IN THE COURT OF APPEAL OF THE REPUBLIC OF SINGAPORE

[2026] SGCA 5

Court of Appeal / Originating Application (OAC) No 2 of 2026

Between

Lingkesvaran Rajendaren

… *Applicant*

And

Public Prosecutor

… *Respondent*

JUDGMENT

[Criminal Procedure and Sentencing — Stay of execution]

TABLE OF CONTENTS

Lingkesvaran Rajendaren
v
Public Prosecutor

[2026] SGCA 5

Court of Appeal — Originating Application (OAC) No 2 of 2026
Woo Bih Li JAD
11 February 2026

11 February 2026

Woo Bih Li JAD:

Introduction

1 The applicant, Mr Lingkesvaran Rajendaren (the "Applicant"), is a prisoner awaiting capital punishment ("PACP") who is scheduled to be executed today, 11 February 2026. On the evening of 10 February 2026 after 5pm, the Applicant forwarded through the Singapore Prison Service ("SPS") some papers which were meant to be an application to the court, which was eventually filed as CA/OAC 2/2026 at about 10.21am on 11 February 2026 (the "Application").

2 The Applicant sets out the following as grounds for the Application:

(a) In what the Applicant terms as "Ground 1", the Applicant states that he is illiterate, and asserts that during his trial in the General Division of the High Court, the statements of Central Narcotics Bureau

("CNB") officers and "many other related documents" were not read or translated to him, save for the portions which were used in the cross-examination of witnesses. According to the Applicant, this is in violation of his right to a fair trial, as set out in Art 9 and Art 12 of the Constitution of the Republic of Singapore (2020 Rev Ed) (the "Constitution").

(b) In what the Applicant terms as "Ground 2", the Applicant asserts that there are "many discrepancies in the statements and evidences of the witnesses that would have definitely have been challenged by the Applicant if he had known before". However, because these statements were allegedly not translated, the Applicant asserts that there was "no way" he would have known of the "material inconsistencies" contained therein during his trial and his subsequent appeal.

3 The Application is accompanied by lengthy and detailed written submissions from the Applicant. In summary, the Applicant alleges that had he known about the portions of statements which had not been translated, he would have shown that there was a break in the chain of custody which was crucial as to whether "the bag retrieved by the CNB officers was indeed given by me". I elaborate on this allegation later.

4 Though the Application is couched as an application under s 60G of the Supreme Court of Judicature Act 1969 (2020 Rev Ed) (the "SCJA") as an application for permission to make a post-appeal application in a capital case, it is in substance a review application contemplated in Pt 20, Div 1B of the Criminal Procedure Code 2010 (2020 Rev Ed) (the "CPC") as the Applicant intends to challenge the validity of his conviction and sentence for an offence as elaborated below. Under s 394H of the CPC, an applicant must first apply for

permission to make a review application and I have treated the Application as an application for such permission.

Facts and history of proceedings

5 The facts relating to the Applicant's conviction have been set out in *Public Prosecutor v Lingkesvaran Rajendaren and another* [2018] SGHC 234 ("*Lingkesvaran (Conviction)*"). It suffices to say that the Applicant was charged with trafficking in 52.77g of diamorphine, an offence under s 5(1)(*a*) of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) (the "MDA") punishable under s 33(1) of the MDA. He was sentenced to the mandatory death penalty after trial. His appeal against conviction and sentence in CA/CCA 39/2018 ("CCA 39") was dismissed by this court on 27 March 2019.

6 Between the dismissal of CCA 39 on 27 March 2019 and 8 February 2026, the Applicant has been involved in many legal proceedings. On 4 February 2026, the Applicant received his notice of execution, and since then, the following events have transpired:

(a) On 9 February 2026, at around 7.56am, the Applicant filed HC/OC 136/2026 ("OC 136"). In brief, OC 136 was a claim against the Attorney-General, the SPS and two SPS officers, founded on a litany of complaints arising from his incarceration at Changi Prison Complex.

(b) Later that day, at around 4.49pm, the Applicant filed CA/OAC 1/2026 ("OAC 1"). In OAC 1, the Applicant sought, *inter alia*, permission to file a post-appeal application in a capital case ("PACC application") for a stay of execution pending the full and final determination of OC 136, on the basis that the alleged mistreatment

engaged the Applicant's civil and constitutional rights, and that the allegations therein carried "exceptional public interest".

(c) On 10 February 2026, at around 5.47pm, I dismissed OAC 1. The reasons for my decision are set out in *Lingkesvaran Rajendaren v Attorney-General* [2026] SGCA 4 ("*Lingkesvaran (PACC Permission)*"). In brief, I observed (at [35]–[38]) that OAC 1 was premised on material which could have been readily adduced in court much earlier, and that there was inexplicable delay in filing OAC 1. I found that OC 136 was an abuse of process filed for the sole purpose of delaying the Applicant's impending execution.

7 The Applicant was represented by legal counsel, Mr Derek Wong Kim Siong, in both OC 136 and OAC 1.

The applicable law

8 Under s 394H(1) of the CPC, an applicant must obtain permission from the appellate court before making a review application. In deciding whether to grant an application for permission, the appellate court must consider the matters stipulated under s 394H(6A) of the CPC, including whether the requirements under s 394J of the CPC have been fulfilled and whether the intended review application has a reasonable prospect of success.

9 Crucially, s 394K(1) of the CPC makes clear that an applicant is not allowed to make more than one review application in respect of any decision of an appellate court (see *Pausi bin Jefridin v Public Prosecutor and other matters* [2024] 1 SLR 1127 at [43]; *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]).

10 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" (see *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]; *Muhammad Salleh bin Hamid v Public Prosecutor* [2025] 1 SLR 554 ("*Muhammad Salleh*") at [36]). Under s 394J(2) of the CPC, a legitimate basis is established where an applicant proves that "there is sufficient material (being evidence or legal arguments)" for the appellate court to conclude that there has been "a miscarriage of justice in the criminal matter in respect of which the earlier decision was made". The elements of "sufficiency" and "miscarriage of justice" are a *composite* requirement (see *Rahmat bin Karimon v Public Prosecutor* [2021] 2 SLR 860 at [22]).

11 For the material to be "sufficient", the three requirements in ss 394J(3)(*a*) to 394J(3)(*c*) of the CPC must be fulfilled:

> (a) the material has 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.

12 The failure to satisfy *any* of the three requirements will result in a dismissal of the review application (see *Syed Suhail bin Syed Zin v Public Prosecutor* [2021] 1 SLR 159 ("*Syed Suhail*") at [18]).

13 Under s 394J(4) of the CPC, where the material which the applicant relies on consists of legal arguments, such material will only be "sufficient" if – in addition to the three requirements above – it is based on a change in the law *after* the conclusion of all the proceedings relating to the criminal matter in respect of which the earlier decision was made.

14 Under s 394H(7) of the CPC, an application for permission to review may, without being set down for hearing, be summarily dealt with by a written order of the appellate court, subject to the conditions stipulated under s 394H(8) read with s 394H(6A) of the CPC (*Muhammad Salleh* at [40]).

15 Under s 394H(6)(*a*) of the CPC, an application for permission to make a review application may be heard by a single Judge sitting in the Court of Appeal.

The decision of the court

16 In my view, the material which the Applicant seeks to rely upon for the Application (*ie* the assertions recounted above at [2]) cannot be regarded as compelling. Conversely, I find this material to be unreliable as it wholly contradicts the case he advanced at trial below.

17 The thrust of the Application is that the Applicant is illiterate and that many documents adduced at trial were not read or translated to him save for the relevant portions of the CNB statements that were pointed out at trial during the cross-examination of witnesses. The Applicant further asserts that had he known about the portions of statements which had not been translated, he would have been able to demonstrate that there was a break in the chain of custody, which was crucial as to whether "the bag retrieved by the CNB officers was indeed given by me". By this, he was referring to a bag containing a bundle which contained the drugs which he was found to have given his co-accused, Alfian bin Abdul Rahim ("Alfian"). The bundle was referred to as Bundle P3 during the trial. The Applicant alleges that he only came to know about material contradictions and inconsistencies in the statements because a fellow inmate of his, one Pannirselvam, went through his case and told him about the same and noted them down for him.

18 Importantly, the Applicant did not specify when he acquired the knowledge, *viz* whether it was acquired some time ago or only one or two days ago. From the length and detail of the written submissions, it must have been some time ago if the grounds of the Application were true. In that case, there is no satisfactory explanation as to why the Application was only alluded to yesterday and filed today.

19 In any event, it is important to stress that the Applicant was represented by counsel at his trial and by new counsel at his appeal in CCA 39. Further, and as I noted in *Lingkesvaran (PACC Permission)* at [36], the Applicant was even represented by counsel in other matters after the conclusion of CCA 39. Quite clearly, his alleged discovery could have been made earlier, if there were indeed material contradictions.

20 More importantly, the defence of the Applicant at trial and on appeal was not that the bag or Bundle P3 was not given by him to Alfian. Rather, his defence was that he had thought that the bundle contained tobacco, *ie*, he did not know of the existence of the drugs.

21 Indeed, the trial judge noted in *Lingkesvaran (Conviction)* (at [1]) that it was undisputed that the Applicant had delivered Bundle P3 to Alfian. Likewise, in CCA 39, the Court of Appeal noted that the Applicant's new counsel accepted that there really was only one question in the appeal, and that was whether the Applicant knew the nature of the drugs that he had delivered to Alfian.

22 It is simply not credible that the Applicant who was present at the trial and represented by counsel did not realise then that the bag or Bundle P3 was different from the one that he had in fact delivered to Alfian and only realised that much later at some point in time after his appeal.

23 Accordingly, the allegation which the Applicant now makes about a break in the chain of custody is not at all compelling and does not show any miscarriage of justice in respect of the offence for which he was convicted and received a capital sentence. There is no reasonable prospect of success for the intended review application. The Application is an eleventh-hour step taken by the Applicant solely to delay his execution. It is an abuse of the process of the court.

Conclusion

24 Having considered the Applicant's written submissions, pursuant to s 394H(7) of the CPC, I dismiss the Application summarily without setting it down for hearing.

Woo Bih Li
Judge of the Appellate Division

The Applicant in person;
Anandan s/o Bala, Theong Li Han, and Foo Yang Yi (Attorney-General's Chambers) for the respondent.