IN THE COURT OF APPEAL OF THE REPUBLIC OF SINGAPORE

[2026] SGCA 18

Court of Appeal / Criminal Motion No 10 of 2026

Between

Omar bin Yacob Bamadhaj

… *Applicant*

And

Public Prosecutor

… *Respondent*

JUDGMENT

[Criminal Procedure and Sentencing — Review]
[Criminal Procedure and Sentencing — Stay of execution]

TABLE OF CONTENTS

BACKGROUND **2**

TRIAL 2

APPEAL 5

PETITION FOR CLEMENCY 5

POST-APPEAL APPLICATIONS 5

THE PRESENT APPLICATION 6

THE PARTIES' ARGUMENTS IN THE PRESENT APPLICATION **7**

THE APPLICANT'S ARGUMENTS 7

THE PROSECUTION'S ARGUMENTS 9

THE APPLICABLE LAW **10**

THE DECISION OF THE COURT **13**

THE FIRST GROUND – ALLEGATIONS CONCERNING THE TRIAL PROCEEDINGS 13

THE SECOND GROUND – ALLEGATIONS CONCERNING THE APPEAL PROCEEDINGS 17

CONCLUSION **18**

ANNEX: POST-APPEAL APPLICATIONS MADE BY THE APPLICANT **20**

Version No 1: 15 Apr 2026 (16:47 hrs)

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Omar bin Yacob Bamadhaj
v
Public Prosecutor

[2026] SGCA 18

Court of Appeal — Criminal Motion No 10 of 2026
See Kee Oon JAD
13 April 2026

15 April 2026

See Kee Oon JAD:

1 This is an application filed on 9 April 2026 by Mr Omar bin Yacob Bamadhaj (the "Applicant"), a prisoner awaiting capital punishment, under s 394H of the Criminal Procedure Code 2010 (2020 Rev Ed) ("CPC") for permission to make a review application in respect of the Court of Appeal's decision in CA/CCA 9/2021 ("CCA 9"). Specifically, he seeks permission under this provision to "reopen [his] appeal".[1] The Applicant's execution is scheduled on 16 April 2026.

2 The Applicant's affidavit in support of the present application also mentions s 394I of the CPC but this provision will only apply if this court grants permission to the Applicant to make the intended review application.

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[1] Applicant's Affidavit ("AA") at para 13.

3 This application has been placed before me as a single Judge sitting in the Court of Appeal pursuant to s 394H(6)(*a*) of the CPC. Pursuant to s 394H(7) of the CPC, I have decided to summarily refuse the application without setting it down for hearing.

Background

Trial

4 On 24 February 2021, the Applicant was convicted and sentenced after trial before a Judge of the General Division of the High Court ("Judge") in HC/CC 46/2019 on one charge under s 7 of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) ("MDA"). The Applicant was liable to suffer capital punishment pursuant to s 33(1) read with the Second Schedule to the MDA. While the Judge found that the Applicant was a courier, the Applicant did not receive a certificate of substantive assistance and thus the Applicant was sentenced to death. The judgment of the General Division of the High Court is set out in *Public Prosecutor v Omar bin Yacob Bamadhaj* [2021] SGHC 46 ("Judgment").

5 The Applicant claimed trial to one charge under s 7 of the MDA for importing into Singapore three bundles containing not less than 1009.1g of vegetable matter (the "Bundles"), which was analysed and found to be cannabis (Judgment at [1]). The facts of the case have been set out in full in the Judgment. Unless otherwise stated, I adopt the abbreviations used therein.

6 The Applicant was arrested by Immigration and Checkpoints Authority ("ICA") officers at Woodlands Checkpoint at or about midnight on 12 July 2018 while entering Singapore from Malaysia with his father, Yacob bin Osman Bamadhaj ("Yacob") in Yacob's car ("Car") (Judgment at [2]–[4]). The Bundles

Version No 1: 15 Apr 2026 (16:47 hrs)

were discovered in a haversack belonging to the Applicant in the boot of the Car (Judgment at [3]–[5]). The Prosecution's case was that the Applicant initially claimed that the Bundles contained "plants for herbs", but later allegedly admitted to Sergeant Muhammad Faliq bin Mohd Awi ("Sgt Faliq"), an ICA officer, that they were cannabis ("Second Oral Statement") (Judgment at [3], [7]). Other admissions were also contained in the other statements that the Applicant made. The Applicant's defence was mainly that the Bundles were placed in his haversack by his acquaintances, one "Din" and/or one "Latif", without his knowledge and that he did not realise what they contained until after his arrest (Judgment at [13]).

7 The trial proceeded in two parts: the first comprising of two ancillary hearings for three statements made by the Applicant (Judgment at [22]–[25]), and the next on the substantive merits of the case. The three statements which the Applicant had claimed were not given voluntarily did not include the Second Oral Statement. As regards the second part of the trial, one of the arguments made by the Applicant was that he *did not make the Second Oral Statement*, where he admitted to Sgt Faliq that the Bundles were cannabis. He maintained that Sgt Faliq had brought him to the rear of the Car, where he raised his hand and threatened him, saying, "[i]f you refuse to admit ownership to (*sic*) this item, I will slap you". The Applicant argued that he did not tell Sgt Faliq that the Bundles were cannabis (Judgment at [19], [81]–[82]). He also argued that the CCTV footage at the relevant counter at Woodlands Checkpoint would have captured Sgt Faliq's threat to him.[2]

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[2] Transcript of the trial dated 8 October 2020 at p 30 line 15; Transcript of the trial dated 13 October 2020 at p 14 lines 14–17.

Version No 1: 15 Apr 2026 (16:47 hrs)

8 The Judge made the following findings insofar as they are relevant to the present application. First, as regards the three statements that were the subject of the ancillary hearings, he found that these statements were made voluntarily by the Applicant without threat, inducement or promise and thus admitted the statements as evidence (Judgment at [53], [62]). As regards the second part of the trial, he accepted the evidence of the Investigation Officer R Shamaani ("IO Shamaani") that she had viewed the CCTV footage and it showed "nothing remarkable" (Judgment at [45]). He found that IO Shamaani's evidence had "clearly refute[d] [the Applicant]'s testimony in court that Sgt Faliq's threat would have been captured on the CCTV footage" (Judgment at [85]). The Judge made other findings, including that:

(a) the text messages between the Applicant and one "Jay" showed that the Applicant had pre-ordered three bundles on 10 July 2018 for collection on 11 July 2018 (Judgment at [94]);

(b) the Applicant had admitted having knowledge of the number of Bundles and their contents (Judgment at [113], [121]–[123], [136]); and

(c) the Applicant's defence about Din and Latif having planted the drugs without his knowledge was implausible and contradicted the other versions of the events given by him (Judgment at [113], [115], [123]–[131]).

9 The Judge therefore found that the Prosecution had proven beyond reasonable doubt that the Applicant had actual knowledge that the Bundles contained cannabis and that he had intentionally imported them into Singapore. Accordingly, the Judge convicted the Applicant under s 7 of the MDA. The Applicant was liable to capital punishment pursuant to s 33(1) read with the Second Schedule to the MDA (Judgment at [139]–[144]).

Version No 1: 15 Apr 2026 (16:47 hrs)

10 The Judge agreed with the Prosecution that there was insufficient evidence to indicate what the Applicant intended to do with the Bundles after he had taken delivery of them and returned to Singapore, and thus found that the Applicant was a courier whose involvement in the offence fell within s 33B(2)(*a*) of the MDA. However, the Applicant did not receive a certificate of substantive assistance from the Public Prosecutor and thus the alternative sentencing regime under s 33B(1)(*a*) was not available to the Applicant. Therefore, the Applicant was sentenced to death (Judgment at [145]–[147]).

Appeal

11 In CCA 9, the Applicant appealed against his conviction and sentence. On 12 October 2021, the Court of Appeal dismissed the appeal as it was satisfied that the Judge had examined the evidence carefully and saw no basis for interfering with the Judge's decision.[3]

Petition for clemency

12 The Applicant's petition for clemency to the President of the Republic of Singapore (the "President") was rejected on 22 March 2022. The Applicant's wife subsequently filed an appeal for clemency to the President on 13 April 2026, which was rejected on 15 April 2026.

Post-appeal applications

13 After the appeal, the Applicant filed several applications which are listed chronologically in the annex of this judgment. This application is however the first that he has made under s 394H of the CPC. This is important because, under s 394K(1) of the CPC, an applicant is not allowed to make more than one review

[3] Certified minute sheet for CA/CCA 9/2021 dated 12 October 2021 ("Appeal MS").

Version No 1: 15 Apr 2026 (16:47 hrs)

application in respect of any decision of an appellate court: *Lingkesvaran Rajendaren v Public Prosecutor* [2026] SGCA 5 ("*Rajendaren*") at [9], citing *Pausi bin Jefridin v Public Prosecutor and other matters* [2024] 1 SLR 1127 at [43] and *Mohammad Yusof bin Jantan v Public Prosecutor* [2021] 5 SLR 927 at [12]–[13], as affirmed by this court in *Panchalai a/p Supermaniam and another v Public Prosecutor* [2022] 2 SLR 507 at [28].

The present application

14 On 24 March 2026, the President issued an order for the Applicant to be executed on 8 April 2026 pursuant to s 313(1)(*f*) of the CPC. On 1 April 2026, the President ordered a respite of the execution of the Applicant in accordance with Art 22P(1) of the Constitution of the Republic of Singapore and s 313(1)(*h*) of the CPC. On the same day, the President issued an order for the Applicant to be executed on 16 April 2026 pursuant to s 313(1)(*f*) of the CPC.

15 After being informed of the deferred date of execution, the Applicant filed this application, supported by an affidavit dated 9 April 2026 and a set of written submissions.

16 As directed by the court, the respondent's written submissions in reply to this application were filed on 13 April 2026. The respondent did not file any affidavit in reply.

17 The Applicant raises two grounds in support of this application:

(a) Firstly, that his trial counsel ("trial counsel") from the Legal Assistance Scheme for Capital Offences ("LASCO") had not followed his instructions to obtain a Closed Circuit Television ("CCTV") footage which could prove that he was threatened by Sgt Faliq. The Applicant

Version No 1: 15 Apr 2026 (16:47 hrs)

further alleged that IO Shamaani and the Deputy Public Prosecutor ("DPP") who had conduct of the trial had suppressed the CCTV footage (the "First Ground").

(b) Secondly, that his LASCO counsel for the appeal ("appeal counsel") did not properly handle the appeal, which had been dismissed without the appeal counsel making any oral submissions at the hearing (the "Second Ground").

18 I turn now to consider the Applicant's affidavit and written submissions and the respondent's written submissions.

The parties' arguments in the present application

The Applicant's arguments

19 Regarding the First Ground, the Applicant argues that his trial counsel failed to follow his instructions to request for the CCTV footage at an early stage, which could have proven that Sgt Faliq had threatened him.[4] He claims that both Sgt Faliq and Sergeant Muhammad Zuhaidi bin Abdul Wahab ("Sgt Zuhaidi"), a Central Narcotics Bureau officer who took over custody of the Applicant from the ICA officers after his arrest, knew that he was intoxicated and not in the right state of mind, and that Sgt Faliq took advantage of this when making the threat.[5] The Applicant further alleges that when he reminded his trial counsel to raise the CCTV footage during the trial, counsel disregarded his instructions and told him there was no CCTV footage, forcing him to raise the issue himself in court.[6] He contends that IO Shamaani concealed the truth about

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4 AA at para 6.

5 Applicant's Written Submissions ("AWS") at p 4.

6 AWS at p 1.

Version No 1: 15 Apr 2026 (16:47 hrs)

what the CCTV footage captured and lied when testified that she saw "nothing remarkable". The Applicant argues that if there were truly nothing remarkable in the footage, IO Shamaani should have presented it as evidence to the court.[7] Instead, she only discussed the CCTV footage after the Applicant raised the issue and she was recalled to the stand for cross-examination on this matter.[8] Therefore, the Judge erred in accepting her testimony about seeing "nothing remarkable" in the footage. The Applicant also alleges that the DPP was aware of the CCTV footage and avoided the Judge's questions about it,[9] and he further claims that the IO and DPP covered for each other.[10]

20 Regarding the Second Ground, the Applicant argues that his appeal counsel made no oral submissions at the appeal hearing, which was dismissed within ten minutes after the hearing commenced at 10am.[11] The Applicant alleges that his appeal counsel did not have his glasses at the hearing and thus could not see the "submission document" or respond to the questions posed by the Chief Justice, failing to raise points they had previously discussed for the appeal. He further contends that as the appeal counsel was unable to make oral submissions, the second chair counsel should have addressed the court in his stead, but she failed to do so.[12] The Applicant also alleges that his appeal counsel "just want[ed] to get [the appeal] over and done with".[13]

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7 AWS at p 2; AA at para 7.

8 AWS at pp 2–3; see Transcript for the trial dated 4 December 2020 at p 1 lines 26–29.

9 AA at para 6.

10 AWS at pp 2–3.

11 AA at para 6 and AWS at p 4.

12 AWS at p 4.

13 AWS at p 4.

Version No 1: 15 Apr 2026 (16:47 hrs)

The Prosecution's arguments

21 The Prosecution argues that the Applicant's claims about the CCTV footage had been thoroughly canvassed and rejected in previous proceedings.[14] However, the Applicant has now chosen to raise these unmeritorious allegations for the first time in this application, although his appeal was dismissed more than four years ago.[15]

22 Further, there is, in any case, no evidence supporting any of the allegations that Sgt Faliq had threatened to slap the Applicant.[16] The Prosecution cites the Judge's findings that (a) the Applicant had in fact made the Second Oral Statement to Sgt Faliq; and (b) Sgt Faliq did not at any point threaten to slap the Applicant if he did not admit that the Bundles belonged to him.[17] The Prosecution further argues that even if the alleged threat by Sgt Faliq were true, it would not have amounted to a threat, inducement or promise given the Applicant's own evidence indicating that the alleged threat had little effect on him.[18]

23 The Prosecution also argues that the Applicant's conviction would still stand without the Second Oral Statement, as there was a plethora of evidence which supported the Judge's decision to convict him. The Prosecution cites findings made by the Judge which are similar to the ones cited above (at [8]).[19]

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14 Respondent's Written Submissions ("RWS") at paras 3, 17–24.

15 RWS at para 10.

16 RWS at paras 10, 25–28.

17 RWS at paras 25–27.

18 RWS at para 28.

19 RWS at paras 10, 29–31.

Version No 1: 15 Apr 2026 (16:47 hrs)

24 Finally, the Prosecution contends that the Applicant cannot rely on his complaints against his trial counsel and the IO and DPP as a basis to review the appeal. The Applicant's trial counsel had advanced his allegation that Sgt Faliq had threatened to slap him if he did not admit that the Bundles contained cannabis, by cross-examining Sgt Faliq and IO Shamaani.[20] Further, the allegation that his trial counsel failed to follow his instructions to obtain the CCTV footage is a bare one, made more than five years since his conviction, and not notified to his counsel.[21] Therefore, these allegations are an abuse of process to re-open the Applicant's concluded criminal proceedings through collateral attacks on his trial counsel.[22] Similarly, the allegation that the DPP and the IO suppressed the CCTV footage is baseless and speculative,[23] and adequately refuted by the Prosecution's re-calling of IO Shamaani as a witness to explain why the footage had not been obtained.[24] The Judge had accepted this explanation, and the Applicant has no new evidence to show that the Judge's finding was incorrect.[25]

The applicable law

25 In deciding whether to grant an application for permission to make a review application, the court must consider the matters set out in s 394H(6A) of the CPC. These are:

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20 RWS at para 33.

21 RWS at para 35.

22 RWS at para 36.

23 RWS at para 39

24 RWS at para 38.

25 RWS at para 39.

Version No 1: 15 Apr 2026 (16:47 hrs)

(a) whether the conditions or requirements in ss 394G ("Conditions for making review application"), 394J ("Requirements for the exercise of [the court's] power of review") and 394K ("Other matters concerning review applications and applications for permission") are satisfied;

(b) whether there was any delay in filing the application for permission after the applicant or counsel for the applicant had obtained the material mentioned in s 394J(2), *ie*, sufficient material (being evidence or legal arguments) on which the appellate court may conclude that there has been a miscarriage of justice in the criminal matter in respect of which the earlier decision was made, and the reasons for the delay;

(c) whether s 394H(3) is complied with; and

(d) whether the review application to be made has a reasonable prospect of success.

26 As regards the requirement in s 394H(6A)(*d*), in order to succeed in an application for permission, the applicant must show a "legitimate basis for the exercise of [the] court's power of review" (*Rajendaren* at [10], citing *Kreetharan s/o Kathireson v Public Prosecutor and other matters* [2020] 2 SLR 1175 at [17]; *Tangaraju s/o Suppiah v Public Prosecutor* [2023] SGCA 13 at [14]; and *Muhammad Salleh bin Hamid v Public Prosecutor* [2025] 1 SLR 554 (at [36]). Such a basis may be established where an applicant proves, within the meaning of s 394J(2) of the CPC, that "there is sufficient material (being evidence or legal arguments)" for the court to conclude that there has been "a miscarriage of justice in the criminal matter in respect of which an earlier decision was made". Pertinently, the elements of

Version No 1: 15 Apr 2026 (16:47 hrs)

"sufficiency" and "miscarriage of justice" are composite requirements (*Rajendaren* at [10], citing *Rahmat bin Karimon v Public Prosecutor* [2021] 2 SLR 860 at [22]).

27 Under s 394J(3) of the CPC, there are three requirements for the material to be sufficient. The material:

(a) must not have been canvassed at any stage of the proceedings in the criminal matter in respect of which the earlier decision was made, before the filing of the application for permission to make the review application;

(b) could not have been adduced in court earlier even with reasonable diligence; and

(c) must be compelling, in that it is reliable, substantial, powerfully probative, and capable of showing almost conclusively that there has been a miscarriage of justice in the said criminal matter.

28 So long as any of these requirements are not met, the review application will be dismissed (*Rajendaren* at [12], citing *Syed Suhail bin Syed Zin v Public Prosecutor* [2021] 1 SLR 159 at [18]).

29 Further, under s 394J(4) of the CPC, where the material relied upon by the applicant consists of legal arguments, such material will only be sufficient if, in addition to satisfying the three requirements above (at [27]), it is based on a change in the law that arose from any decision made by the court after the conclusion of all the proceedings relating to the criminal matter in respect of which the earlier decision was made.

Version No 1: 15 Apr 2026 (16:47 hrs)

The decision of the court

30 The distinction between an evidential argument as opposed to a legal argument is noteworthy insofar as the Applicant states in the information sheet in his supporting affidavit that the material he seeks to adduce in this application is a new legal argument.[26] However, I agree with the Prosecution that the material the Applicant seeks to rely on would more accurately be characterised as evidential as opposed to legal arguments.[27] This is because the allegations that he raises are entirely factual in nature. In addition, he has not identified any change in the law subsequent to the prior proceedings that will demonstrate any miscarriage of justice for the purposes of s 394J((4) of the CPC.

31 Crucially, the material relied upon by the Applicant (*ie*, his arguments in relation to the First Ground and the Second Ground) is not compelling and thus wholly insufficient within the meaning of s 394J(2) of the CPC (see s 394H(6A)(*a*)). Therefore, the prospective review application would not have a reasonable prospect of success (see s 394H(6A)(*d*) and *Rajendaren* at [10]).

32 Turning to the substantive merits of the Applicant's arguments for both the First Ground and Second Ground, I am of the view that this application should be dismissed for the following reasons.

The First Ground – allegations concerning the trial proceedings

33 In relation to the First Ground, the Judge had considered the issue about the CCTV footage and accepted IO Shamaani's evidence that the footage was

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26 AA at p 65.

27 RWS at para 13.

Version No 1: 15 Apr 2026 (16:47 hrs)

no longer available as the data had been overwritten by the time of trial. The footage was not retrieved earlier because the Applicant made no allegations regarding his arrest during IO Shamaani's interactions with him, and IO Shamaani testified she would have retrieved the footage if such allegations had been made (Judgment at [45]). While the footage was unavailable, the Judge accepted IO Shamaani's evidence that there was "nothing remarkable" about what she had observed, as the footage corroborated the arresting officers' accounts of events (Judgment at [45]).

34 Crucially, as the Prosecution highlights, the Judge's decision to convict the Applicant was based on multiple grounds beyond the disputed Second Oral Statement. This included the Applicant's admissions of his knowledge that there were three Bundles and that these Bundles contained cannabis *viz*. the First Oral Statement, Third Oral Statement, Contemporaneous Statement and Cautioned Statement where he repeatedly admitted the Bundles were "cannabis" (Judgment at [113]), the "deeply incriminating" text messages with "Jay" (Judgment at [93]–[94]), and his ability to identify the number and contents of the Bundles before they were fully discovered ([113], [121]–[123], [136]).

35 The Applicant's allegation that Sgt Faliq had threatened to slap him if he did not admit that the Bundles contained cannabis and belonged to him had been fully canvassed and examined at trial. The contention was carefully considered by the Judge. This was despite the Applicant not having actually challenged the admissibility of the Second Oral Statement on the ground that it was given involuntarily, but claiming instead that no such statement had been made at all. In any event, the Judge did in effect address his mind to the question of voluntariness despite the Second Oral Statement not being the subject of an ancillary hearing. At the stage of seeking permission to make a review application, I reiterate that the court's role is limited to assessing, *inter alia*,

Version No 1: 15 Apr 2026 (16:47 hrs)

whether the Applicant's material meets the standard of being compelling under s 394J(3)(*c*) of the CPC (see above at [27(c)]). The Judge was entitled to find no evidence supporting the Applicant's allegations that Sgt Faliq had threatened to slap him, and that he had in fact made the Second Oral Statement to Sgt Faliq. In dismissing the appeal, the Court of Appeal saw no basis at all for interfering with the Judge's analysis and findings of fact.

36 I should add that the Applicant's allegations about the suppression of the CCTV footage by the DPP and IO Shamaani, and the failure of his trial counsel to obtain the CCTV footage are new factual allegations which could have been adduced earlier, whether on appeal or after his appeal was dismissed in October 2021. As the Prosecution has observed in their written submissions, more than four years have elapsed since the conclusion of the appeal proceedings and more than five years have elapsed since he was convicted after trial. Yet these allegations have never surfaced before. I regard them with considerable scepticism. Any difficulty he may have encountered in obtaining legal representation[28] does not excuse the delay. In any event, I agree with the Prosecution that these are baseless and speculative bare assertions which have been refuted sufficiently by the fact that (a) the Applicant's trial counsel did cross-examine Sgt Faliq and IO Shamaani on the alleged threat; and (b) IO Shamaani was recalled to the stand to explain why she could not produce the CCTV footage in court.

37 I agree with the Prosecution that the Applicant's arguments regarding the CCTV footage and Sgt Faliq's alleged threat have already been canvassed

[28] AA at para 8(i).

Version No 1: 15 Apr 2026 (16:47 hrs)

at both the trial and the appeal.[29] It is thus wholly inaccurate for him to claim in the information sheet in his supporting affidavit that the "new legal argument" that he seeks to canvass in this application was not made in previous proceedings. Moreover, the suggestion that his "lawyers did not raise these issues" is both misleading and unfair to his lawyers.[30] The allegations he makes suggesting that IO Shamaani and the DPP had colluded to suppress the CCTV footage are entirely unfounded and baseless.

38 The Applicant's arguments about the CCTV footage and its alleged suppression therefore cannot be considered compelling; they are not "reliable, substantial, powerfully probative, and capable of showing almost conclusively that there has been a miscarriage of justice" as required under s 394J(3)(*c*) of the CPC.

39 For completeness, I note that the Applicant now further argues that he was intoxicated and not in the right state of mind (see above at [19]) when he gave the Second Oral Statement. This is another new factual allegation that was not raised in any earlier proceedings. Before the Judge, his arguments about feeling "high" when giving a statement pertained only to the *Contemporaneous Statement* and the *Cautioned Statement*. The Applicant stated in his Third Long Statement that he made the admissions in the Contemporaneous Statement and the Cautioned Statement because he was "feeling high". In any event, in his testimony in court, he clarified that at the time he gave the Contemporaneous Statement, he felt "semi high" but *not to the extent that it affected his state of mind*. His alternative explanation was that he had been influenced by

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29 Transcript of the trial dated 8 October 2020 at p 30 line 15; Transcript of the trial dated 13 October 2020 at p 14 lines 14–17; Applicant's written submissions for CA/CCA 9/2021 at paras 68–76.

30 AA at p 66.

Version No 1: 15 Apr 2026 (16:47 hrs)

Sgt Zuhaidi's threat (see Judgment at [38]) and/or was tired during the recording of the Contemporaneous Statement and the Cautioned Statement (Judgment at [56] and [115]). However, these arguments were rejected by the Judge (Judgment at [116]).

40 Importantly, the Applicant has never claimed that he felt intoxicated and was not in the right state of mind when he gave the Second Oral Statement to *Sgt Faliq*. Since this is a new allegation, I consider whether it could not have been adduced in court earlier even with reasonable diligence (see s 394J(3)(*b*) of the CPC). I am of the view that it certainly could have been adduced in court earlier. Indeed, it would have been natural and logical for the Applicant to have done so. Plainly, this was not done earlier. In any case, he has offered no reasonable explanation for why this new allegation is being made only now (see above at [36]). To my mind, the Applicant is impermissibly seeking to use this application as a backdoor to introduce a new argument that he has never canvassed before. The argument is in all likelihood an afterthought.

The Second Ground – allegations concerning the appeal proceedings

41 In relation to the Second Ground, as regards the Applicant's argument about the alleged deficiencies in his appeal counsel's oral advocacy, this could have been adduced earlier as well. There is again no reasonable explanation as to why these allegations were not raised earlier after his appeal was dismissed on 12 October 2021. For the reasons which I shall outline below, this is an unfounded allegation in any event.

42 Contrary to the Applicant's allegation that his appeal counsel made no oral submissions and that the hearing for the appeal lasted a mere ten minutes after commencing at 10am, the court's records reflect that the hearing

Version No 1: 15 Apr 2026 (16:47 hrs)

commenced at 2.30pm and concluded at 3.04pm after his appeal counsel had addressed the court.[31] Importantly, the records also reflect that his appeal counsel had advanced full substantive arguments before the hearing by way of written submissions which were considered by the Court of Appeal.[32] The Applicant's case was therefore adequately presented to the court. His case was duly heard and fully considered on its merits. I see no basis for the Applicant's suggestion that his appeal counsel or second chair counsel had acted in a lackadaisical or perfunctory manner and did not properly handle his appeal.

43 The Court of Appeal ultimately dismissed the appeal, upon being satisfied that the Judge had examined the evidence carefully and finding no basis to interfere with the Judge's decision. There is nothing to suggest that the decision of the Court of Appeal was demonstrably wrong or that there had been a failure of justice. The alleged deficiencies in his appeal counsel's oral advocacy cannot be said to constitute compelling material showing a miscarriage of justice within the meaning of s 394J(3)(*c*) of the CPC.

Conclusion

44 To sum up, there is clearly no basis to grant the Applicant's present application under s 394H of the CPC. He has given no reasonable explanation for the lengthy delay in filing the application after his appeal was dismissed in 2021. More importantly, he has failed to furnish any new or sufficient material, let alone material that is compelling, such that the court has any legitimate basis to grant permission for a review application to be made. I therefore refuse the

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31 Appeal MS.

32 Appeal MS.

Version No 1: 15 Apr 2026 (16:47 hrs)

application summarily pursuant to s 394H(7) of the CPC without setting it down for a hearing.

See Kee Oon
Judge of the Appellate Division

The applicant in person;
Yang Ziliang and Sean Teh (Attorney-General's Chambers) for the respondent.

Version No 1: 15 Apr 2026 (16:47 hrs)

Annex: Post-appeal applications made by the Applicant

S/N	Case number	Brief facts	Outcome
1	HC/OA 987/2023 ("OA 987")	OA 987 was an application by a group of 36 inmates (including the Applicant) for declarations that certain provisions in the Post-appeal Applications in Capital Cases Act 2022 (No. 41 of 2022) (which would introduce ss 60G(7)(*d*) and 60G(8) into the Supreme Court of Judicature Act 1969 ("SCJA")) were void for being inconsistent with Arts 9 and 12 of the Constitution of the Republic of Singapore ("Constitution"). The Attorney-General filed HC/SUM 3096/2023 ("SUM 3096") to strike out OA 987 in its entirety.	The Attorney-General's striking out application in SUM 3096 was allowed and OA 987 was struck out on 5 December 2023.

Version No 1: 15 Apr 2026 (16:47 hrs)

2	CA/CA 1/2024 ("CA 1")	CA 1 was an appeal by the same group of 36 inmates (including the Applicant) against the Judge's decision in SUM 3096 to strike out OA 987.	CA 1 was dismissed on 27 March 2024.
3	HC/OA 306/2024 ("OA 306")	OA 306 was an application by a group of 36 inmates (including the Applicant) for: (a) a declaration that the policy of the Legal Aid Scheme for Capital Offences to not assign counsel for the purposes of post-appeal applications was inconsistent with Art 9 of the Constitution; and (b) an order for damages. The Attorney-General filed HC/SUM 1124/2024 ("SUM 1124") to strike out OA 306 in its entirety.	The Attorney-General's striking out application in SUM 1124 was allowed and OA 306 was struck out on 20 May 2024.

Version No 1: 15 Apr 2026 (16:47 hrs)

4	CA/CA 38/2024 ("CA 38")	CA 38 was an appeal by the same group of 36 inmates (including the Applicant) against the Judge's decision in SUM 1124 to strike out OA 306.	CA 38 was dismissed on 9 September 2024.
5	HC/OA 972/2024 ("OA 972")	OA 972 was an application by a group of 31 inmates (including the Applicant) for declarations that ss 60G(7)(*d*), 60G(8), 60H(6) and 60I(1) of the SCJA and s 313(2) of the Criminal Procedure Code 2010 were void for being inconsistent with Arts 9 and 12 of the Constitution. The Attorney-General filed HC/SUM 2898/2024 ("SUM 2898") to strike out OA 972 in its entirety.	The Attorney-General's striking out application in SUM 2898 was allowed and OA 972 was stuck out on 5 February 2025. There was no appeal against the Judge's decision to strike out OA 972.

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