Public Prosecutor v Ramis A/L Muniandy
[2001] SGHC 36

Case Number : CC 10/2001

Decision Date : 23 February 2001

Tribunal/Court : High Court

Coram : Choo Han Teck JC

Counsel Name(s) : Lee Lit Cheng and Lau Kok Gim [Attorney-General's Chambers] for the prosecution; Singa Retnam [Singa Retnam, Kurup & Associates] (assigned) and G Dinagaran [Thomas Tham & Co] (assigned) for the accused

Parties : Public Prosecutor — Ramis A/L Muniandy

JUDGMENT:

Grounds of Decision

1. The accused ("Ramis") aged 30, is a Malaysian who was arrested at Marsiling Industrial Estate Road 2, Singapore on 12 August 2000 at 7.55am, and subsequently charged for trafficking in 1529.8g nett of cannabis.

2. Ramis arrived at Marsiling Industrial Estate Road 2 at 7.50am on his Honda motorcycle bearing licence registration number JFB 3451. He parked

his motorcycle at the parking lot for motorcycles next to Block 7 and walked a short distance (about 31m) to the front of the same block and stood near a tree at the junction where Marsiling Industrial Estate Road 4 joins Marsiling Industrial Estate Road 2. Five officers namely, SSgt Azman Idris, Sgt Joe Pang, Cpl Chan Seng, Cpl Mohd Afandy, and Cpl Abdul Rahman alighted from a CNB staff car and arrested Ramis shortly after he had made a call on his mobile telephone. Ramis claimed that he had made two calls but in the event, nothing turned on whether one or two calls were made. His evidence was such that the two calls could have taken less than five minutes as well as up to 20 minutes. But on the whole this was insufficient to create a reasonable doubt in my mind.

3. He was searched and a bunch of keys, including the key to his motorcycle was seized from him. He was then taken to his motorcycle by the CNB officers led by S/SSgt Qamarul Zaman. S/SSgt Qamarul observed that the motorcycle was covered by a blue raincoat. He asked Ramis if he had anything to surrender; to which Ramis said, no. S/SSgt Qamarul then removed the raincoat and the officers saw a "Puma" brand sports bag in the carrier of the motorcycle. S/SSgt Qamarul asked Ramis whose bag it was and Ramis said "Not mine". The bag was opened and two packets of greenish vegetable matter in compressed form were found in a "Fuji Grand" plastic bag. A series of questions were put to Ramis by S/SSgt Qamarul in English and interpreted by Cpl. Rajkumar in Tamil. The questions were subsequently recorded in writing at the Clementi Police Station. The questions were:

> "Q. What is this?"
>
> A. Roke
>
> Q. What is the quantity?
>
> A. I dont know.
>
> Q. .Does it belong to you?
>
> A. Its not mine.
>
> Q. Whose is it?

A. I do not know."

4. A urine test on Ramis at the Clementi Police Station revealed traces of cannabis and amphetamine in his urine. No issue arose from the test or its result. Some documents were also recovered from Ramis at the place of arrest and these included the insurance certificate covering the motorcycle JFB 3451. The certificate stated Ramis as the policy holder.

5. In his defence Ramis testified that the cannabis was not his. He denied telling S/SSgt Qamarul that the vegetable matter was "Roke". SSgt Qamarul and Cpl Rajkumar testified that "Roke" means cannabis. However, I am not satisfied that a street slang may be proved merely by asking an officer or two what it meant. Evidence must be properly led to establish the experience, knowledge or expertise of the witness and the basis on which he came to know the particular meaning. That was not done in this case. Furthermore, S/SSgt Qamarul was unaware what "Roke" meant. In the circumstances, the evidence concerning the meaning of "Roke" was, in my judgment, of insufficient value to the prosecution.

6. However, Ramis was unable to explain to my satisfaction how the cannabis came to be found on his motorcycle. He said that he left his home in Johore, Malaysia on 12 August 2000 at 6am to come to Singapore. He arrived about 6.30am and went to Woodlands Central for breakfast. After that he rode to Marsiling Industrial Estate Road 4. He said that he had asked a friend called Kumar the previous night to recommend a job for him; and Kumar told him to meet at Marsiling. Under cross-examination Ramis said that he had no means of contacting Kumar.

7. Defence counsel sought to persuade me that the accused was wearing a grey jacket and a silver helmet at all material times whereas the CNB officers spotted the rider of JFB 3451 as wearing a blue jacket and a blue helmet. I am not persuaded that the defence had raised a reasonable possibility that someone else was the trafficker. A blue raincoat was found on the motorcycle, and so was a blue helmet. Cpl. Rajkumar testified that he saw Ramis placing the helmet in the carrier of the motorcycle before covering the motorcycle with his blue raincoat. He testified that he had the motorcycle in his sight at all times and saw no one approaching it. His evidence withstood cross-examination. I had no hesitation in rejecting Mr. Retnams argument that the CNB officers were inconsistent in their testimonies because S/SSgt Qamarul referred to the blue raincoat as a "blue jacket" in his statement. Similarly, I am of the view that it was a pointless exercise in insisting that the spot where Ramis was arrested was not in the "car-park" of block 7. The officers were able to point to the spot as shown in the photographs. In the circumstances, whether that spot was still part of the car-park or strictly part of the road was a semantic exercise of no significance. I am also of the view that nothing much turned on whether Ramis was arrested at the spot identified by the CNB officers or some three or four metres away as he claimed. In my view, nothing turned on the fact that Ramis was carrying the silver helmet when he was arrested although SSgt Qamarul said that he saw Ramis wearing the blue helmet when he rode in. The relevant and incontrovertible facts are that the blue helmet was found on the motorcycle together with the blue raincoat and the cannabis; and the motorcycle belonged to Ramis who rode in on it.

8. It is always important that the court should take the paucity of evidence into consideration in arriving at any finding of fact. In this case, defence counsel Mr. Retnam submitted that there was no evidence that the area where Ramis was arrested was deserted. On the contrary, he submitted that the photographs showed numerous vehicles all parked in the vicinity of the two adjacent roads. This may not be proof of the vehicular traffic condition at the time of arrest since the photographs were all taken at a much later time, and some on much later dates but may not be representative of the situation at 7.55am on 12 August 2000. I am satisfied that there was no reasonable possibility of someone else planting the cannabis in Ramiss motorcycle. He was observed by the CNB officers S/SSgt Qamarul and Cpl. Rajkumar as he entered Marsiling Industrial Estate Road 4. He was seen parking his motorcycle and walking towards the spot where he was arrested. All that was within five minutes or so. He adduced his cautioned statement in evidence, but that only stated: "I do not admit to the charges" (sic). The cannabis was, in my judgment, in the possession of Ramis at all material times. The prosecution had proved beyond reasonable doubt that Ramis brought the cannabis on his motorcycle and it remained in his possession notwithstanding that he left his motorcycle unattended at the parking lot for a few minutes. I do not accept Ramiss version that he was at there for 20 minutes. I have also taken into account that it was not the defence case that the Puma bag was deposited in Ramiss motorcycle before he arrived at Marsiling Industrial Estate Road 4. In a sense, I agree with Mr. Retnam that it is certainly possible that Cpl. Rajkumar might have a momentary lapse of concentration during which time someone could have left the bag in Ramiss motorcycle. But in the absence of any reason why anyone would do such a thing in the circumstances of this case, I am unable to accept this remote

possibility as having sufficient weight to create any doubt that Ramis carried the bag with him as he entered Marsiling Industrial Estate Road 4.

9. I, therefore, found Ramis guilty as charged and sentenced him to suffer death.

Choo Han Teck

Judicial Commissioner

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