

Public Prosecutor v Tan Chin Hock
[2009] SGHC 189

Case Number : CC 36/2009

Decision Date : 25 August 2009

Tribunal/Court : High Court

Coram : Choo Han Teck J

Counsel Name(s) : Amarjit Singh and Tan Boon Khai (Deputy Public Prosecutors) for the prosecution; James Masih (James Masih & Co) and Ong Cheong Wei (Ong Cheong Wei & Co) for the accused

Parties : Public Prosecutor — Tan Chin Hock

Criminal Law

25 August 2009

Choo Han Teck J:

1 The accused was a 43 years old unemployed man who was arrested on 28 March 2008 in his rented room at Blk 323, Ubi Avenue 1, #11-573. He was subsequently charged with 13 charges of drug-related offences. The Deputy Public Prosecutor ("DPP") applied to proceed with the first charge and the remaining 12 charges were stood down pending the outcome of the trial. The first charge was a capital charge for having possession of 64.34g of diamorphine for the purposes of trafficking, an offence under s 5(1)(a) read with s 5(2) and punishable under s 33 of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed).

2 The evidence showed that the accused was arrested at 9.45am on 28 March 2008 when officers of the Central Narcotics Bureau ("CNB") entered his flat and broke into his room. He was found holding a maroon coloured bag in which the CNB officers found 36 packets of white substance subsequently ascertained to be heroin. More heroin was found elsewhere in his room and the aggregate of which formed the subject matter of the first charge. The CNB officers also found drug trafficking materials, namely, a weighing scale, a pair of scissors and some small plastic sachets. Several other persons were also arrested at about the same time. They were later ascertained not to be concerned with the charges involving the accused.

3 The prosecution also adduced seven statements made by the accused in which he gave detailed accounts of how he came to be staying at the flat, and how he came into the business of drug trafficking. These included details of his own addiction, how he was introduced to his supplier, and also the persons to whom he delivered drugs to. He obtained his supply from a Malaysian man known to him only as "Ah Seng". He started delivering drugs for Ah Seng in February 2008. The drugs would be sent by courier to the car park near Blk 322, Ubi Avenue 1. Ah Seng would send heroin, Ecstasy tablets, Ice, and Erimin-5, all wrapped in black tape. Ah Seng would notify the accused whenever anyone wanted to take delivery. The accused would then follow Ah Seng's instructions to make the delivery and collect payment on his behalf. He was paid \$150 for each delivery he made. He made about 7 or 8 deliveries a week. He admitted that he had just collected a batch of drugs from Ah Seng's courier on the morning of the day of his arrest. The drugs were meant to be collected from him sometime later but no instructions had been received at the time. The accused merely checked the bundles and weighed them as instructed.

4 The accused did not challenge any of the evidence having instructed his counsel that he would plead guilty to the charge. At the close of the prosecution's case, counsel declined to make any submission. I then called upon the defence and the accused elected to remain silent. His counsel again declined to make any submission. On the evidence, I was satisfied that the prosecution had proved its case beyond reasonable doubt and I thus convicted the accused and sentenced him to death.

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