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

[2026] SGHC 13

Magistrate's Appeal No 9233 of 2024

Between

Liu Huijian

… *Appellant*

And

Public Prosecutor

… *Respondent*

GROUNDS OF DECISION

[Criminal Law — Appeal]
[Criminal Procedure and Sentencing — Appeal]
[Criminal Procedure and Sentencing — Bail — Bail pending appeal]

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Liu Huijian
v
Public Prosecutor

[2026] SGHC 13

General Division of the High Court — Magistrate's Appeal No 9233 of 2024
Aidan Xu J
11 August, 24 September 2025

19 January 2026

Aidan Xu J:

1 This was an appeal against the district judge's ("DJ") decision in *Public Prosecutor v Liu Huijian* [2025] SGDC 53 ("GD"). The appellant had been sentenced to nine days' imprisonment for one charge of importing without a permit at least one toy gun, contrary to regulation 3(1)(*a*), read with regulation 3(6)(*a*) and regulation 4(2), and punishable under regulation 45(*a*) of the Regulation of Imports and Exports Regulations (1999 Rev Ed) ("RIER"). He filed his appeal against his conviction, sentence and "bail condition" after he had served his sentence.

2 The appellant filed very lengthy submissions of almost 1,000 pages and clearly felt very strongly about the matters he was pursuing. However, having carefully considered the arguments and the record of appeal, I was satisfied that the appeal should be dismissed.

Background facts

3 The relevant facts may be found in the GD. I summarise them briefly here.

The charges

4 On 16 November 2018, 157 toy guns and toy gun parts were discovered and seized from the appellant's residence across two raids (GD at [18]–[26]).

5 The Prosecution originally proceeded on a charge under s 13(1) of the Arms and Explosives Act (Cap 13, 2003 Rev Ed) ("AEA"), which averred that the appellant had been in unauthorised possession of arms (*ie*, the seized toy guns). This charge was subsequently amended and substituted at trial with the charge under the RIER for importing without a permit ("Importation Charge"). The subject matter of the amended charge remained the same, *ie*, the seized toy guns (GD at [4]–[5]).

The Prosecution's case at trial

6 In summary, the Prosecution's case was as follows:[1]

(a) The appellant had purchased the seized toy guns from China and imported them into Singapore. The seized toy guns had been seized from the appellant's HDB unit. In his investigative statement to Investigation Officer Roy Chong ("IO Chong") on 16 November 2018, the appellant had admitted to importing the seized toy guns by purchasing them from "Taobao", an online Chinese retail platform. The appellant had paid for

[1] Respondent's Written Submissions ("RWS") at para 10.

his purchases in Renminbi and had a logistics company deliver the items to his unit.

(b) The seized toy guns required import permits that were to be granted by the Police Licensing and Regulatory Department ("PLRD") on behalf of the Commissioner of Police. The Prosecution relied on the evidence of a weapon technician from the Force Armament Base, a forensic scientist from the Health Sciences Authority Forensic Chemistry and Physics Laboratory, and Officer Commanding Soh Ah Kiat ("OC Soh") of the Arms and Explosives Division of the PLRD, that the seized toy guns were indeed either toy guns or toy gun parts, which required import permits.

(c) The appellant, as the importer of the seized toy guns, bore the responsibility for obtaining the import permits. The appellant fell within the definition of "importer" under reg 2 of the RIER, and the onus was on the importer to obtain the necessary permits under reg 3(6)(*a*) of the RIER. OC Soh also testified that PLRD's position was that the appellant was the importer and thus bore the responsibility to obtain the necessary import permits.

(d) No import permits had been granted for the seized toy guns. OC Soh testified that the PLRD would not have granted import permits for the seized toy guns as they either closely resembled real firearms, or because further clarification would have to be sought first. The appellant also failed to prove otherwise by producing the requisite permits.

7 The Prosecution also asserted that while it had omitted to provide the appellant with a list of seized exhibits pursuant to s 37(2) of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) ("CPC"), this was an inadvertent

procedural irregularity that did not prejudice the appellant and was ultimately immaterial (GD at [7]).

The appellant's case at trial

8 The appellant remained silent when called for his defence. When asked if he wished to remain silent or testify, he claimed that it did not matter and, after being given a day to consider his position, that he was "unable to give any comment". The appellant did not call any witnesses (GD at [31]).

9 The main aspects of his defence, based on his cross-examination of the Prosecution's witnesses and his oral closing submissions that spanned five days, were as follows (GD at [32]):

(a) the police had no legal basis for the search in his unit that led to the first raid, and the appellant had not consented to the same;

(b) the items seized during the raids remained unverified and in doubt since they were not documented, and the failure by the police to do so was wilful;

(c) the items seized during the raids were contaminated because they had not been secured;

(d) there was no act of importation as there was no evidence to support the allegation that the items were ordered by the appellant, and/or had originated from outside Singapore;

(e) there was no proof that the seized items did not have an import permit; and

(f) the appellant's statement should not have been relied upon as it was fabricated by IO Chong.

The DJ's decision on conviction and sentence

Decision on conviction

10 The DJ noted that as the offence was one of strict liability, a conviction would follow if the evidence disclosed that the appellant (GD at [48]–[49]):

(a) had imported at least one toy gun into Singapore; and

(b) had done so without a permit granted by the relevant competent authority, which was the Commissioner of Police.

11 The evidence demonstrated that the appellant had in fact imported the seized toy guns without the requisite import permits. Accordingly, the DJ convicted the appellant on the Importation Charge.

(1) The appellant's investigative statement was admissible and reliable

12 The DJ found that the appellant's investigative statement recorded on 16 November 2018 by IO Chong was given voluntarily (GD at [40]–[42]):

(a) The appellant's statement had not been procured under threat. The appellant's allegation that he had been threatened by three uniformed police officers prior to the recording of the statement: (a) was a bare assertion, with no details provided as to what was said to him; (b) evolved over time; and (c) was contradicted by the objective evidence. The textured and consistent accounts of the statement recording process tendered by the Prosecution's witnesses called for an explanation that only the appellant could give. The appellant's election to remain silent when called upon to give evidence led to the inference that none was available and that the testimonies of the Prosecution's witnesses were true.

(b) Neither was the appellant's statement recorded under oppression. The appellant's contention that he had appended his signature on the statement in a state of "mental blurness" and "confusion" as he was "cold, thirsty and fearful" rang hollow as it ran contrary to the unchallenged testimonies of the Prosecution's witnesses that the appellant was normal, calm, compliant and cooperative during the statement recording.

13 The DJ also saw no reason to doubt that IO Chong had recorded the statement faithfully and truthfully. The appellant's allegations of fabrication and unauthorised alterations to the statement were raised for the first time in oral submissions, and were never put to IO Chong, despite repeated reminders that the appellant ought to confront the witness with his version of events where it differed from the witness's account. Further, the appellant was clearly not one to meekly accept perceived infringements of his rights, however minor, and it did not escape attention that he had written to complain about the seizure of an item as trivial as furniture leg padding, but omitted any mention of a statement allegedly procured improperly and under threat. This glaring failure supported a finding that the appellant's allegations were patently untrue. Moreover, the typographical errors in the statement did not undermine the veracity of the claims stated within. The DJ accepted IO Chong's evidence that the appellant not only had the statement read back to him, but had also read it for himself prior to appending his signature (GD at [43]–[44] and [51]–[53]).

14 Accordingly, the appellant's statement was admissible, and the DJ accorded full weight to the incriminating admissions contained within.

(2) The appellant imported the seized toy guns

15 The seized toy guns were indeed found in the appellant's unit during the two raids conducted on 16 November 2018. The appellant's arguments to impugn the integrity of the search and seizure process were weak and unsubstantiated (GD at [64]–[74]):

(a) The police's search of the flat was unassailable. The DJ accepted the officers' evidence that the appellant had allowed them to enter the flat. In any case, there was adequate legal basis for the police's entry into and search of the unit under s 34(1) of the CPC.

(b) The absence of a contemporaneous seizure list was not fatal. This was, in particular, because 206 photographs of the seized items in Exhibit P2 were taken as the toy guns were seized, which constituted an exhaustive record of all the exhibits seized in the first raid. Exhibit P2 thus served as incontrovertible, contemporaneous documentary evidence of the toy guns seized during the first raid.

(c) The police's omission to provide the appellant with a seizure list was a procedural irregularity, but not one that resulted in the prejudicial effect of admitting the seized exhibits outweighing its probative value. The appellant failed to articulate how this irregularity had caused him any prejudice or occasioned a failure of justice. There was no evidence of any tampering of the seized exhibits or that the irregularity was deliberate, undertaken recklessly, or motivated by *mala fides*.

(d) The appellant's allegation that the seized exhibits had been contaminated was unsubstantiated and against the evidence. The DJ was

satisfied that the seized exhibits were stored in a secure location within the police compound at all material times.

16 The fact that the toy guns were found in the appellant's unit aligned with the admission in his statement that there were over 50 toy guns in his unit (GD at [74]).

17 The admissions in his statement also established that the toy guns had been purchased by the appellant on Taobao using Renminbi. In light of these admissions, the appellant's submission that there was no evidence that the seized toy guns had originated from outside Singapore was untenable. It was indisputable that Taobao was a Chinese retail platform, and that Renminbi was legal tender in only one country in the world, China (GD at [76]–[77]).

18 As such, the DJ found that the appellant had in fact imported the seized toy guns.

(3) The appellant imported the seized toy guns without the requisite import permits

19 The DJ accepted OC Soh's evidence that: (a) the seized toy guns required import permits which the PLRD would not have granted; (b) the responsibility to apply for an import permit lay with the importer who had ordered the item from an online portal; (c) the PLRD did not maintain a record of approvals and import permits issued; and (d) the onus lay with the importer to maintain a record of this. The appellant's failure to produce the permits in defence to the charge, which he alone could furnish, led to the ineluctable conclusion that he did not have the requisite permits for the seized toy guns that he had imported into Singapore (GD at [81]).

(4) Conclusion

20 Accordingly, as the appellant imported the 157 seized toy guns without the requisite permits, the Importation Charge was proven beyond a reasonable doubt, and the appellant was convicted of the same (GD at [82]).

Decision on sentence

21 In the circumstances, the DJ found that the custodial threshold had been crossed, and imposed a sentence of seven days' imprisonment. An uplift of two days' imprisonment was applied on account of the appellant's egregious conduct at trial. Accordingly, the DJ imposed a final sentence of nine days' imprisonment (GD at [96]–[99]).

The DJ's decision on bail

22 The appellant had been warned on multiple occasions that if he intended to seek a stay of execution of sentence pending appeal, he would have to ensure that his bailor was present to furnish fresh bail. Notwithstanding these repeated reminders, the appellant attended the sentencing hearing without a bailor. He maintained that his bailor would not be attending as it was "not convenient for her", despite being informed, again, of the consequences of not having a bailor present and being given time to contact her (GD at [100]–[106]).

23 As no bailor was in attendance, the appellant commenced serving his sentence immediately. To accommodate any change of heart the appellant may have, directions were given to allow him to make two phone calls to arrange for a bailor if he so desired. No bail was subsequently furnished, and the appellant served his sentence (GD at [108]).

The appellant's case

24 Based on what could be discerned from the appellant's Petition of Appeal and his very lengthy written submissions, he appeared to be largely repeating the arguments he had made at trial. In particular, he alleged that:

(a) there were various shortcomings or lapses in the preservation and/or recording of evidence during the raids on the appellant's premises as well as other procedural lapses;

(b) the amendment of the proceeded charge was procedurally irregular and prejudicial;

(c) the DJ erred in admitting the 157 seized toy guns into evidence by relying on the evidence of the Prosecution's witnesses, which he alleged was inconsistent, unreliable and wilfully false;

(d) the DJ erred in finding that his investigative statement was admissible and reliable;

(e) there was, in any case, no evidence that the toy guns required an import permit or that the appellant had imported them into Singapore without a valid permit; and

(f) the DJ's imposition of the "bail condition" that a bailor had to be present in court to furnish fresh bail pending appeal was without legal basis and in breach of ss 381 and 382 of the CPC.

25 Further, the appellant levelled various allegations of bias and impropriety against the police, the Prosecution, and the court, and alleged that his constitutional rights had been breached in multiple ways.

The Prosecution's case

26 The Prosecution addressed the various arguments raised by the appellant in turn, raising similar points as in the trial before the DJ.

27 First, any procedural irregularity in the late issuance of the Public Prosecutor's consent did not render the conviction or sentence invalid as it did not occasion a failure of justice. The amended charge was read to the appellant three times, and he was given more than a month to prepare his defence on the basis of the amended charge before trial resumed. Thus, the appellant was not misled or prejudiced in the conduct of his defence.[2]

28 Second, the DJ correctly found that the appellant had imported the seized toy guns, based on the testimonies of the police officers who conducted the raids, the contemporaneous objective evidence, and the admissions in the appellant's statement. In particular, the Prosecution submitted that:

(a) Full weight should be accorded to the testimonies of the police officers, which were mutually corroborative and materially consistent as to how the raids were conducted, what was seized, as well as how the seized exhibits were stored and accounted for. Minor inconsistencies did not undermine the veracity of their evidence.[3]

(b) The lack of a contemporaneous list of seized exhibits, as required under s 37 of the CPC, did not render the seized toy guns inadmissible as evidence. The evidence of the police officers was that this was merely an inadvertent oversight stemming from operational constraints and the

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2 RWS at para 30.

3 RWS at paras 35 and 37.

sheer number of exhibits seized, which rendered it impractical to prepare the list during the raids. There was therefore no question as to the *bona fides* of the police officers, nor was there any discernible prejudice to the appellant.[4]

(c) The appellant's own statement contained admissions that he had imported the seized toy guns.[5] The statement was admissible and should be accorded full weight. The appellant's allegation that he had been threatened was a bare assertion that was contradicted by the objective evidence and by his conduct at trial.[6] In contrast, the admissions in the appellant's statement were fully corroborated by the objective evidence.[7]

29 Finally, the DJ correctly found that the appellant did not obtain the requisite permits to import the seized toy guns. The appellant failed to produce the import permits in respect of the seized toy guns and chose to remain silent when called to make his defence, which justified the inference that the permits were never obtained.[8] The Prosecution also relied on OC Soh's testimony that the permits would not have been granted even if they were applied for, as the toy guns either too closely resembled actual firearms, or because PLRD would have required more information.[9]

30 Accordingly, the Prosecution submitted that the appellant's conviction and sentence should be upheld.

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4 RWS at paras 45–46.

5 RWS at para 61.

6 RWS at paras 49–55.

7 RWS at para 58.

8 RWS at paras 72 and 74.

9 RWS at para 73.

The decision

31 Many of the issues raised by the appellant were irrelevant to the present appeal. For example, he complained that by initially proceeding with a charge under s 13 of the AEA, the police and the Prosecution had brought a false charge against him. He also alleged that his constitutional rights had been infringed upon in various ways – briefly, he claimed that the police had failed to return certain confiscated property to him; his passport had been wrongfully taken from him; there were various issues with his bail; the proceedings had been unduly delayed; he had not been allowed to use the courtroom printer; and he had not been provided with a pillow in prison.

32 However, it was not apparent how these allegations would go towards the issues on appeal by either raising any doubt about his conviction on the charge, and/or the sentence imposed. The appellant also failed to provide any coherent explanation of such. In so far as he may have been suggesting that he was prejudiced in the preparation and presentation of his case, I did not find that to be the case. The appellant had been allowed to cross-examine every one of the Prosecution's witnesses extensively and challenge various aspects of their evidence, and had, after choosing not to provide any written submissions, been allowed to make five days of oral submissions. In any case, I found that none of the appellant's allegations were made out.

33 To my mind, the key issues raised by the appellant were:

(a) whether the fact that the trial had proceeded before the Public Prosecutor's consent had been obtained rendered the appellant's conviction or sentence invalid;

(b) whether the DJ erred in admitting the seized toy guns into evidence;

(c) whether the DJ erred in admitting the appellant's investigative statement and placing full weight on the admissions therein;

(d) whether the DJ erred in finding that the elements of the Importation Charge had been made out;

(e) whether the DJ erred in imposing a sentence of nine days' imprisonment; and

(f) whether the DJ erred in "ordering" that the appellant's sentence commence immediately (given that the appellant had explicitly appealed against this "decision").

The amendment of the proceeded charge to the Importation Charge

34 The Prosecution accepted that pursuant to s 43 of the Regulation of Imports and Exports Act 1995 (2020 Rev Ed), the Public Prosecutor's consent was required to bring the Importation Charge against the appellant. Hence, the fact that the trial had proceeded before the Public Prosecutor's consent had been obtained amounted to a procedural irregularity in breach of s 130 of the CPC.[10] However, the Prosecution argued that this procedural irregularity was not material. Pursuant to s 423(*b*) of the CPC, any judgment or sentence may not be reversed or altered on account of the lack of any consent by the Public Prosecutor as required by law unless the lack of consent has caused a failure of justice. The late filing of the consent did not occasion any failure of justice as no prejudice had been caused to the appellant. The appellant was unable to

[10] RWS at para 25.

specify any prejudice he had suffered as a result of the irregularity at trial and in his submissions on appeal.[11]

35 I agreed with the Prosecution that the late consent from the Public Prosecutor did not cause any injustice, and was therefore not material under the law. It was clear from s 423 of the CPC that the late consent from the Public Prosecutor did not, in itself, render the DJ's decision invalid – something more had to be shown. The test, as noted in *Rajendran s/o Nagarethinam v Public Prosecutor* [2022] 3 SLR 689 at [60], was whether the late consent resulted in a "failure of justice" within the meaning of s 423 of the CPC, or in other words, whether, looking at all the circumstances in totality, the irregularity rendered the judgment and/or sentence unsafe or unfair such that it should not be allowed to stand at all or only with rectifications.

36 I did not find that there was any "failure of justice" arising from the late consent in the present case. Although the lack of consent was only discovered at the later stages of the proceedings, the appellant had been the one to raise this issue and addressed it in his closing submissions.[12] Therefore, he was evidently able to consider the effect the irregularity had on the conduct of his defence, and to submit on this before the DJ. The appellant was also unable to identify the prejudice that he had suffered as a result of the late filing of the consent. There was no evidence that he did not understand the charge he faced or the allegations made against him. In fact, as noted above at [32], the appellant had been able to extensively cross-examine every one of the Prosecution's witnesses and challenge every aspect of the case against him.

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11 RWS at paras 26–27 and 30; Appellant's Written Submissions ("AWS") at pp 50–51.

12 Record of Proceedings ("ROP") at p 2618, line 27 to p 2619, line 5.

37 For completeness, I note that the appellant also alleged that the amendment of the charge was procedurally irregular in other aspects, such as:[13]

(a) the Prosecution was the one who applied for the amendment of the charge, even though s 128(1) of the CPC only referred to the court's power to alter a charge or frame a new charge.

(b) the Prosecution failed to provide any reasons for its application to amend the charge;

(c) the Importation Charge was not read or explained to the appellant in breach of s 128(2) of the CPC; and

(d) the Importation Charge was not issued with a new charge number and lacked sufficient particulars.

38 Briefly, I found these allegations to be without merit. The DJ had validly exercised her power under s 128(1) to approve the amendment of the charge; the fact that this was at the application of the Prosecution was irrelevant. It was within the DJ's discretion to allow the application to amend the charge without requiring an explanation from the Prosecution. The appellant's allegation that the Importation Charge had not been read or explained to him was evidently false. The record clearly demonstrated that the Importation Charge was read and explained to the appellant:[14]

> Cheah: … For the benefit of the accused, I can go through the elements of this charge … [T]he first element that we need [to] prove is that the accused had imported at least 1 toy gun into Singapore. … [T]he second element, is that he did not have any permit that was granted to him by the Commissioner of Police to do so.

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13 AWS at pp 25–33.

14 ROP at p 999, line 1 to p 1001, line 20.

> …
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> Court: I will allow the Prosecution's application to amend the charge under Section 128(1), of the Criminal Procedure Code. The amended charge, as tendered by the Prosecution, and dated 13th September 2022, is to be read to Mr Liu now.
>
> **(Charge read to Accused by Interpreter in Mandarin)**
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> Interpreter: Your Honour, the amended charge has been read to the accused in Mandarin.
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> …
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> Court: Now, while the Prosecution is uploading the amended charge, Mr Liu, let me explain the amended charge to you, first and foremost. As the Prosecution has highlighted, there are two things that the Prosecution would have to prove in respect of this amended charge. First, they would have to prove that you imported at least 1 toy gun into Singapore. … The second thing the Prosecution would have to prove is that you did not have a permit granted to you by the Commissioner of Police for you to import at least 1 toy gun into Singapore. It is not a defence to the charge, Mr Liu, to state that you were unaware of the need or requirement for a permit from the Commissioner of Police. This is because it is a principle of law that ignorance of the law is not a defence to a charge. …

Further, the Importation Charge (which, as evidenced by the above, was read to the appellant) was sufficiently particularised for the appellant to know the case he had to meet, *ie,* that he was accused of importing at least one toy gun into Singapore. As evidenced by the above exchange, each element of the charge had also been explained to the appellant once by the Prosecution, and again by the DJ. As such, the appellant could not seriously contend that he was unaware of, or did not understand the case against him.

Admission of the seized toy guns into evidence

39 The appellant took issue with the DJ's decision to admit the seized toy guns into evidence. In sum, the appellant alleged that the DJ erred in relying on the evidence of the Prosecution's witnesses, and failed to consider various

lapses in procedure by the police and the Prosecution, which he claimed indicated unreliability in the chain of evidence relied upon for his conviction. For instance, he alleged that: (a) the police failed to secure the premises during the raids, which gave rise to a risk of interference; (b) there were shortcomings in the security for the seized items in the police vans before they were moved to proper storage; (c) there was a lack of accounting in the handover of items; (d) the seizure report was not proof of the items being actually stored, resulting in an improper chain of custody from seizure to testing and to admission in court; and (e) there was no correspondence between what was seized and what was produced in court.[15] He repeated these allegations on appeal.[16]

40 The Prosecution maintained that any procedural irregularities were inadvertent and did not cause any prejudice to the appellant. The seizure of the toy guns and gun parts over the two raids was lawful, with supporting evidence coming from the officers involved and the photographs taken. The seized items were individually opened in the presence of the appellant, and photographs were taken. The second raid was carried out to seize the remaining relevant exhibits, during which related toy gun accessories and toy guns were seized. The chain of custody was not breached, as the seized items were securely stored, and the entire process of the raids was appropriately documented.[17]

41 The DJ determined that the search was lawful, and that the absence of a contemporaneous seizure list was not fatal, particularly given the presence of the photographs of the seized items, and the fact that there was no evidence of any contamination (see above at [15]).

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15 ROP at pp 2569–2573 and 2582–2608.

16 AWS at pp 692–781.

17 ROP at pp 3425–3434.

42 The requirements for a search are contained in s 34 of the CPC. Among other things, this allows a police officer to conduct a search without a warrant in any location for any item, if he or she has reason to believe that the item is located there, is necessary for investigation, and is in the possession of a person who is reasonably suspected of committing an arrestable offence. There was no doubt to my mind that s 34 was triggered. Items that are the subject of an offence may in turn be seized under s 35. Section 37 requires a list of seized items to be prepared and provided to the person searched. It was undisputed that the police failed to record and produce such a list. However, nothing in the law required the exclusion of the items seized, merely because of non-compliance with this requirement. The CPC does not expressly deal with procedural irregularities in investigations, as opposed to court proceedings. Section 423 of the CPC, which deals with the latter, was not engaged here.

43 Rather, control over such procedural irregularities in investigations may be exercised through the court's discretion to exclude evidence, which was most recently covered in *Muhammad bin Kadar v Public Prosecutor* [2011] 3 SLR 1205 ("*Kadar*"). In that case, the Court of Appeal noted that whilst a general principle that the court had the discretion to exclude evidence only on the ground that it was obtained in ways unfair to an accused (such as where the evidence was procured improperly or illegally) was incompatible with the Evidence Act (Cap 97, 1997 Rev Ed), the court retained a discretion to exclude evidence that had more prejudicial effect than probative value. It was on that basis, rather than the irregularity *per se*, that a court should find the evidence inadmissible (*Kadar* at [51]–[53]). Accordingly, an accused seeking to exclude evidence on the grounds that it was obtained improperly or in breach of the CPC will need to establish that the irregularity rendered the prejudicial effect of the evidence greater than its probative value.

44 Here, I was satisfied, in the same way that the DJ was, that while there was some non-compliance with the requirements of the CPC, there was nothing that pointed to the exclusion of such evidence. The irregularity or non-compliance did not affect the evidential value of the exhibits. As noted by the DJ, there was ample photographic documentation, the appellant was present during the seizure, and there was nothing untoward in the chain of custody.

45 The appellant did cast aspersions about the chain of custody, but all he could point to were alleged minor inconsistencies in the evidence of the Prosecution's witnesses and vague possibilities of incomplete security or safeguarding of the seized items. He did not allege any specific breach. No evidence was introduced by him to support his bare assertions. To my mind, the alleged inconsistencies, if they indeed existed, were at best immaterial and did not affect the reliability of the testimonies of the Prosecution's witnesses. Thus, no reasonable doubt was raised about the security of the chain of custody.

46 Accordingly, while there were shortcomings or minor lapses in the preservation or recording of the evidence during the raids on the appellant's premises and thereafter, as well as other procedural lapses, I was satisfied that none of these lapses affected the strength of the Prosecution's evidence against the appellant, and that the charge was made out beyond any reasonable doubt.

47 I must note that the burden on the Prosecution was to prove the charges beyond reasonable doubt. The defence mounted by the appellant was not, to my mind, concerned with establishing any reasonable doubt. Rather, his assertions about the effect of non-compliance were really attempts to cast about and fish for any possible shortcoming in the Prosecution's case, without providing any actual substantiation. To raise reasonable doubt, it is not enough to simply allege

the possibility of something happening; there must be some substantive basis for the allegations made.

Investigative statement

48 The appellant alleged that exhibit P16, his investigative statement, was given involuntarily, as he was threatened by officers before the statement was recorded. He also alleged that the recording of the statement was not properly done, as the recorder had fabricated the contents. The appellant alleged that he had only signed the statement as he felt that he had no choice, and that he was in a state of confusion and was fearful, thirsty and cold. He also alleged other procedural irregularities, and that he was not advised of his rights.[18]

49 The Prosecution argued that the statement was obtained voluntarily, and that the appellant's allegations were contradicted by the evidence of the Prosecution's witnesses. The appellant's complaints evolved over the course of the trial, and were inconsistent with and unsupported by the objective evidence. All of the requirements under the CPC were met.[19]

50 The DJ rejected the appellant's allegations, finding that they were only bare assertions, and formed an evolving narrative which directly contradicted his earlier position. The appellant had also chosen to remain silent during the ancillary hearing. No oppression was found, and there was compliance with the requirements of the law.

51 I found that the evidence at the ancillary hearing pointed to the statement being admissible, and that the DJ correctly concluded that the statement should

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18 ROP at pp 936–944.

19 ROP at pp 964–971 and 3392–3400.

be admitted. As noted by the DJ and the Prosecution's submissions, the appellant's allegations were again bare and not supported by any evidence, including his own testimony in the ancillary hearing. While, on appeal, the appellant argued that the DJ was wrong to accept the evidence of the Prosecution's witnesses, he was not, to my mind, able to raise any material doubts regarding their testimonies or the DJ's findings. Nor had he been able to point to any further evidence to supplement his allegations.[20]

The DJ's findings on the elements of the charge

52 The appellant also argued that, in any case, the Prosecution had not proven that he had imported the toy guns into Singapore. The appellant argued that his admission that he had bought the toy guns from the shopping platform, Taobao, using Renminbi, did not show that he had imported the guns into Singapore – no proof was adduced to show that Taobao was a China-based retail platform or that Renminbi was legal tender only in China. The appellant also argued that the fact that an item was bought from Taobao using Renminbi did not necessarily mean that it came from China or otherwise, from outside of Singapore. Further, there was no proof that the items required an import permit or that the appellant did not have such a permit. As such, the DJ erred in finding that the elements of the charge against him had been established.[21]

53 I disagreed. As noted by the Prosecution, the fact that Taobao is a China-based retail platform and that Renminbi is legal tender only in China did not need to be proved, as judicial notice could be taken of these facts pursuant to s 58 of the Evidence Act 1893 (2020 Rev Ed).[22] A court may take judicial notice

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20 AWS at pp 485–551.

21 AWS at pp 799–800.

22 RWS at para 62.

of facts which are so notorious or so clearly established that they are beyond the subject of reasonable dispute: *Zheng Yu Shan v Lian Beng Construction (1988) Pte Ltd* [2009] 2 SLR(R) 587 at [27]. These facts clearly fell within this category. As such, the irresistible inference to be drawn from the appellant's admission that the toy guns were purchased from a China-based retail platform using Renminbi was that the toy guns were imported from China. In this light, it was insufficient for the appellant to merely allege that the toy guns could in any case have originated from Singapore – the evidential burden was on him to prove this allegation, by bringing in some evidence that pointed to, or possibly pointed to, the items having a Singapore origin.

54 I also found that the DJ was correct to find that the toy guns required an import permit and that the appellant did not have such a permit. As noted by the Prosecution, toy guns are a category of controlled imports pursuant to reg 2 read with Part C of the First Schedule of the RIER, and may only be imported into Singapore with an import permit pursuant to reg 3(1) of the RIER. Further, as the person who had purchased the toy guns from China, the appellant was an "importer" within the meaning of reg 2 of the RIER.[23] While there was no direct evidence that the appellant did not have an import permit for the toy guns, OC Soh's evidence that the PLRD would not have granted import permits for the toy guns and that the onus lay with the importer to maintain a record of the import permits issued to them established a case that called for the appellant to answer. The evidential burden was then on the appellant to show that he in fact had an import permit for the toy guns. One would have expected him to have had the permits if any were issued to him. He did not, in fact, as noted by the DJ, claim that he had sought and actually obtained the import permits. Neither

[23] RWS at para 66.

did he claim that he had been issued such permits but lost them. As he could not provide such evidence, the DJ was entitled to find that he had no such permit.

55 Relevantly, I note that one of the appellant's main criticisms of the DJ's decision was that in coming to her findings, the DJ had failed to list out and explicitly address each and every one of his arguments. According to the appellant, this meant that the DJ had failed to comprehend or consider those arguments. I did not find that this allegation was made out. As the Court of Appeal in *Thong Ah Fat v Public Prosecutor* [2012] 1 SLR 676 noted at [32], in very clear cases and in relation to specific and straightforward factual and legal issues, a mere statement of the judge's conclusion would be sufficient to indicate the basis of their decision. Moreover, a practical standard must be adopted in assessing whether a judge has complied with their duty to give reasons (at [31]). A judge is not required to engage with every argument raised by the parties; what matters is that the judge has considered the material issues, and provided adequate reasoning for her conclusions. In the present case, the DJ's judgment demonstrated that she properly understood and addressed the key contentions before her. The appellant's expectation that every submission be individually catalogued and refuted was unrealistic and untenable.

The sentence imposed

56 The appellant objected to the sentence imposed by the DJ on the basis that the Prosecution had failed to prove its case and that therefore, no sentence should have been imposed at all.[24] Given my findings above, this was not made out.

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[24] AWS at p 802.

57 For completeness, however, I agreed with the DJ that general deterrence was required in view of the risk of public alarm and the potential injuries that could be caused by the toy guns. Given the scale and range of the offending items, and the circumstances of the commission of the offence, the sentence of imprisonment was appropriate. The lower sentence imposed in *Public Prosecutor v Wong Ser Kuan* [2007] SGDC 330 did not assist the appellant here. As for the length of imprisonment, a range of several days' imprisonment was warranted. I noted as well that there were various issues in the conduct of the trial by the appellant, which led to the imposition of an uplift in the sentence. Looking at the record, I found that there would have been grounds for a substantial increase in sentence, had there been any appeal by the Prosecution. In the circumstances, I left the sentence at the nine days imposed.

The "bail condition"

58 Finally, I briefly address the appellant's arguments on the "bail condition" imposed by the DJ, given that he had explicitly appealed against this "decision". In summary, the appellant contended that the DJ had no legal basis for requiring that his bailor attend court to furnish fresh bail pending appeal and alleged that this "bail condition" was in breach of ss 381 and/or 382 of the CPC.

59 The appellant's allegations were without merit. Section 381 of the CPC does not relate to bail at all. Section 382 of the CPC simply states that the court *may* grant bail to a person who has filed a notice of appeal against his conviction and sentence. In other words, it is not the case that an appellant must be granted bail when he is appealing against his conviction and/or sentence; the court has the discretion to refuse to grant bail pending appeal. Further, s 382 of the CPC empowers the court to *grant* bail pending appeal, rather than extend a previous

grant of bail. The appellant's bailor was thereby required to be present to furnish fresh bail.

Conclusion

60 For the above reasons, I dismissed the appellant's appeal in its entirety.

Aidan Xu
Judge of the High Court

The appellant in person;
Cheah Wenjie (Attorney-General's Chambers) for the respondent.
