**IN THE GENERAL DIVISION OF**
**THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

**[2026] SGHC 11**

Originating Application No 969 of 2025

Between

Wang Yunhe

… *Applicant*

And

Attorney-General

… *Respondent*

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# GROUNDS OF DECISION

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[Administrative Law — Judicial Review]

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# v
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## [2026] SGHC 11

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7 November 2025

15 January 2026

**Chua Lee Ming J:**

## Introduction

1 The applicant, Mr Wang Yunhe, was arrested in Singapore pursuant to a request by the United States of America ("US") for his extradition. This was his application (before his committal hearing) for permission to seek a quashing order, and if permission was granted, for a quashing order, against the decisions of the District Judge dismissing the applicant's applications for:

(a) a ruling that certain items seized by the police were unlawfully seized; and

(b) an order that the State be required to provide the applicant with the originals and/or other primary evidence of certain documents (including documents that the State intended to rely upon at the committal hearing relating to the applicant's extradition to the US).

2 I dismissed the applicant's application, and he has appealed against my decision.

3 In these grounds:

(a) I shall refer to the District Judge as the "Magistrate" because she was sitting in her capacity as a Magistrate under the Extradition Act 1968 (2020 Rev Ed) ("Act"); and

(b) unless otherwise stated, the term "State" shall refer to Singapore.

**Background facts**

4 The applicant was indicted in the US District Court for the Eastern District of Texas, Sherman Division, for:

(a) conspiracy to commit computer fraud;

(b) aiding and abetting computer fraud;

(c) conspiracy to commit wire fraud; and

(d) conspiracy to commit money laundering.

5 The US Government alleged that the applicant had been involved in developing and distributing malicious software ("malware") with the intent to infect residential computers worldwide (including in the Eastern District of Texas). The applicant was alleged to have sold to customers access to the Internet Protocol ("IP") addresses associated with the network of computers compromised by his malware. These customers allegedly used the applicant's proxy service to conceal their identities during the commission of cyber-enabled

criminal activity worldwide, including bank fraud, loan fraud, credit card fraud, bomb threats and child exploitation crimes.

6 The US is a foreign State in relation to which the Act applies. On 14 February 2024, the US made a request to the Minister for Law ("Minister") for the extradition of the applicant and the seizure of all articles, documents and evidence connected with the offences charged for eventual surrender with the applicant if extradition to the US was granted.[1] The request was supported by the affidavit of Mr Ryan Bradbury, a Special Agent with the Defense Criminal Investigative Service ("Ryan Bradbury's Affidavit").

7 On 21 May 2024, the Minister notified the District Judge/Magistrate in State Court 4A of the request and authorised the issuance of a warrant for the apprehension of the applicant provided that the provisions of the Act relating to the issuance of such a warrant had been complied with.[2] On the same day, a complaint under s 151 of the Criminal Procedure Code 2010 (2020 Rev Ed) ("CPC") was made by the police in support of the issue of a warrant of apprehension under the Act.[3]

8 On 24 May 2024, the applicant was arrested in Singapore and certain items were seized by the police from the applicant's residence. The applicant did not consent to his surrender to the US.

9 On 21 February 2025, the applicant applied to the Magistrate for the following (among others):

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1 Affidavit of Wang Yunhe filed on 2 September 2025 ("Wang's Affidavit"), at pp 34–37.

2 Wang's Affidavit, at p 23.

3 Wang's Affidavit, at pp 24–33.

(a) A ruling that the seizure of the following items was unlawful ("Seized Items Legality Application"):

(i) one DBS Multicurrency card;

(ii) one kBank Visa Business Debit Card;

(iii) one Krungsri Visa debit card;

(iv) one OCBC Premier Banking card;

(v) one iPhone 13 Pro Max with one SIM card;

(vi) one iPhone 15 Pro Max with one SIM card;

(vii) one Toshiba 32GB thumb drive;

(viii) one Sandisk 16GB thumb drive;

(ix) one Orico removeable SSD drive;

(x) one Kingston 64GB thumb drive;

(xi) one Lenovo ThinkPad laptop; and

(xii) one WJCOOLMAN CPU.

(b) An order that the State be required to provide the applicant with the sworn witness statement of all prosecution witnesses and documentary exhibits which the US Department of Justice ("DOJ") may intend to enter as evidence in the proceedings before the Eastern District of Texas.

10 The application was heard before the Magistrate on 2 June 2025. With respect to [9(b)] above, the applicant made an alternative application for the following:

(a) An order that the State be required to provide the applicant with sworn witness statements of all witnesses referred to in Ryan Bradbury's Affidavit and/or all witnesses whose testimony the State intended to rely upon at the committal hearing.[4]

(b) An order that the State be required to provide the applicant with the originals and/or other primary evidence of documents referred to in Ryan Bradbury's Affidavit and/or other documents which the State intended to rely upon at the committal hearing ("Alternative Documentary Exhibits Application").[5]

11 The Magistrate dismissed the applicant's applications. Her grounds of decision are reported as *In the matter of Wang Yunhe* [2025] SGMC 39 ("GD").[6]

12 The application for judicial review ("JR application") before me related only to the Seized Items Legality Application (see [9(a)] above) and the Alternative Documentary Exhibits Application (see [10(b)] above).

**The test for grant of permission to commence judicial review**

13 The applicant required permission to make his application for judicial review: O 24 r 5(1)(*b*) of the Rules of Court 2021. Three requirements must be satisfied before the court will grant permission:

(a) The subject matter of the complaint has to be susceptible to judicial review.

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4 Wang's Affidavit, at p 498 (lines 13–19).

5 Wang's Affidavit, at p 498 (lines 25–29).

6 Wang's Affidavit, at pp 563–579.

(b) The applicant has to have a sufficient interest in the manner.

(c) The materials before the court have to disclose an arguable or *prima facie* case of reasonable suspicion in favour of granting the remedies sought by the applicant.

(*Gobi a/l Avedian v Attorney-General* [2020] 2 SLR 883 ("*Gobi*") at [44]).

14 The respondent did not take issue with the requirement in (b). The respondent initially took issue with the requirement in (a) but as will be seen below, he accepted during the course of the hearing that the requirement was satisfied. The respondent took issue with (c).

**Whether the Magistrate's decision was susceptible to judicial review**

15 The applicant submitted that the Magistrate's decision was susceptible to judicial review because she was exercising her powers under the Act as a statutory tribunal. The applicant argued that this was so because the source of her powers was statutory (*ie*, the Act) and her decision under the Act was an exercise of public law functions (see *Tey Tsun Hang v National University of Singapore* [2015] 2 SLR 178 at [36]).

16 I disagreed with the applicant. I agreed with the respondent that the Magistrate was exercising her powers under the Act in her judicial capacity, sitting as a court. In my view, this was clear from the Act. First, the Act refers to "Magistrate"; it did not create a statutory tribunal in which the Magistrate sat *ex officio* in a non-judicial capacity. Second, the powers under the Act to issue a warrant for the apprehension of the fugitive (s 12), grant bail (s 14), remand the fugitive (s 15A) and make orders for the disposal of property (s 20) are consistent with the Magistrate's judicial capacity. Third, as the respondent

pointed out, s 20 of the Act refers to the *Court's* powers relating to property and s 48 refers to the jurisdiction of *courts*.

17 In any event, in the course of the hearing before me, the applicant submitted that even if the Magistrate was acting in a judicial capacity under the Act, the Magistrate's decision was susceptible to judicial review as the Magistrate's court is an inferior court. The respondent agreed with the applicant's submission. Thus, it became common ground that the Magistrate's decision was susceptible to judicial review.

## Whether the applicant had shown an arguable case in favour of granting the remedies sought

18 An applicant seeking permission to apply for judicial review must establish an arguable case of reasonable suspicion in favour of granting the remedies sought; the threshold is not high but skimpy or vague arguments will not suffice: *Gobi* at [44(c)] and [54]. In the present case, I was not satisfied that the applicant had satisfied the threshold test.

19 The respondent submitted that the JR application should be dismissed because the applicant had failed to exhaust all alternative remedies and/or it was premature and/or it was an appeal in disguise.

### *The applicant had not exhausted all alternative remedies*

20 It was common ground that an applicant for judicial review must exhaust all alternative remedies first (*Borissik Svetlana v Urban Redevelopment Authority* [2009] 4 SLR(R) 92 at [25]). Judicial review is a remedy of last resort: Ivan Hare KC *et al*, *De Smith's Judicial Review* (Sweet & Maxwell, 9th Ed, 2021) at paras 16-015 to 16-016.

21 The applicant submitted that there were no alternative avenues to challenge the Magistrate's decisions on the Seized Items Legality Application and the Alternative Documentary Exhibits Application.

22 However, the respondent submitted that the remedy of revision under s 27 of the Supreme Court of Judicature Act 1969 ("SCJA") was available to the applicant. Section 27(1) SCJA states as follows:

> **27.**—(1) In addition to the powers conferred on the General Division by this Act or by any other written law, the General Division has general supervisory and revisionary jurisdiction over all subordinate courts.

23 The applicant argued that it was unclear whether the applicant could apply for revision under s 27 SCJA. I disagreed with the applicant. The language in s 27(1) is broad and there is no reason why it should be interpreted to exclude decisions made by a Magistrate in proceedings under the Act. Apart from pointing out that there were no cases on this point, the applicant did not provide any reason for his submission. I agreed with the respondent that the remedy of revision under s 27 SCJA was available to the applicant.

24 The applicant also argued that s 27 SCJA gave the applicant the option of challenging the Magistrate's decision by invoking the General Division's supervisory or revisionary jurisdiction, and that the applicant had invoked the General Division's supervisory jurisdiction by making the JR application. However, in my view, this argument did not change the fact that revision was an alternative remedy that was available to the applicant. It was incumbent on the applicant to avail himself of the available alternative remedy before making the JR application. Judicial review is a remedy of last resort (see [20] above). As the applicant had failed to exhaust all alternative remedies, the remedy of

judicial review was not available to him. Accordingly, there was no reason to grant him permission to apply for the quashing orders that he sought.

### *The JR application with respect to the Alternative Documentary Exhibits Application was premature*

*Concept of prematurity*

25 A premature application for leave to seek judicial review is "one made before the actual decision-making process of the tribunal at first instance is completed"; such an application should not be made until the tribunal concerned has had the opportunity to render its final decision: *Wong Keng Leong Rayney v Law Society of Singapore* [2006] 4 SLR(R) 934 ("*Rayney Wong*") at [14] and [17].

26 The policy reasons for insisting that applications for leave to seek judicial review should not be made until the tribunal concerned has had the opportunity to render its final decision are set out in *Rayney Wong* at [17]–[18]. They are that premature applications:

(a) cause delay;

(b) could strain the relationship between the applicant and the tribunal;

(c) are often unnecessary – the error might be corrected during the decision-making process or might not affect the final decision or the applicant might not be dissatisfied by the final decision; and

(d) may provide a way to circumvent an appeals process in which an appeal may only be available against the final decision not a preliminary or interlocutory decision.

27 There are four exceptions to the concept of prematurity:

(a) where the decision is not about individual items of evidence but whole areas which would fundamentally affect the conduct and utility of the procedure;

(b) where there is a real risk of irreparable damage as a result of the interlocutory decision and therefore no real opportunity to challenge it at a later state; and/or

(c) where there is a real danger supported by evidence that there would be a breach of natural justice at the hearing; and

(d) where there is a saving in costs or a question of law.

See *Rayney Wong* at [20] and *Chai Chwan v Singapore Medical Council* [2009] SGHC 115 at [70].

28 The exceptions in (a) to (c) above are self-explanatory. The exception in (d) needs some explanation. The mere fact that a premature application could result in savings in costs or raises questions of law (even if novel) is not in and of itself sufficient. It may be preferable to insist on the applicant appealing against the final decision relying on the preliminary error as a ground for overturning the decision rather than challenging the preliminary decision itself: *Rayney Wong* at [18]. Ultimately, the question is whether the mechanical application of the concept of prematurity could result in irreparable harm to the applicant: *Rayney Wong* at [19]. As the Court said in *Rayney Wong* at [34], the fact that questions of law are raised does not by itself constitute an exceptional case.

*The parties' submissions on prematurity*

29 In the present case, s 17(1)(*b*) of the Act states as follows:

> **17.**—(1) Where —
>
> (*a*) …
>
> (*b*) a Magistrate has, under section 16(8), ordered that the fugitive be committed to prison …
>
> the fugitive … may apply for a review of the order by the General Division of the High Court on a question of fact or a question of law or on a question of mixed fact and law.

30 During oral submissions, the respondent accepted that the Seized Items Legality Application was a stand-alone application and that s 17 of the Act was not applicable. The respondent did not argue that the JR application with respect to the Seized Items Legality Application was premature. In my view, this must be correct. Since it was a stand-alone application, it did not affect the committal hearing.

31 However, the respondent submitted that s 17 applied to the Alternative Documentary Exhibits Application and the JR application with respect to that application was premature.

32 The applicant conceded that in principle, the applicant could hold over his challenge against the Magistrate's decision on the Alternative Documentary Exhibits Application until after the Magistrate had made an order to commit the applicant to prison after the extradition hearing. However, the applicant argued that the JR application was not premature and/or it fell within the exceptions to the concept of prematurity.

*The applicant's submission that the JR application was not premature was without merit*

33 The applicant argued that the JR application was not premature because the Magistrate had made a final decision that finally disposed of the applicant's rights in relation to the *seized items*. I rejected the applicant's submission; it was misconceived. The respondent's case on prematurity related only to the Alternative Documentary Exhibits Application (see [30] above). It had nothing to do with the Seized Items Legality Application.

34 More importantly, the fact that the decision on the Alternative Documentary Exhibits Application disposed of the subject-matter of that application did not make the application any less interlocutory in nature. The decision did not dispose of the main matter (whether the applicant should be extradited), which would be decided only after the committal hearing.

*The exceptions to prematurity did not apply*

35 The applicant first submitted that as a result of the Magistrate's decision with respect to the Alternative Documentary Exhibits Application, there was a real risk of irreparable damage to the applicant's ability to prepare for the committal hearing, and there was no real opportunity to challenge it at a later stage. I rejected this submission. As the respondent pointed out, at the case conference which would be held for the committal hearing, the respondent would have to set out the evidence that it would be relying on and the respondent would have to provide the applicant access to such documents as the Magistrate may direct at the case conference. In my view, the applicant had not shown that there was a real risk of irreparable damage to his ability to prepare for the committal hearing.

36 The applicant next submitted that there would be a saving in costs as the committal hearing would have to be adjourned if the matters were raised at the committal hearing and the Magistrate decided to permit the applicant to inspect electronic documents. I rejected this submission. The applicant's fears were unfounded. As stated above, the applicant's access to documents would be dealt with at the case conference.

37 Finally, the applicant submitted that there were novel points of law:

(a) The Seized Items Legality Application raised questions as to the proper construction of s 15 of the Act, which deals with the powers of search and seizure upon and after apprehension of the applicant.

(b) The Alternative Documentary Exhibits Application raised questions as to the admissibility and production of evidence.

38 I rejected the applicant's submissions. The argument with respect to the Seized Items Legality Application was irrelevant as the respondent's case on prematurity did not relate to that application (see [30] above).

39 As for the Alternative Documentary Exhibits Application, the mere fact that the Magistrate's decision raised questions of law (even if novel) was not sufficient. The question was whether the application of the concept of prematurity in this case could result in irreparable harm to the applicant (see [28] above). I was not satisfied that it could. It remains open to the applicant to rely on the Magistrate's decision on the Alternative Documentary Exhibits Application as one of the grounds in his application under s 17 of the Act to review the Magistrate's final decision after the committal hearing (if he is dissatisfied with the final decision). As the Court noted in *Rayney Wong* at [17],

the issue is almost invariably one of timing and not of irretrievable damage to an applicant.

40 Further, as the respondent pointed out, the State had not yet confirmed what material it would adduce as evidence in the committal hearing. The respondent submitted that at the case conference which would be held for the committal hearing, the respondent would have to set out the evidence that it would be relying on and the respondent would have to provide the applicant access to such documents as the Magistrate may direct at the case conference (see [35] above). It is also open to the applicant to rely on the Magistrate's decision in this context as one of the grounds in his application to review the final decision after the committal hearing.

***The JR application was an appeal in disguise***

41 I agreed with the respondent that the JR application was in truth an appeal in disguise.

*The Seized Items Legality Application*

42 Section 15 of the Act provides for search and seizure (upon and after apprehension of the fugitive) where the authorised officer executing the warrant has reasonable grounds for suspecting that there is any thing that:

(a) may be material as evidence in proving the office to which the warrant of arrest relates; or

(b) has been acquired by the fugitive as a result of that offence.

Section 15 also provides that the authorised officer may only seize any thing that is identified or requested by the requesting foreign State or declared Commonwealth territory, whether in the request for surrender or otherwise.

43 The applicant's case was that:

(a) Under s 15:

(i) the State had to form its own independent assessment that the seizure of the items fell within the scope of s 15 and explain the bases for such assessment, and not simply rely on assertions by the US DOJ; and

(ii) the US DOJ had to describe the items to be seized with sufficient granularity in its extradition request.

(b) The extradition request by the US DOJ requested the seizure of "all articles, documents and evidence connected with the offences charged". The US DOJ subsequently provided a more particularised request that included credit cards, debit cards, electronic devices, electronic media storage devices, mobile telephones, hard drives, servers, thumb drives, USB drives, smart phones and any other electronic storage devices.

(c) The State failed to satisfy itself that the seized items were (i) material as evidence in proving the offences to which the applicant's arrest related or (ii) had been acquired as a result of that offence, as required under s 15. The State provided no basis to demonstrate how Singapore law enforcement satisfied itself that the items seized fell within s 15.

(d) The Magistrate failed to take into account the fact that the State did not provide any basis to support its determination as to how the seized items were connected with the offences charged.[7]

44 I agreed with the respondent that the applicant's submission had no merit. It was plain from the GD that the Magistrate considered the points raised by the applicant. The Magistrate summarised the applicant's arguments (GD at [47]) and gave her decision and reasons for rejecting them (GD at [49]–[51]). The applicant knew this; it was plain from the GD and in his written submissions, the applicant had also challenged the correctness of the Magistrate's approach set out in [49]–[51] of the GD.[8] The applicant's submission that the Magistrate failed to consider his arguments can only be described as a mischievous submission made in desperation.

45 In my view, it was obvious that the JR application with respect to the Seized Items Legality Application was an appeal in disguise. Even the applicant's arguments in his written submissions focused on why the Magistrate's decision was wrong.[9]

46 Accordingly, permission should not be granted to the applicant to proceed with his application to quash the Magistrate's decision on that application. It is trite that judicial review is limited to the decision-making process and does not extend to a review of the merits of the decision itself: *Chee Siok Chin v Minister for Home Affairs and another* [2006] 1 SLR(R) 582 at [93].

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7 Wang's Affidavit, at para 21.1; Applicant's Statement, at para 4; Applicant's Written Submissions, at para 41.

8 Applicant's Written Submissions, at para 39.

9 Applicant's Written Submissions, at paras 29–42.

*The Alternative Documentary Exhibits Application*

47 The applicant based his Alternative Documentary Exhibits Application on s 64 of the Evidence Act 1893 (2020 Rev Ed) ("Evidence Act"), which merely states that "[p]rimary evidence means the document itself produced for the inspection of the court". The applicant submitted that there was an arguable case that in dismissing the application, the Magistrate failed to take into account the following relevant considerations:[10]

> (a) that under s 64 of the Evidence Act, primary evidence means the evidence itself produced for the inspection of the court, that s 66 of the Evidence Act requires documents to be proved by primary evidence except in the cases mentioned in s 67 of the Evidence Act and that the documentary exhibits sought must be produced for the inspection of the court; and
>
> (b) that the production of documentary exhibits before the committal hearing would result in effective case management and savings in time and resources; in particular, it would not be practical for the State to provide the documentary exhibits in the middle of the committal hearing and for the committal hearing to be adjourned for the applicant to inspect the same.

In my view, the applicant's submission was without merit.

48 With respect to (a) above, the upshot of the applicant's submission appeared to be that in dismissing the Alternative Documentary Exhibits Application, the Magistrate failed to consider the argument that reading ss 64

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10 Applicant's Written Submissions, at paras 43.1 and 43.2.

and 66 of the Evidence Act together, the documentary exhibits referred to in Ryan Bradbury's Affidavit and other documents that the State intended to rely on at the committal hearing had to be produced for the court's inspection. Leaving aside the question as to why this meant that the applicant therefore was entitled to access to these documents at the stage when he made his application, it was also difficult to understand how the Magistrate could be said to have failed to consider the matters in (a) above.

49 The applicant informed the Magistrate during oral submissions that he was making the Alternative Documentary Exhibits Application. However, it did not appear from the transcript of the hearing before the Magistrate[11] that the applicant had made any submissions relevant to what is set out in (a) above. The Magistrate could not be said to have failed to consider a submission that was not in fact made.

50 With respect to (b) above, the applicant did make a brief reference to effective case management in his oral submissions.[12] In her GD, the Magistrate disagreed with the applicant's alternative application (GD at [62]). Although the Magistrate did not expressly mention the applicant's submission on effective case management in her GD, she did explain that requiring the State to produce the documentary exhibits even on the more limited alternative application would severely undermine the efficiency of extradition proceedings (GD at [64]) and that the appropriate forum for the production of documents would be the trial in the foreign requesting country (GD at [65]). In my view, these explanations showed that the Magistrate had considered and rejected the applicant's submission on effective case management after balancing it against

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11 Wang's Affidavit, at pp 492–561.

12 Wang's Affidavit, at p 521 (lines 22–30).

the efficiency of extradition proceedings and the law as to what was the appropriate forum for production of documents.

*Respondent's submission that the Magistrate's decisions were correct in any event*

51 The respondent submitted that in any event, the Magistrate's decisions on both the Seized Items Legality Application and the Alternative Documentary Exhibits Application were correct in law and in fact. It was not necessary for me to deal with this submission as the correctness of the Magistrate's decisions did not arise in the present proceedings. I leave this issue to be dealt with in some other forum if it arises.

**Conclusion**

52 For the above reasons, I dismissed the JR application. I ordered the applicant to pay costs fixed at $8,000 (inclusive of disbursements).

Chua Lee Ming
Judge of the High Court

Suang Wijaya, Ng Yuan Siang and Jordan Kow for the applicant;
Sivakumar Ramasamy, Jocelyn Teo, Anupriya Daniel and Brian Wong for the respondent.