IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2016] SGHC 228

Criminal Case No 24 of 2016

Between

Public Prosecutor

and

Sibeko Lindiwe Mary-Jane

GROUNDS OF DECISION

[Criminal procedure and sentencing] – [Sentencing] – [Importation of controlled drugs]

Public Prosecutor
v
Sibeko Lindiwe Mary-Jane

[2016] SGHC 228

High Court — Criminal Case No 24 of 2016
Lee Seiu Kin J
22 September 2016

19 October 2016

Lee Seiu Kin J

1 The accused stood trial before me over seven days in May 2016 for an offence under s 7 of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) ("the MDA") for importation of a controlled drug. On 4 July 2016, after counsel for both parties made their submissions before me, I reserved judgment. On 22 September 2016, I found the accused guilty as charged. The written grounds of decision and full facts of the case are found in *PP v Sibeko Lindiwe Mary-Jane* [2016] SGHC 199 ("the GD") released the same day.

2 Upon conviction, the learned Deputy tendered a certificate by the Public Prosecutor certifying that, in his determination, the accused had substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities within or outside Singapore. With this certificate, the requirement in s 33B(2)(*b*) of the MDA was satisfied.

3 From the evidence before me, I found that the involvement of the accused in the offence was restricted to transporting, sending or delivering the controlled drug. This satisfied the requirement in s 33B(2)(*a*) of the MDA.

4 As both requirements in s 33B(2) were satisfied, s 33B(1) was brought into operation and I, as trial judge, had the discretion of sentencing the accused to imprisonment for life instead of imposing the death penalty. As I was of the view that the circumstances of the case justified the exercise of this discretion, I sentenced the accused to life imprisonment. As she was a female and not liable for caning, no such sentence was imposed.

5 The accused had, on 6 October 2016, filed a notice of appeal against her conviction and sentence. As the GD does not contain the reasons for the sentence imposed, this supplementary grounds of decision is written for that purpose.

Lee Seiu Kin
Judge

Ma Hanfeng and Kenny Yang (Attorney-General's Chambers) for the prosecution;
N K Rajarh (Straits Law Practice LLC) and Sankar s/o Kailasa Thevar Saminathan (Sterling Law Corporation) for the accused.