) read with s 5(2) of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) for trafficking in diamorphine found in a black suitcase that was carried by the second accused on a flight (Silkair MI511) from Myanmar on 16 June 2008. He had a brief conversation with the first accused at a vehicle pickup outside terminal 2 of the Changi airport before handing the suitcase to her. They then parted company. The first accused drove away in a car registered with the Malaysian licence plate number JHY 6668. The second accused left by taxi.

2 The first accused was a 55-year old Malaysian. She occupied a flat at Block 98, Toa Payoh Lorong 1. Her husband lives there but the first accused lived mostly in Malaysia where she helped her brother as a pork seller. The first accused testified that she was a “runner” who became a “bookie” whenever the opportunity arose. She said she kept the bets given to her by punters instead of handing them to the “bookie”. In this way, she kept the money if the punters lost. Occasionally, when they won she paid them with her own money. The second accused was a 26 year-old Malaysian who earned a living by selling pirated DVDs. The suitcase that the second accused handed to the first accused was found to contain a total of 2,726g of diamorphine hidden in a false bottom of the suitcase.

3 When the first accused person’s flat at Block 98 was searched, two other black suitcases, identical in shape, size, and colour were found. There was a packet containing white powdery substance in each of the two other bags (marked as B1 and C1 at trial). The powdery substance were sent for analysis and found to contain a total of 5054g of diamorphine. B1 had a tag that indicated the name of “Ong/Seng Hua” and the flight number “SQ 603581”. C1 had a tag that

indicated the name "Lew/Wai Loon" and the flight number "SQ 519036". It was not ascertained who Ong Seng Hua and Lew Wai Loon were other than what the first accused testified. CNB officers followed her car after she had taken over the suitcase from the second accused at the airport, and found her driving round and round the roads in Toa Payoh instead of heading straight to her flat. She testified that some people were going to meet her at the flat to collect the suitcase and she was hoping to pick them up and drive them to the flat.

4 The first accused testified that she was asked by one "Teng Mor" to help him deliver precious stones such as jade, blue sapphire, red rubies, diamonds and Buddhist pendants. She was supposed to be paid \$5,000 for each delivery. She made a cursory check but could not find them. Nonetheless, she did not report to "Teng Mor" that the articles she was told to deliver were not in the suitcases. I did not believe her testimony. It was not a credible story and unconvincingly narrated. Furthermore, she was given two opportunities including the recording of her cautioned statement to tell her story to the CNB officers but she told them instead that she did not know what the bag contained.

5 The second accused testified that he was asked by one "Lau de" to help bring gold bars to Singapore. He was handed a bag, supposedly to contain the gold, in a hotel in Myanmar. He checked the bag but did not see any gold and he assumed that the gold must be hidden in the suitcase somewhere. He did not report to "Lau de" that he did not see any gold. I did not find his testimony convincing and I was of the view that his evidence did not create any reasonable doubt in my mind that he might not have known that he was carrying heroin. It was immaterial that the CNB did not make adequate efforts to trace "Lau De" or check on his cell-phones. The absence of any trace of "Lau De" or "Teng Mor" was not taken as evidence in favour of or against either accused.

6 According to the two accused persons, they believed that they were carrying valuable goods for their principals. Both checked and could not find the articles they were meant to carry and yet neither raised the alarm with their principals. Either they lied about checking the suitcase or they did not check because already knew what it was they were carrying, namely heroin. The evidence against them were incontrovertible insofar as the heroin as described in the charge was found hidden in the black suitcase that the second accused handed to the first accused. The only issue was whether I found any evidence that would create the doubt as to whether one or both accused did not know that the suitcase contained heroin. The evidence created no reasonable doubt in my mind that the prosecution's case had been proved. I therefore find both accused persons guilty and sentence them to suffer death.