

IN THE COURT OF APPEAL OF THE REPUBLIC OF SINGAPORE

[2021] SGCA 103

Criminal Appeal No 29 of 2020

Between

Roshdi bin Abdullah Altway

... Appellant

And

Public Prosecutor

... Respondent

Criminal Motion No 18 of 2021

Between

Roshdi bin Abdullah Altway

... Applicant

And

Public Prosecutor

... Respondent

In the matter of Criminal Case No 44 of 2019

Between

Public Prosecutor

And

Roshdi bin Abdullah Altway

JUDGMENT

[Criminal Law] — [Statutory offences] — [Misuse of Drugs Act]
[Criminal Procedure and Sentencing] — [Statements] — [Admissibility]
[Criminal Procedure and Sentencing] — [Disclosure]

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Roshdi bin Abdullah Altway
v
Public Prosecutor and another matter

[2021] SGCA 103

Court of Appeal — Criminal Appeal No 29 of 2020 and Criminal Motion
No 18 of 2021

Sundaresh Menon CJ, Andrew Phang Boon Leong JCA, Judith Prakash JCA,
Steven Chong JCA and Chao Hick Tin SJ
11 August 2021

11 November 2021

Judgment reserved.

Sundaresh Menon CJ (delivering the judgment of the court):

Introduction

1 It is not controversial that the Prosecution owes a duty to the court and to the wider public to conduct matters with the aim of ensuring that the guilty, and only the guilty, are convicted. This in turn gives rise to a related duty to place all relevant material before the court to assist it in determining the truth. The Prosecution's role is therefore not *purely* adversarial but is largely shaped by its particular duty to assist the court. This much was stated in *Muhammad bin Kadar and another v Public Prosecutor* [2011] 3 SLR 1205 ("*Kadar*") (at [200]) and was the basis for our holding that the Prosecution owes disclosure obligations to the Defence in respect of certain unused materials that might be credible and relevant to the guilt or innocence of the accused. More recently, this principle was reiterated in *Muhammad Nabill bin Mohd Fuad v Public*

