

IN THE COURT OF APPEAL OF THE REPUBLIC OF SINGAPORE

[2026] SGCA 30

Court of Appeal / Criminal Motion No 18 of 2026

Between

Munusamy Ramarmurth

... Applicant

And

Public Prosecutor

... Respondent

JUDGMENT

[Criminal Procedure and Sentencing — Stay of execution]

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Munusamy Ramarmurth

v

Public Prosecutor

[2026] SGCA 30

Court of Appeal — Criminal Motion No 18 of 2026
Steven Chong JCA
1 July 2026

2 July 2026

Steven Chong JCA:

1 The Applicant, Mr Munusamy Ramarmurth, is a prisoner awaiting capital punishment (“PACP”). He is scheduled to be executed on 3 July 2026. The Applicant wrote to the court on 1 July 2026 at around 10.58am and requested that his letter be treated as a “formal court application”. The application was eventually filed as CA/CM 18/2026 at about 5.04pm on 1 July 2026 (“Application”).

2 The Applicant’s arguments in the Application can be summarised as follows:

- (a) First, the Prosecution failed to disclose material evidence in breach of its obligations under *Muhammad bin Kadar and another v Public Prosecutor* [2011] 3 SLR 1205 (“Kadar”). The Applicant contends that the Prosecution had failed to disclose and produce in court

certain Closed-Circuit Television (“CCTV”) footage, which prejudiced his defence. Specifically, the CCTV footage was of the lobby of Tower Two of the Singapore Cable Car Building (“CCTV Footage”), and the Applicant claims that the CCTV Footage was “directly relevant to [his] offence and could have proved or corroborated [his] account of events given to the [Central Narcotics Bureau (“CNB”)] officer”.

(b) Second, the Applicant, again, contests the accuracy of his second recorded statement, which was a contemporaneous statement recorded under s 22 of the Criminal Procedure Code 2010 (2020 Rev Ed) (“CPC”) by a CNB officer, Sgt Mohammad Nasrulhaq (“Sgt Mohammad”), on 26 January 2018 at about 4.55pm (“Second Statement”). The Applicant argues that the Second Statement, which was used at his trial, was not an accurate reflection of the conversation he had with Sgt Mohammad.

(c) Third, the Applicant argues that the investigation officer, IO Derek Wong (“IO Wong”), had conducted himself dishonestly. The Applicant states that IO Wong had “lied in court” which “may have had a serious impact on [the Applicant’s] defence and on the outcome of [his] case”. Also, the Applicant takes issue with IO Wong’s omission to “declare” anything about the CCTV Footage in his own statement.

3 In summary, the Applicant argues that the CCTV Footage is new evidence that shows many discrepancies in his Second Statement. Therefore, the Applicant argues that because it was not disclosed by the Prosecution, he was not given a fair trial, and the judgment was therefore unfair.

4 As the Applicant appears to challenge the validity of his conviction, this would constitute a review application contemplated in Pt 20, Div 1B of the CPC. Thus, permission is required under s 394H of the CPC. However, the Applicant

commenced this application seeking to challenge the merits of his conviction *without* seeking prior permission to do so. In view of the very short time frame before the date of execution, I have treated the Application as an application for permission to make a review application under s 394H of the CPC.

Facts and Procedural History

Trial

5 The Applicant was convicted on one charge of possessing 57.54g of diamorphine for the purposes of trafficking under s 5(1)(a) read with s 5(2) of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) (“MDA”). The drugs were found in bundles in a tied-up red plastic bag (“Red Bag”) that were recovered by the CNB officers from the Applicant’s motorbike at the time of his arrest. He did not receive a certificate of substantive assistance from the Prosecution and, accordingly, the mandatory death penalty was imposed. The facts relating to the Applicant’s conviction have been set out in full in *Public Prosecutor v Munusamy Ramarmurth* [2021] SGHC 255 (“*Munusamy (HC)*”).

Appeal

6 The Applicant appealed against his conviction in CA/CCA 31/2021 (“CCA 31”). The appeal was dismissed on 27 October 2022. The decision of the Court of Appeal can be found in *Munusamy Ramarmurth v Public Prosecutor* [2023] 1 SLR 181 (“*Munusamy (CA)*”).

Related case (HC/CC 44/2022)

7 The Applicant was called as a witness in a separate case against Mustaqim bin Abdul Kadir in HC/CC 44/2022. The decision of that case is recorded in *Public Prosecutor v Mustaqim bin Abdul Kadir* [2023] SGHC 142

(“*Mustaqim (HC)*”). That case concerned an accused person (“Mustaqim”) who faced a capital charge of trafficking 56.8g of diamorphine. It is important to note that the drugs for which Mustaqim was convicted for in HC/CC 44/2022 is different from the parcel of drugs contained in the Red Bag for which the Applicant was separately convicted.

8 The Applicant claimed that it was during this trial that he came to learn about the existence of the CCTV Footage. During the trial, the CCTV Footage captured Mustaqim entering the Singapore Cable Car Building with a yellow paper bag with the words “Hari Raya” on it (“Hari Raya Bag”). That same CCTV Footage also captured the Applicant. The footage showed both Mustaqim and the Applicant proceeding towards the male toilet on the first floor of Tower Two of the Singapore Cable Car Building. Mustaqim then left the toilet with the Hari Raya Bag. Eventually, when the CNB officers apprehended Mustaqim and searched Mustaqim’s car, they found that the Hari Raya Bag contained 23 packets of granular/powdery substance. This was found to contain diamorphine.

9 In *Mustaqim (HC)*, the Applicant was questioned with respect to his meeting with Mustaqim in the toilet area. The Applicant denied that he had passed any drugs to Mustaqim and insisted that he had only collected money from Mustaqim (at [177]). However, this was contradicted by the Applicant’s own contemporaneous statement (*ie*, the Second Statement) wherein the Applicant stated that he had handed Mustaqim a “package” in the toilet area (*Mustaqim (HC)* at [178]). The Judge found that the Applicant was not a credible witness in light of the serious contradiction (*Mustaqim (HC)* at [179]).

CA/CM 18/2026

10 On 1 July 2026, the Applicant filed CA/CM 18/2026. The Applicant is self-represented in this Application.

The applicable law

11 Under s 394H(1) of the CPC, the Applicant must first obtain permission from the appellate court before making a review application. To decide whether to grant permission, the appellate court must consider the matters stipulated under s 394H(6A) of the CPC. These include whether the requirements under s 394J of the CPC have been fulfilled and whether the intended review application has a reasonable prospect of success.

12 To succeed in an application for permission, the Applicant must show that there is a “legitimate basis for the exercise of [the] court’s power of review”: see *Omar bin Yacob Bamadhaj v Public Prosecutor* [2026] SGCA 18 at [26]; 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]. Under s 394J(2) of the CPC, a legitimate basis is established when the Applicant proves that “there is 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”.

13 For the material to be sufficient, three requirements set out in s 394J(3) of the CPC must be fulfilled:

- (a) the material had not 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) the material could not have been adduced in court earlier even with reasonable diligence; and

(c) the material is 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.

14 Failure to satisfy any of the three requirements would result in a dismissal of the review application: *Lingkesvaran Rajendaren v Public Prosecutor* [2026] SGCA 5 (“*Lingkesvaran*”) at [12]; citing *Syed Suhail bin Syed Zin v Public Prosecutor* [2021] 1 SLR 159 at [18].

15 Under s 394J(5) of the CPC, an 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 only if:

(a) the earlier decision (being a decision on conviction or sentence) is demonstrably wrong; or

(b) the earlier decision is tainted by fraud or a breach of the rules of natural justice, such that the integrity of the judicial process is compromised.

16 Under s 394H(7) of the CPC, an application for permission may, without being set down for hearing, be summarily dealt with by a written order of the appellate court. This is subject to the conditions stipulated under s 394H(8) read with s 394H(6A) of the CPC: see *Lingkesvaran* at [14].

Decision of the court

17 The material which the Applicant seeks to rely on in the Application is the CCTV Footage. Specifically, the CCTV Footage which the Applicant claims will show that he did not give Mustaqim anything as “his hands were empty – that [he] was not carrying anything when [he] went [into the toilet] or came back out”. The Applicant argues that the CCTV Footage would demonstrate that the Second Statement was erroneously recorded since the Applicant could not have passed Mustaqim any package. For clarity, I reproduce the Second Statement (translated into English):

- Q1: Before you were arrested earlier, what were you doing?
- A1: Today, in the evening, I met with a Malay man who I called ‘abang’. ‘Abang’ called me using the number ‘[XXXXXXXX]’, instructed me to bring the package and meet him near the men toilet at tower two. There, I give the package to ‘abang’ and ‘abang’ place the package in a yellow bag. After that, he walked out.
- Q2: What is in the package?
- A2: I do not know what is in the package. The Malaysian man put all the packages in my motor and he said it is [‘panas’].
- Q3: Who is the Malaysian man?
- A3: I do not know who he is. I do not know his name either. I only know that he is Indian, skinny, rides a black ‘LC [XXX]’ motor. Do not remember the plate number. I do not know his handphone number.
- Q4: How many times have you given ‘abang’ the package and did ‘abang’ give you anything today?
- A4: It has been 2-3 times. Earlier, after I gave ‘abang’ the package, he gave me \$8,000. After that, the Malaysian man took the money outside of the tower 2 toilet. (‘Abang’ is established to be Mustaqim ...)
- Q5: What are all these and whose? (Pointing to 4 black bundles wrapped with black tape, 6 black plastic bags containing granular substance, 1 clear plastic bag containing 2 bundles)

A5: I do not know what all these things are but the Malaysian man said these are [‘panas’]. These things are not mine. The Malaysian man was the one who placed these things in my motor.

Q6: What are you going to do with these things?

A6: All these things, an Indian Malaysian man, his name is ‘Saravanan’, who will call me and tell me what to do with the things. His handphone number is ‘+[XXXXXXXXXXXX]’. He cannot enter Singapore. He is staying at [X/XX] house no. 3 bukit indah. I always meet him near his house. From what I know, he always instructs his man to bring in drugs into Singapore. That is what he told me.

Q7: Do you know anyone? (Subject shown a photo board of male subject)

A7: ‘Abang’ is number 13.

18 However, I fail to see how this CCTV Footage is relevant, much less “substantial, powerfully probative, and capable of showing almost conclusively that there has been a miscarriage of justice in the said criminal matter” as required by s 394J(3) of the CPC. At the trial of the Applicant, as stated in [5] above, the drugs that formed the subject matter of the charge were the contents contained in the Red Bag. The Red Bag was retrieved by the CNB officers from the rear box of the Applicant’s motorbike at the time of his arrest. Accordingly, the CCTV Footage has no bearing whatsoever to the contents of the Red Bag, which was the subject matter of the charge against the Applicant. It is equally irrelevant in relation to the Applicant’s knowledge of the drugs in the Red Bag.

19 Furthermore, as pointed out by the Prosecution, the Applicant’s counsel at the Applicant’s trial expressly confirmed that the Applicant’s interaction with Mustaqim (which is what the CCTV Footage is intended to show) was not relevant to the Applicant’s defence. The relevant portion of the transcript is reproduced below:

22 In any event, the Applicant’s argument is premised on an erroneous understanding of the Prosecution’s case in *Mustaqim (HC)*. From a reading of the record in *Mustaqim (HC)*, it is clear that the Prosecutor did not rely on the CCTV Footage to show that the Applicant never gave anything to Mustaqim. On the contrary, the Prosecutor had adduced the CCTV Footage to show that the Applicant and Mustaqim were seen walking towards the male toilet on the first floor of the Singapore Cable Car Building (*Mustaqim (HC)* at [16]). Mustaqim had testified that he received the drugs from the Applicant in the toilet. It was never the Prosecution’s case that the Applicant did not pass anything to Mustaqim. In its closing submissions filed in *Mustaqim (HC)*, the Prosecution argued that the Applicant’s testimony was “wholly incredible” and could not be believed when he claimed not to have passed anything to Mustaqim. I am satisfied that the Applicant’s contention is without any merit.

23 The Applicant also claims that the failure on the part of the Prosecution to adduce the CCTV Footage was a breach of the Prosecution’s *Kadar* obligation. However, in my view, there was no such breach. As observed by Sundaresh Menon CJ in *Xu Yuanchen v Public Prosecutor and another matter* [2021] 4 SLR 719 at [23]:

It is possible to analyse the triggering of the disclosure obligation by reference to four main elements: the material must be (a) unused; (b) either "likely to be admissible" or "provide a [real] chance of pursuing a line of inquiry that leads to material that is likely to be admissible"; (c) seemingly credible; and (d) *seemingly relevant to the guilt or innocence of the accused*. ...

[emphasis added]

Here, from the above analysis at [18]–[19], it is clear that the requirement in (d) is not satisfied as the CCTV Footage was simply irrelevant to the charge for which the Applicant was convicted of.

24 Next, the Applicant claims that IO Wong’s dishonesty in the course of the trial “had a serious impact on [the Applicant’s] defence and on the outcome of [his] case”. However, this point was already considered and dismissed at first instance and on appeal: see *Munusamy (HC)* at [91] and *Munusamy (CA)* at [75]–[76]. As such, this point cannot satisfy the requirement under s 394J(3)(a) of the CPC, which requires that “the material had not 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”.

25 Lastly, the Applicant asserts that the Prosecution had misled the Applicant’s counsel. The Applicant claims that “[his] lawyer had asked the Prosecution whether there was any CCTV footage relevant to [his] case. The Prosecution said there was no footage”. In response, the Prosecution adduced the correspondence with the Applicant’s counsel regarding the request for information and/or documents. It is clear that Applicant’s counsel had never requested for the CCTV Footage in question. Instead, the Applicant’s counsel had requested for a separate CCTV footage of the open carpark at Keppel Bay Towers where the Applicant’s motorbike was parked and the basement area where the Applicant was arrested. This requested CCTV was duly provided and admitted into evidence and marked as Exhibit CD5. Therefore, the Applicant’s allegation that the Prosecution misled the Applicant’s counsel is completely baseless.

Conclusion

26 Having considered the Applicant's submissions, it is clear that permission to make the review application cannot be granted. Pursuant to s 394H(7) of the CPC, I dismiss the Application summarily without setting it down for hearing.

Steven Chong
Justice of the Court of Appeal

Applicant in person;
Chin Jincheng and Benedict Chan Wei Qi (Attorney-General's
Chambers) for the respondent.
