

IN THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL

No. 38 of 1965

O N A P P E A L

FROM THE FEDERAL COURT OF MALAYSIA
(APPELLATE JURISDICTION)

B E T W E E N :-

CHUNG KUM MOEY @ AH NGAR

Appellant

- and -

PUBLIC PROSECUTOR FOR SINGAPORE

Respondent

RECORD OF PROCEEDINGS

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IN THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL

O N A P P E A L
FROM THE FEDERAL COURT OF MALAYSIA
(APPELLATE JURISDICTION)

B E T W E E N :-

CHUNG KUM MOEY @ AH NGAR Appellant

- and -

PUBLIC PROSECUTOR FOR SINGAPORE Respondent

10

RECORD OF PROCEEDINGS

No. 1.

CHARGE

SINGAPORE CRIMINAL CASE NO. 37/64

IN THE HIGH COURT OF SINGAPORE

BEFORE THE HONOURABLE MR. JUSTICE J.W.D. AMBROSE

PUBLIC PROSECUTOR

vs.

CHUNG KUM MOEY
@ AH NGAR

In the High
Court of
Singapore

No.1
Charge
2nd November
1964

20 For the Crown: Mr. John Dorai Raj.

For the Defence: Mr. T. C. Tan.

THE ACCUSED IS CHARGED:

That you, Chung Kum Moey @ Ah Ngar, on or about 7.15 p.m. at No. 374 Tanjong Katong Road, Singapore, committed murder by causing the death of one Chia Mui Song, and thereby committed an offence punishable under section 302 of the Penal Code, Chapter 119.

Accused: I claim trial.

In the High
Court of
Singapore

No. 2

EVIDENCE OF DR. ALFRED OLIVER AARON

Prosecution
Evidence

Examination-in-chief by Crown Counsel
(Sworn) (In English)

No.2

Dr. Alfred
Oliver Aaron
Examination
2nd November
1964

Q. You are Dr. Alfred Oliver Aaron? A. Yes.

Q. And you are a Pathologist at the General
Hospital, Singapore? A. Yes.

Q. At 9.30 a.m. on the 10th of November, 1963, did
you perform an autopsy on the body of a male
Chinese identified to you by Inspector Sharma
and Inspector Tan Eng Bok as the body of one
Chia Mui Song? A. Yes. 10

Q. Can you recognise the body; look at A.18?
A. Yes that is the body on which I performed a
postmortem.

Q. Are they the Inspectors (Inspector Tan Eng Bok and
Inspector Sharma produced)? A. Yes.

Q. Did you make an autopsy report? A. Yes.

Q. Look at Exhibit B? A. This is the autopsy report
on Chia Mui Song and it bears my signature. 20

His Lordship: I think the evidence of this
witness has to be given orally;
he may refer to his report while
he gives his evidence.

Crown Counsel: Yes, my Lord.

Q. Is that the report you made? A. This is the
report, the original is in front of me.

Q. Will you read out?

His Lordship: The law requires that you
should give your evidence
orally; you can make full use
of your report. 30

Q. Did you perform an autopsy on a male adult Chinese
by the name of Chia Mui Song? A. Yes I performed
an autopsy on a male Chinese by the name of Chia
Mui Song.

Q. What were your post-mortem findings? A. I found the following injuries:

His Lordship: What about the other conditions of finding?

(Witness continues:) I found the body of a well nourished male adult Chinese bleeding from the nose. There was dried blood over the face and front of the chest. The tip of the tongue was clenched between the teeth. Rigor mortis was complete and it was stiff. No evidence of decomposition. Fixed post-mortem lividity over the back of the body and he had a right oblique inguinal hernia containing a loop of small intestine. His height was 5' 3" and weighed 13 stone 6½ lbs. I found the following injuries: (1) A gun shot wound of entry 8 mm. in diameter over the lower-third of the right forearm, just below the bone here (indicates).

10

20

Q. Look at A.21? A. A.21 shows three bullet wounds over the front of the forearm. I am referring to No.1. It was 8 mm. in diameter over the lower third of the right forearm around here (indicates) with dried abrasion around and dark in colour. The wound passed through the soft tissues (muscles) and a lacerated wound over the front of the forearm 8 mm. long as shown in A.21, the middle wound, a split wound.

Q. That is an exit wound? A. Yes, the one that came out.

30

Q. No.2? A. Another gun shot wound of entry 8 mm. in diameter over the front of the right forearm and is shown in A.21, the top one, it is about here (indicates). This wound passed through the soft tissues to communicate with an exit wound which was 4.5 cm. below the entry wound and it is the bottom of the three wounds in A.21. The top and the bottom wounds refer to No.1. (Top entry wound and the bottom exit wound).

40

Wound No.3 was a gun shot wound of entry over the front of the right chest and is also shown in A.21, the top one. This wound passed through the muscles of the chest, then passed through the 4th rib close to the cartilage to puncture the chest and goes through the right lung,

In the High
Court of
Singapore

Prosecution
Evidence

No.2

Dr. Alfred
Oliver Aaron
Examination
2nd November
1964

Continued

In the High
Court of
Singapore

Prosecution
Evidence

No.2

Dr. Alfred
Oliver Aaron
Examination
2nd November
1964

Continued

through the upper portion of the heart and ruptures or pierce the aorta which is a large blood vessel, and goes out of the heart, pierce the aorta in two places. Then it passed through the left lung and in its passage it ruptured the air passages. It passed through the left lung and finally the 8th rib was fractured and the bullet was below the skin here (indicates). It is shown in A.26 where the ruler is. There is a dark smudge there and that is due to bleeding into the tissues, and the bullet was lodged below in the direction of the 8th rib, through the heart, through the atria, through the left lung and was lodged under the skin here (indicates) of the 8th rib. That is wound No.3.

10

This bullet was extracted and handed over to the Police. The direction of the bullet was downwards and backwards, from right to left, in this direction (indicates).

Q. You handed this bullet on the 11th of November?

20

A. Yes, the bullet was handed to Inspector Tan Eng Bok on the 11th of November at 10.30 a.m.

Q. Is this the bullet which you handed over to Inspector Tan Eng Bok (Tube handed to witness)?

A. This is covered with labels, I cannot see.

His Lordship: Mark that as Ex.C for identification.

Ex.C

(Tube marked Ex.C for identification)

Q. He also gave a sample of blood? A. Yes.

His Lordship: Are you marking that?

30

Crown Counsel: No, my Lord.

Q. Coming to No.4? A. There was a gun shot wound of entry over the front of the chest on the right as shown in A.27, the lower wound here (indicates). Now this wound was about 2" above the ribs and it passed through the space between the 8th and the intercostal space and went through the right lobe of the liver, through the small intestine, rupturing it, through the muscle of the diaphragm on the left side and finally it comes out on the left flank as shown in A.26. This is an exit wound, it

40

went through the liver, through the small intestine, through the diaphragm and comes out on the left here (indicates). Then you can classify Nos.5 and 6 as same. No.6 is a gun shot wound of entry. It is shown in A.28. The wound runs through the muscles to emerge in a lacerated wound 1.5 cm. over the outer end of the left buttock just here (indicates). The entry wound is 8 mm. in diameter and it comes out just below the skin here (indicates). These are the main injuries on the deceased. The lungs showed a circular wound right through the heart and ruptured the aorta through the left lung and the bullet came out right here (indicates). The aorta was ruptured in two places. The stomach contained a full meal of partly digested rice and mee hoon stained with blood coming down to the back of the throat mixed up with food. The liver laceration was 3.5 cm. long and the laceration went right through the liver with extensive pulping of tissue. There was lot of blood in the abdomen and the mesentery area. The small intestine was completely ruptured with a small amount of intestine contents into the abdomen. There was no fracture of the skull. Cause of death was haemorrhage from gun shot wound of the chest and abdomen. He was dressed in a light blue dacron trousers, white cotton sports shirt, short sleeves and white cotton underwear. There were two circular holes over the right breast pocket, another hole over the right hypochondrium here (indicates) over the liver. There was no burning or blackening seen in shirt, and the back of the trousers show two holes, one on the left near the buttock and one near the midline.

- Q. I have got the bullet here, Doctor (Ex.C shown)?
A. This looks like the bullet.

Crown Counsel: It has been marked C for identification.

His Lordship: Very well.

- Q. Can you tell us how many shots could have been fired? A. At least three shots were fired.
- Q. Can you tell us the approximate distance it could have been fired? A. There was no evidence of powder marks or burning; it would appear from a yard and above.

In the High Court of Singapore

Prosecution Evidence

No.2

Dr. Alfred Oliver Aaron
Examination
2nd November
1964

Continued

In the High Court of Singapore

Prosecution Evidence

No.2

Dr. Alfred Oliver Aaron
Cross-examination
2nd November 1964

Cross-examination by Mr. Tan.

Q. From the evidence you have given us, Doctor, could it be more than three shots? A. As I said at least three shots; it could be more.

Q. You cannot be definite, how many shots? A. If you were to count the wounds, No.1 is an entry and exit wound, that is No.1. Another wound, No.2. Another wound on the chest. Another wound to the liver, that is No.3. Another wound here on the buttock. If you count it is five.

10

Q. This could be a primary or entry wound? A. It looks to me a primary wound. The Chemist would be in a better position to say from the clothing.

Q. Dr. Aaron, you said just now that there was no evidence as to the approximate distance the fire-arm or gun was fired? A. Yes.

Q. Do you say about a yard? A. Yes, a yard or above.

Q. Could you extend the distance, could it be 3, 4 or 5 yards? A. As I said a yard or above. It can be a yard or more. It all depends on the weapon used. I am not a ballistic expert and I do not know the range.

20

Q. When you said just now a yard or above, you are giving us an approximate distance? A. Yes, it could a yard or more.

Q. It could be any distance? A. Yes.

No questions by Jury.

No re-examination.

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.....

30

No. 3EVIDENCE OF SAHARI BIN SULAIMAN

Examination-in-chief by Crown Counsel

(Affirmed) (In English)

In the High
Court of
SingaporeProsecution
EvidenceNo.3Sahari Bin
Sulaiman
Examination
2nd November
1964

Q. What is your full name? A. Sahari bin Sulaiman.

Q. You are an Armament Officer attached to the
Royal Malaysian Police? A. Yes.Q. At 10.50 a.m. on the 18th of November, 1963,
did you receive from Inspector Tan Eng Bok,
Exhibit C and two other expended bullets,
Exhibits D and E? A. Yes, these bullets were
handed to me by Inspector Tan Eng Bok.His Lordship: Two expended bullets marked
Exhibits D and E. for
identification.Exs.D.& EQ. Did you examine the bullets and produce a
report? A. Yes.His Lordship: Q. There were three bullets?
A. Yes, there were three
bullets. I examined all
the three bullets.Q. Will you look at Ex. F.; does that report
contain your signature? A. Yes, this is the
report and it contains my signature.His Lordship: As an expert he has to give
his evidence orally. He can
have his report in front of
him and use it to the fullest
extent possible, but the
evidence must be given orally.Q. Now, will you read it out? A. At about 10.50
a.m. on the 18th of November, 1963, at Force
Armoury I received the following exhibits from
Inspector Tan Eng Bok: One cover marked G3
containing one expended bullet alleged to have
been recovered from No.374 Tanjong Katong Road.
One cover marked G3a containing one expended
bullet alleged to have been recovered from the
same house.

In the High Court of Singapore

Prosecution Evidence

No.3

Sahari Bin Sulaiman Examination 2nd November 1964 Continued

Q. These two bullets refer to Exs. D and E; these are the two expended bullets? A. That is right.

Q. And one test tube with autopsy mark No.2327/63, name Chia Mui Song, and sealed under the seal of the Senior Pathologist, Singapore, also containing one expended bullet? A. Yes.

Q. That refers to Ex.G? A. Yes. These bullets are .38 calibre, solid lead top with round nose. The average weight is 156 grains. On the peripheries of the bullet are marked five grooves right-hand twist, indicating that they have been discharged from a .38 special revolver. These bullets are manufactured by the Remington United Metal Co., U.S.A. I am of the opinion that these three expended bullets were discharged from either a Smith and Wesson or Iver Johnson revolver of .38 calibre. They are commercial type of cartridges and as such obtainable from local stores.

10

Cross-examination 2nd November 1964

Cross-examination by Mr. Tan.

20

Q. When you say they can be discharged from .38 special revolver, you are telling the Court and the Jury only a Smith and Wesson or Iver Johnson revolver can use this type of cartridge?

A. Any .38 special calibre can be used to discharge these cartridges but with the grooves present on the bullet I conclude that only two types of revolvers could have been used to fire these three cartridges. In other words, these three bullets could have been discharged from either a Smith and Wesson or Iver Johnson revolver because they have similar rifling engraving. If you look through the barrel of the gun you can see the rifling in the barrel. I would be able with your Lordship's permission to show the riflings from one of the guns from the Inspectors in Court.

30

His Lordship: Yes.
(Witness handed a revolver)

Witness: If you look through the barrel there are grooves which are

40

twisted. These are called riflings. In this particular case you will find there are seven grooves left-hand twist.

In the High Court of Singapore

Prosecution Evidence

No.3

Sahari Bin Sulaiman

Cross-examination
2nd November 1964

Continued

Q. I would like the Jury to know. You are confining yourself to your expert knowledge. You say that these bullets can only be discharged by a revolver manufactured by Smith and Wesson or Iver Johnson? A. Yes.

10 Q. That is rather a sweeping statement. Are there no other guns in the world, such as Americans and French, can they also not manufacture guns to use this type of bullet? A. They can. I would explain here further. This gun had fired the same type of cartridges. Each particular type of gun discharges a particular type. You get here one characteristic rifling engraving marks, so I conclude from that that these three bullets could only have been fired from either a Smith and Wesson or Iver Johnson revolver and there are two types which could give similar type of markings on the bullets.

20

His Lordship: Q. Will you show the markings on the bullets?

A. Yes. (Shown to his Lordship and the Jury).

Witness: You have seen just now that particular Police revolver has got seven grooves with left-hand twist. In this case you have five grooves right-hand twist and they could only have come from revolvers which have five grooves right-hand twist and in the whole world there are two manufacturers which manufacture guns with five grooves right-hand twist and they are Smith and Wesson and Iver Johnson. That is how I concluded that this could have been discharged from either a Smith and Wesson or an Iver Johnson revolver.

30

40 Q. According to your knowledge there are only two; are there no more? A. Not that I know of.

Q. Have a look at A.25, can you tell the Court from the shape of the wounds with an expended bullet, what distance could that firearm or gun be discharged? A. I am afraid it is a little bit difficult for me to say by watching only.

In the High Court of Singapore

Prosecution Evidence

No.3

Sahari Bin Sulaiman
Re-examination
2nd November 1964
Continued

Re-examination by Crown Counsel

Q. On the 19th of November, 1963, at 3.30 p.m. did you return Exhibits D and E to Inspector Tan?

A. Yes.

His Lordship: Q. What about Exhibit C; how many bullets did you return to Inspector Tan? A. Three.

Q. All the three bullets?

A. Yes.

Crown Counsel: I am sorry, my Lord.

10

His Lordship: Q. It should be Exhibits C, D and E. A. Yes.

No questions by Jury.

(Witness released)

No.4

O. Sharma
Examination
2nd November 1964

No. 4

EVIDENCE OF O. SHARMA

Examination-in-chief by Crown Counsel

(Affirmed)

(in English)

Q. What is your name? A. O. Sharma.

Q. You are an Inspector of Police attached to Joo Chiat Police Station? A. That is correct, my Lord.

20

Q. At 7.25 p.m. on the 9th of November, 1963, did you arrive at No.374 Tanjong Katong Road? A. That is correct.

Q. Did you find anything in the shop? A. When I arrived at the shop I found a pool of blood on the ground.

Q. Can you recognise this place shown in the photograph? A. I can recognise the shop.

30

- Q. Can you recognise the place as shown in this photograph? A. Yes.
- Q. Look at A8? A. Yes, that is the pool of blood as shown in A8.
- Q. Did you also look at the shelf of the shop?
A. Yes.
- Q. What did you find? A. I found two boxes with holes in them.
- Q. Can you recognise it if I show you the photograph?
A. Yes.
- Q. Look at A6? A. The box is shown in photograph A6 'Goddard's' powder box.
- Q. Are these the two tins you found on the shelf? (Witness shown two tins) A. Yes, that is correct.

Crown Counsel: Could they be marked, My Lord?

His Lordship: Are they really tins or what?

Witness: They are Goddard's powder boxes, My Lord.

- 20 Q. That is what you meant by the word "tins"?
A. Yes.

His Lordship: Were they on the shelf as shown in Exhibit A6? A. Yes, My Lord.

His Lordship: Yes, there is one with a hole but what about the other one?
A. The other one was just behind which cannot be seen in the photograph.

- 30 Q. So the two Goddard's containers had holes in them? A. That is correct.

His Lordship: You ask that these be admitted now?

Crown Counsel: Yes, My Lord.

His Lordship: Very well, both containers are admitted and marked Exhibit H.

In the High Court of Singapore

Prosecution Evidence

No.4

O. Sharma
Examination
2nd November

1964

Continued

In the High
Court of
Singapore

Prosecution
Evidence

No.4

O. Sharma
Examination
2nd November
1964
Continued

Q. Now, at 10.30 p.m. did you hand over Exhibit H to Inspector Tan Eng Bok? A. Yes.

(Insp. Tan Eng Bok called into Court)

Q. Is that Inspector Tan Eng Bok? A. That is correct.

Q. On the 10th November, 1963 at 8.30 a.m. at the General Hospital mortuary was the body of the deceased identified to you by one Toh Siang Choo? A. That is correct.

Q. As being that of her husband? A. That is correct.

(Toh Siang Choo called into Court)

10

Q. Is that Toh Siang Choo? A. Yes.

His Lordship: One moment, on the 10th November, 1963 at 8.30 a.m. Madam Toh Siang Choo identified the body of the deceased person as that of her husband? A. Yes, My Lord.

His Lordship: Did she give the name of her husband? A. Yes, My Lord.

His Lordship: What was the name of the husband? A. I cannot remember exactly but I think it was Chia Mui Song.

20

His Lordship:

Q. Later? A. Subsequently I identified the body of the deceased to the Coroner and the pathologist, Dr. Aaron.

Q. As what? A. As the deceased.

Q. As what? A. As that of the body of the deceased, Chia Mui Song.

Q. At what time? A. That was roughly at about 9 a.m.

30

(End of Examination-in-chief)

(Cross-examination by Mr. Tan)

Q. Inspector Sharma you were the first police officer who was on the scene? A. Yes, in the shop.

Q. Was there any other policeman with you?
A. There was another inspector with me, Inspector Vaz and Detective No. 68.

Q. Chinese? A. Chinese.

Q. Hokkien? A. I cannot say.

10 Q. When you went to this shop, No. 374, that night, who were actually in the shop. Were there some girls and some men in the shop. A. When I went to the shop there were two or three girls and four men in the shop.

Q. Now, this is something very serious, a violent incident. Did you allow them to move about the shop? A. When I arrived there I locked the gate of the shop, a crowd had gathered outside the shop.

20 Q. Which gate? A. As shown in photograph A1.

Q. When you arrived there it was not closed and you entered the shop through the front? A. Yes.

Q. Was it fully opened? A. It was not fully opened but when I went there I locked the gate.

Q. When you went there was the collapsible gate closed? A. When I went there someone opened it for me and I entered the shop and locked it.

30 Q. There are two things which you must be precise. You see the collapsible gate would appear to be closed. When you went there did someone open it for you? A. I can't remember whether I opened it with the key. When I went there somebody opened it and I locked it because the crowd had gathered outside.

Q. It was pushed open? A. I cannot remember.

Q. There must be a key? A. At that time somebody was shot and I did not pay attention.

In the High
Court of
Singapore

Prosecution
Evidence

No.4

O. Sharma
Cross-
examination
2nd November
1964

Continued

In the High
Court of
Singapore

Prosecution
Evidence

No.4

O. Sharma
Cross-
examination
2nd November
1964
Continued

Q. The more attention you must pay with due respect to your efficiency. Now, when you entered the gate you did not know whether somebody opened it or not - that is one point. Now did the detective then follow you? A. Yes.

Q. There were some men and some girls in the shop already? A. Yes.

Q. What did you do to the back door? A. I also closed the back door.

Q. You must be very exact. You say some girls, how many girls? A. I can't remember for sure. 10

Q. Roughly? A. Two girls at least.

His Lordship: By 'some' you mean two or three girls? A. Yes, My Lord.

Q. You say some men, how many? A. I think about four men.

Q. You were the first officer on the scene, what did you yourself do? A. I saw to it that no unauthorised person entered the shop.

Q. What did you do as an officer? A. I ascertained as to what had actually happened and I questioned the witnesses. 20

Q. You had your notebook with you? A. Yes.

Q. You have not brought it with you? A. No.

Q. Now, there are many types of witnesses, witnesses to the actual incident and witnesses who came on the scene afterwards. Did you take down the names of the witnesses? A. No.

Q. Don't you think it is very important? A. Subsequently it would have been important but not just then. 30

Q. Did anyone of them offer themselves as witnesses? A. There were girls in the shop and I questioned them. They told me what happened.

Q. You did not take down their names? A. I knew who they were.

- Q. Did you talk to the men? A. I spoke to the girls because they could speak English.
- Q. Which girl? A. One girl, I can't remember her name, she is outside the Court.
- Q. She was the only one who spoke? A. Another one, a girl also.
- Q. Inspector Sharma, you also had a Chinese detective and you could easily have used him as an interpreter? A. I put him on guard at the back door.
- 10 Q. Could you not also have locked the back door?
A. The back door was a wooden door and people could come in. There was also a crowd at the back door.
- Q. You could easily have locked it from the inside?
A. I put Detective 68 there to see that nobody came in because the crowd had gathered there.
- Q. Inspector Sharma, you must do things correctly according to your duties. Now, you posted the detective as a watchman? A. Yes.
- 20 Q. That is all? A. Yes.
- Q. Which I say to you, Inspector Sharma, is absolutely wrong? A. That is your opinion, at that time I was doing the correct thing.
- Q. Because if you used Detective 68 you would have known who were exactly there in the premises when this alleged offence occurred? A. This girl could speak English and I preferred to speak to her.
- 30 Q. Inspector Sharma, the first thing that an officer would do would be to see where the bullet marks were, the position of the body and the telephone - something like that. Then who saw these things, the names of witnesses - all these must be recorded in your notebook? Are you saying to the Court that they are not important? A. I am not saying that they are not important, it depends on the circumstances of the case.
- Q. This is a very serious case, Inspector Sharma?

In the High
Court of
Singapore

Prosecution
Evidence

No.4

O. Sharma
Cross-
examination
2nd November
1964

Continued

In the High
Court of
Singapore

Prosecution
Evidence

No.4

O. Sharma
Cross-
examination
2nd November
1964
Continued

His Lordship: I think the witness can only tell you what he thinks. You cannot tell the witness what his duties are unless it is relative to this case. I don't know what the defence is going to be.

Mr. Tan: My Lord, I want Inspector Sharma to tell us in detail. He was the first man on the scene and he had another officer with him. Nothing was done. 10

His Lordship: The prosecution will be producing other witnesses and they will say what they saw and they could be questioned.

Mr. Tan: I particularly want Inspector Sharma to tell me because there are witnesses who were not there. Now, if he were to take down the names of witnesses at that time or ten minutes after the offence then we know who are the witnesses. 20

His Lordship: What he ought to have done is one thing and what he actually did is another. The Court is only interested in what he did.

Q. You did not take down the names of the witnesses?
A. No.

Q. What did Inspector Vaz do? A. Inspector Vaz was down there, I subsequently sent him down to the General Hospital. 30

Q. He did nothing else, you were the officer in charge? Q. He was the routine officer and I was the investigating officer.

Q. Detective 68 did nothing else but just watched the back door? A. Yes.

Q. Of course you saw the body? A. No, the body was removed.

Q. But you were at the scene at 7.25? A. The body had been removed. 40

Q. You mean to say that the thing happened at 7 p.m., you were at the scene at 7.25 and the body had been removed? A. Yes.

In the High Court of Singapore

Q. Now, when you were there something else happened. Someone was arrested by a police constable, it is not true? A. He was arrested by the police constable and handed over to the police corporal.

Prosecution Evidence

No.4

Q. L/Corporal 1975. A. That is correct.

O. Sharma
Cross-examination
2nd November
1964

His Lordship: The male Chinese was detained by whom? A. By Lance Corporal 1975.

Continued

Q. What is his name? A. Mohd. Noor bin Othman.

Q. What happened to this male Chinese who was handed over? A. He was detained by the police. I went to see him because they brought him from the junction of Tanjong Katong Road and the other road.

Q. What road? A. Bournemouth Road.

Q. What was the name of this man who was detained? A. I cannot remember his name, I did not take it down then.

Q. Subsequently did you know what was his name? A. Subsequently the case was not dealt by me, it was dealt by another inspector.

Q. Was he charged? A. Yes he was charged in Court. (Contd.)

Q. What was the condition of this man when you saw him at Bournemouth Road and Tanjong Katong Road? A. He had some bruises on his face.

Q. In other words, he was assaulted? A. I am not prepared to say that.

Q. I am not saying that; was he assaulted by somebody? A. I would not know.

Q. Of course you would not know; where is this person now? A. He is in prison.

Q. Which prison? A. Changi Prison.

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In the High Court of Singapore
Prosecution Evidence

No.4

O. Sharma
 Cross-examination
 2nd November 1964
 Continued

- Q. Serving a sentence of? A. Seven years.
- Q. So you say you left the premises; when you left you handed over the premises to anyone? A. I left the premises at 1 a.m. in the morning.
- Q. You went out to see? A. I was there for hardly a minute.
- Q. I don't understand you. You were in the premises, you went to the junction of Tanjong Katong Road and Bournemouth Road and after that you went back to the premises, and afterwards you handed over the case to Inspector Tan Eng Bok? A. Yes. 10
- Q. And Inspector Tan Eng Bok only came on the scene at 10.25 p.m.? A. That is correct.
- Q. Three hours after you came on the scene? A. (No answer).

His Lordship: Q. What time did Inspector Tan arrive? A. 10.25 p.m.

Re-examination
 2nd November 1964

Re-examination by Crown Counsel

- Q. You came after the incident had occurred? A. Yes.
- Q. You would not know who were in the premises or anything of that nature when the incident occurred? A. That is so. 20

No questions by Jury.

(Witness stands down)
 (Court adjourns to 2.30 p.m. 2.11.64)

No. 5PART EVIDENCE OF TAN PENG PUAN

(affirmed)(s/in Teochew):

(Examination-in-chief by Crown Counsel)

In the High
Court of
SingaporeProsecution
EvidenceNo.5Tan Peng
Puan
Examination
2nd November
1964

Q. Your name is Tan Peng Puan? A. Yes.

Q. Where do you live? A. 374 Tanjong Katong Road.

Q. What is your occupation? A. Shop assistant.

Q. Can you recognise the shop you work in? A. Yes.

Q. Look at A1. A. Yes, I point at Siang Moh.

10 Q. Who was your employer? A. My towkay was Chia
Mui Song, my maternal uncle.

Q. Can you identify your uncle? A. Yes.

Q. Look at A.18? A. Yes.

Q. On the 9th November 1963 at about 6.30 p.m. where
were you. A. I was then inside the shop.

Q. Which shop? A. The same shop, Siang Moh.

Q. Who else were in that shop at that time?
A. A few females and two children of the towkay.20 Q. Can you give their names? A. Goh Ah Eng, Goh Ah
Hong and another girl Bay Kim Geok.

(Goh Ah Eng called into Court)

Q. Is this Goh Ah Eng? A. This is Goh Ah Eng.

(Goh Ah Hong called into Court)

Q. Is this Goh Ah Hong? A. This is Goh Ah Hong.

(Bay Kim Geok called into Court)

Q. Is this Bay Kim Geok? A. This is Bay Kim Geok.

In the High
Court of
Singapore

Prosecution
Evidence

No.5

Tan Peng
Puan
Examination
2nd November
1964
Continued

- Q. And the two children? A. Two children of the deceased.
- Q. You were all in the shop. Now, at about 6.50 p.m. what did you do? A. At first I was watching the television and then at about 6.50 I walked towards the rear of the shop?
- Q. Why did you walk towards the rear of the shop? A. I wanted to go home to take my bath.
- Q. Where is this home? A. No. 9 Bournemouth Rd.
- Q. You have your meals there? A. I had taken my meal and I wanted to go there to take my bath. 10
- Q. What did you do at about 6.50 p.m.? A. I was about to walk out of the rear entrance of the shop when I was confronted by three men.
- Q. Where was this? The front door or the back door? A. The back door.
- Q. At this stage where was the deceased and the witness you have identified? A. He was behind the counter in the shop proper.
- Q. Was he standing or sitting? A. He was sitting doing some accounts. 20
- Q. These three people, were they Indians, Malays or Chinese? A. The one at the forefront spoke to me in Cantonese. He took out a revolver and asked me to walk in. With one hand he twisted my left forearm behind my back.
- Q. Did the other two men have anything? A. The other two who were armed with knives were behind me.
- Q. Now, this man who held the gun, is he in Court today? A. He is. 30
- Q. Point him out to us? A. The accused person (witness points to accused).
- Q. You said they came from the rear door. Can you recognise the place where the deceased was seated? A. Yes.

- Q. Look at Exhibit A4? A. Yes, behind this table.
(Witness indicates).
- Q. Where were the others who were watching the
T.V.? A. Somewhere towards the foreground of
this picture, A4.
- Q. How were the lights there - were they bright?
A. The lights were bright.
- Q. Could you clearly see the accused? A. Yes.
- 10 Q. Having pulled your hand behind what did the
accused do? A. He asked me to walk into the
shop.
- Q. Did you walk into the shop? A. Yes I did.
- Q. Where was the gun at this stage? A. He was
holding the revolver in his hand.
- Q. What did he make you do then? A. He ordered me to
walk in.
- Q. When you walked in where did he take you to?
A. Up to the counter.
- 20 Q. Who was seated near the counter? A. The deceased
was there.
- Q. Where did you stand? A. Quite near to the
counter and also to my uncle, the deceased.
- Q. Where were these two other male Chinese who were
armed with knives? A. The other two were
guarding the females and ordered them not to
move.
- Q. What did the females do? A. They remained
standing.
- 30 Q. Did the accused tell the deceased to do
anything? A. He spoke in Cantonese something to
the effect of asking him to come out.
- His Lordship: What did the accused say?
A. I can understand Cantonese but
I can't speak it well. It was
something about asking him to
come out.

In the High
Court of
Singapore

Prosecution
Evidence

No.5

Tan Peng
Puan
Examination
2nd November
1964
Continued

In the High
Court of
Singapore

Prosecution
Evidence

No.5

Tan Peng
Puan
Examination
2nd November
1964
Continued

Q. You understood the accused to ask the deceased to come out? A. Yes, and he also told the deceased not to move. If the deceased moved he would open fire.

Q. What did the deceased do? A. My uncle came out and stood somewhere near me.

His Lordship:

Q. One thing I am not very clear about and that is, as you enter the shop from the back where was the counter? On your left or on your right? A. On my left. 10

Q. You mentioned a television set earlier, where was the television set? A. The T.V. was placed on top of the showcase.

Q. Will you look at photograph A2? A. Yes it was placed as it was.

Q. The television set was then in the position as shown in A2? A. Yes. 20

Q. And the door near the television set leads to the back of the building? A. No, it leads to the front entrance. The door leading to the front entrance is the front entrance of the shop.

Q. They came from A3? A. Yes, A3, the back door of which is the rear door.

Q. They came in from that door? A. Yes. 30

Q. What did the deceased do then after these words were spoken? Did the deceased come out of the counter? A. Yes he did.

Q. Can you show us where he came out? A. He stood beside this table as shown in A4.

(Contd.)

- Q. Did the accused then ask anything from the deceased? A. He asked him for the keys. He also searched his body.
- Q. When he asked for the keys did the deceased give the keys? A. The deceased did not give him the keys. The accused then went up to him and tried to search him. My uncle brushed his hands away. thereupon he opened fire.
- 10 Q. The deceased brushed his hands away and thereupon the accused opened fire on the deceased?
A. Yes.
- Q. Do you know in which direction the shot was fired? A. In the direction of my uncle and hit him on the arm.
- Q. What side, left or right? A. The right arm.
- Q. What did the other two do at that time?
A. At that time the other two were behind me.
- Q. What did they do?

Interpreter: The other two?

20 Crown Counsel: Yes.

A. I don't know because they were behind me. When my uncle was hit one of the two came to a place on my left. There was a chair at that place and my uncle, the deceased, was having a tussle with him over the chair, trying to prevent him from going in; one of the other two.

- Q. While this was happening what did the accused do?
A. He was still holding my hand.

30 His Lordship: Q. Who was holding the hand?
A. The accused was still holding my hand.

- Q. You mean that from the time he first twisted your arm behind you, he never let go his hold?
A. Yes he did let go the grip when he searched my uncle.

In the High
Court of
Singapore

Prosecution
Evidence

No.5

Tan Peng
Puan
Examination
2nd November
1964
Continued

In the High Court of Singapore

Prosecution Evidence

No.5

Tan Peng Puan Examination 2nd November 1964 Continued

Q. When did he resume his hold? A. After he had searched my uncle he went back to stand behind me and he pointed the revolver at my back.

Q. Was that before he fired or after he fired? A. After he had fired.

Q. They were both having a tussle over the chair, was the chair released? A. They both let go the chair; at that time the deceased went up to the telephone.

10

Q. Where was the telephone? A. It was on the counter.

Q. Now look at A.4, on the counter there? A. Yes.

Q. The deceased went to the telephone, now what happened? A. When he touched the telephone, the man opened fire the second time.

Q. What happened? A. I saw my uncle holding his chest with his hands; after that he collapsed.

20

Q. When the accused fired a second time, did he release his grip on you? A. He was not holding me at that time.

Q. When he fired a second time he was not holding you at all? A. That is so.

Q. Now as soon as the second shot was fired, you said the deceased held his chest; what happened to the deceased? A. He collapsed.

Q. Where did he collapse? A. I cannot say.

Q. You saw him collapsing? A. Yes.

30

Q. What did the accused do and the two others? A. They ran through the rear door.

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Cross-examination by Mr. Tan

In the High
Court of
Singapore

Prosecution
Evidence

No.5

Tan Peng
Puan
Cross-
examination
2nd November
1964
Continued

Q. I want you only to tell the Court and the Jury, how many males were there actually working in the shop, not Bournemouth Road, I am not interested in that? A. You mean day time?

Q. Yes, usually how many people were working that day? A. Three or four.

10 Q. That day three or four males, is it? A. Three males - myself, the deceased and another man, and a girl.

Q. About four in the shop? A. About the girl, she was uncertain; when she is not schooling she would be in the shop.

Q. How many people were working as delivery boys or delivery men? A. There were many, I cannot say how many.

Q. You live at No.9 Bournemouth Road? A. Yes.

20 Q. How many delivery men were there, daily, in Bournemouth Road? A. It is very difficult to say, some were employed for one month and they leave. It is very difficult to give an account.

Q. It is a very simple question; how many of them were there? A. I don't know; I was not in charge of these delivery men.

Q. Were there about 10? A. Yes, ten or more.

Q. Now, who has got to lock the doors when the business is over, the shop at Tanjong Katong Road? A. The deceased.

30 Q. At that time you said there were three women, your uncle; there were three women, Goh Ah Hong, Goh Ah Eng, Bay Kim Geok, and two or three children? A. Two children.

Q. And all of you at one stage were looking at the TV.? A. Yes.

His Lordship: Q. How many of you were looking at the TV.? A. Young and old 7 altogether.

In the High Court of Singapore

Prosecution Evidence

No.5.

Tan Peng Puan Cross-examination 2nd November 1964 Continued

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Q. You said the leader of the three had a revolver in his hand; can you demonstrate how he held?
A. (Witness demonstrates) With his right hand he was holding my hand and with the left hand he was holding the revolver about a foot behind me.

Q. All the time he held you by the hand? A. Yes.

Q. Was it hard or was it firm?

His Lordship: When you lead a witness in cross-examination you have to be careful. His evidence was not that his arm was held all the time. You might make it clear to him.

10

Mr. Tan: Yes, my Lord.

Q. When you went to the rear door, did he hold your hand from behind; did he hold you firmly when you were walking from the back door? A. I don't know. He was holding me with one hand and he was holding the revolver in the other. He ordered me to walk and I had to walk.

20

Q. Was he holding you firmly? A. I should say not very firmly.

Q. You did what you were told to do, I suppose?
A. Yes, pointing his revolver at me.

(Court adjourns to 10.30 a.m. - 4.11.64)

No. 6DR. ALFRED OLIVER AARON RECALLED

(On former oath)

Questions by CourtIn the High
Court of
SingaporeProsecution
EvidenceNo.6Dr. Alfred
Oliver Aaron
(recalled)Questions by
Court4th November
1964

- Q. Dr. Aaron, you referred in your evidence yesterday to a wound on the right chest. Now, will you describe the course taken by the bullet as regards that particular wound? A. There are two wounds, one on the top and one at the bottom.
- 10 Q. I am talking of the upper wound? A. With regard to the wound on the chest, the upper part?
- Q. Yes, we are talking about the chest wound; can you describe the course of the bullet?
A. The wound entered the right chest over the region of the 4th rib. It went in an oblique direction, passed through the muscles and then it went through the 4th rib nearest to the junction with the cartilage. Then obliquely it went and entered the chest cavity and went through the right lung. Then after completely passing through the right lung, it went through the upper portion of the heart and went through the back of the aorta, that is the largest blood vessel which goes through the heart. The aorta is nearest to this region here (indicates). It ruptured the aorta in two places, then went through the top of the heart. Then it went through the left lung and got to the air passages, the windpipe which divides the two bronchial tubes, and ruptured one of the large bronchial tubes with the accompanying vessels. Then it came out of the left lung in an oblique direction like this (indicates) and then through the left lung and finally fractured the 8th rib.
- 20
- 30
- Q. Whereabouts? A. Somewhere around the area here (indicates). It fractured the rib and the bullet finally cut the soft tissues and it was below the skin. The direction would be from upwards, downwards and backwards in an oblique direction. Here is the 4th rib and the 8th rib is here (indicates).
- 40

In the High
Court of
Singapore

Prosecution
Evidence

No.6

Dr. Alfred
Oliver Aaron
(recalled)

Questions by
Court
4th November
1964

Continued

- Q. The question which arises in connection with No.1 wound is this: Was that wound, that is injury No.1, by itself sufficient in the ordinary course of nature to cause death? A. Yes, my Lord. It went through the heart, tore the blood vessels of the aorta in two places and through the lung leading to the pleural cavity. There were two ounces of blood in the pleural cavity and it went through the passage of the lung. In the ordinary course of nature it would cause death. 10
- Q. Now then, will you describe the injury caused by the bullet which penetrated the abdomen? A. That bullet entered the heart. You have the ribs here, just slightly above the rib margin here (indicates). It went through the sides between the ribs and the 8th intercostal space and entered the abdominal cavity, and the liver is just below these ribs. Certain portions of the liver are here. It went through the upper lobe of the right of the liver down through the liver to the inner surface of the liver. It cut the pylorus portion of the stomach which joins up with the first part of the small intestines. Then it went through the abdominal cavity in this direction (indicates). It is also in a plain downwards, backwards and obliquely. It came somewhere to the left flank, also in a position backwards to the left and slightly downwards. 20
- Q. Now then, was this injury the abdominal injury? A. Yes. 30
- Q. Was this sufficient by itself in the ordinary course of nature to cause death? A. In an injury which ruptures the liver and causes haemorrhage you get free blood in the abdominal cavity and may cause death.
- Q. Supposing the deceased did not receive the injury through the lungs and his heart and he only received this injury which went through the liver, would you say that injury is sufficient in the ordinary course of nature to cause death, that is without receiving medical attention? A. I would say that if the patient had not been attended to and that injury rupturing the liver and causing haemorrhage in the abdominal cavity would die. 40
- Q. That would be in the ordinary course of nature? A. Yes.

- Q. Both injuries you have described today were fatal? A. Yes, fatal injuries.
- Q. I take it that the injuries to the forearm, they were not sufficient in the ordinary course of nature to cause death? A. They were flesh wounds.
- Q. And there was one injury to the back? A. Yes.
- Q. That, I take it, is not fatal? A. Not fatal.
- Q. There were two fatal injuries? A. Yes.
- 10 Q. You said that cause of death was haemorrhage from gun shot wounds of the chest and abdomen? A. Yes.
- 20 Q. Could you tell the Court how much blood you found, say in the pleural cavity and the other cavity? A. There was about 2 ounces of blood in the right pleural cavity between the right lung and the chest wall and there was a certain amount of blood in the pericardial cavity, the membrane which covers the heart. There were few ounces of dried clotted blood weighing about 128 grammes, that is about 5 ounces of clotted blood. That was from the atria and the aorta.
- Q. What is the atria? A. They are the principal chambers of the heart; there are four chamber organs - two on the top and two below.
- Q. What about the abdominal cavity? A. That could not be measured because blood had infiltrated into the flanks, not free blood; you cannot measure it. It goes through the plain tissues. It is not free blood where you can measure it.
- 30 Q. In your evidence you referred to bleeding from the nose? A. Yes.
- Q. Could you say how that was caused? A. That is probably the bronchial wound of the blood vessels and some of the blood passed through the air passages either by coughing or vomiting blood.
- Q. And there was dried blood over the face and front of chest? A. Yes, probably from the nose.

His Lordship: Thank you, Doctor.

In the High
Court of
Singapore

Prosecution
Evidence

No.6

Dr. Alfred
Oliver Aaron
(recalled)

Questions by
Court

4th November
1964

Continued

In the High Court of Singapore

No. 7

PART CROSS-EXAMINATION OF TAN PENG PUAN (Continued)

Prosecution Evidence

(Cross-examination by Mr. Tan) (Contd.)

No.7

.....

Tan Peng Puan
Cross-examination (contd.)
4th November 1964

.....

Q. Now, we come to the part where all the shooting started. I want you to tell the Court exactly the position in relation to the deceased. You said he was behind the counter? A. Yes, at first he was seated behind the counter.

10

Q. Is this shown in A4 and A5? A. Yes.

Q. Now, the freezer is here, the refrigerator is here and these are the shelves etc. To the wall there is a passage, i.e. the rear back door?

(Counsel indicates on the sketch)

His Lordship: I suggest that the sketch be shown to the Jury.

(Sketch shown to the Jury)

Q. When you brought him the deceased was seated behind the counter. Where were you standing when you were asked to stop? A. This drawing is a bit incorrect in the sense that the showcase did not extend right here. There is a gap between the showcase.

20

Q. There is a blue pencil, please mark on this rough sketch where you stopped? A. That is the spot where I was told to stop.

(Witness marks on the sketch).

His Lordship: So then you say you were made to stop between the desk which served as a counter and the refrigerator in which the frozen food was kept as shown in A4? A. Yes.

30

Q. And this man who held you, this male Chinese with a gun was behind? A. Yes.

His Lordship: And that male Chinese you say was the accused? A. Yes, My Lord.

Q. Please mark on the sketch with red pencil where he was standing? Was he directly behind you or what? A. Directly behind. (Witness marks with red pencil on the sketch.)

Q. Now, the television set is here facing towards the premises as in photograph 2? (Counsel indicates)
A. Yes.

10 Q. You say there were three women and two children, where was Goh Ah Eng? A. When I went in I did not pay attention to these people.

Q. In other words you did not know where Goh Ah Eng was standing? A. I know she and the others were somewhere in front of the counter.

Q. Please mark on the rough sketch as Y?
A. I indicate it by two circles.

20 His Lordship: Do you want to put this as an exhibit? You must have a proper sketch drawn up otherwise any mark put in by this witness on a sketch drawn by you may give a totally different idea to anyone who looks at it.

Mr. Tan: I thought the prosecution would have some sketch prepared.

His Lordship: If the prosecution does not have a sketch it is always open to the defence to make a sketch.

30 Mr. Tan: Anyway the reporter has recorded them.

His Lordship: If you refer the marks like X and Y and the exhibit does not go in, then the notes taken down by the shorthand reporter will be meaningless.

Q. Anyway those women as you indicated were near photograph 4 further up the counter? A. Where the eggs were in photograph 4.

40 Q. What about the children? A. They were in front of those girls.

In the High Court of Singapore

Prosecution Evidence

No.7

Tan Peng Puan
Cross-examination
(contd.)
4th November 1964

In the High
Court of
Singapore

Prosecution
Evidence

No.7

Tan Peng
Puan
Cross-
examination
(contd.)
4th November
1964

- Q. And at that time those girls and children were looking at the television? A. Yes.
- Q. In other words all of them were looking towards the road? A. Yes.
- Q. Was the television loud at that time? A. It was not loud.

- Q. Were the girls conversing among themselves?
A. No.

- Q. Tanjong Katong is a very busy road? A. Quite.

- Q. At that time was the traffic very busy?
A. I wouldn't know the traffic position along Tanjong Katong Road.

10

- Q. If the traffic was busy you could hear about it?
A. You could not hear clearly from inside the shop.

- Q. You said earlier that three male Chinese came in and they were not masked? A. That is so.

- Q. Where were the other two male Chinese standing? You have dealt with the one with the gun?
A. The other two were behind the one with the gun.

20

His Lordship: The other two were behind the accused? A. Yes, behind the accused.

- Q. Now, when you stopped at that point which you have indicated - near the desk between the refrigerator and the desk where the deceased was seated - was any movement made by the other two male Chinese other than the accused? A. They went to guard the other two females and asked them not to move.

- Q. You say they came in without any mask, without any handkerchief or any disguise, did any of them tell you not to look at their faces. A. No, the accused just told me not to move.

30

- Q. And to look straight ahead? A. Yes.

His Lordship: What do you mean by that? A. I was only asked not to move, he did not ask me to look straight on.

Q. So in which direction were you facing? A. Facing the wall.

Q. The wall on the left side as you came in? A. The wall behind the counter.

Q. Were you facing it directly or diagonally? A. I walked from the rear and I was facing towards the front, then I turned left and faced the wall on my left.

10 Q. How many shots were fired altogether? A. Twice.

His Lordship: You mean you heard two shots?
A. That is so.

Q. Was it very loud. A. Not very.

Q. Were you startled at the first shot? A. No, I was quite calm.

Q. What about the children, did they cry out?
A. I do not know, I was looking after myself.

Q. What about the girls? A. They were also quite calm, they did not say anything.

20 Q. Not even "Ayar" in Chinese, the famous cry?
A. No.

Q. So everybody took it very calmly. Now, will you agree with me that the space between the counter and the middle of the premises is a very small area? A. Not narrow, it was wide enough for three persons to move about.

His Lordship: Which space? A. It is actually a desk.

30 Q. Is it a showcase? A. That counter is actually a desk, you can see it very clearly in photograph 4. It is not actually a counter.

Q. The desk has been referred to as the counter. So it does not matter what you call it, the point is what was the distance between that desk and the showcase in front of you? A. About this distance.
(Witness indicates a distance which is agreed to be about 5 feet.)

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In the High
Court of
Singapore

Prosecution
Evidence

No.7

Tan Peng
Puan
Cross-
examination
(contd.)
4th November
1964

In the High Court of Singapore

Prosecution Evidence

No.7

Tan Peng Puan Cross-examination (contd.) 4th November 1964

Q. The whole frontage is 12 feet. Now, was there any attempt by any of the robbers to take away anything from the premises. A. I do not know, what I could see was that the accused wanted to search my uncle.

His Lordship: You mean tried to? A. Tried to search.

Q. At that time was he still holding your arm? A. No.

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No.8

No. 8

Goh Ah Hong Examination 4th November 1964

PART EVIDENCE OF GOH AH HONG

(affirmed) (s in English)

(Examination-in-chief by Crown Counsel)

- Q. What is your name? A. Goh Ah Hong.
Q. You live at 374 Bournemouth Road? A. Yes.
Q. Do you live there? A. No. 9 Bournemouth Road. 20
Q. You are a Secondary III student of Tanjong Katong Girls School? A. Yes.
Q. Look at A.18, is that your uncle? A. Yes.
Q. At about 7 p.m. on the 9th November 1963 where were you? A. We were at the shop.
Q. Is that 374 Tanjong Katong Road? A. Yes.
Q. Who else were in the shop with you? A. My sister Goh Ah Eng and Bay Kim Geok, and three other small kids, my cousins, Tan Teng Puan and my uncle, the deceased. 30

(Goh Ah Eng called into Court)

- Q. Is that Goh Ah Eng? A. Yes.
- Q. Where was your uncle seated at about that time?
A. He was seated at the desk.
- Q. Have a look at A4., was he seated there?
A. He was seated at the desk as shown in A4.
- Q. Where were you seated? A. I was leaning against a showcase.
- Q. Doing what? A. Watching T.V.
- Q. Look at A2. was the T.V. there? A. Yes.
- 10 Q. Now, at about 7 p.m. while you were watching T.V. did anything happen? A. I felt something prodding at my back.
- Q. What did you do then? A. I turned around and saw a stranger.
- Q. What nationality was he? A. I do not know.
- Q. Chinese, Indians, Malays? A. Chinese.
- Q. Did he have anything in his hand? A. He carried a dagger.
- 20 Q. Did he say anything to you? A. He said something but I can't make out what he said.
- Q. What did you do then? A. He pushed me to the table where my uncle was seated.
- Q. There did you see any other person? A. I saw two other male Chinese, one was carrying a dagger and the other a gun.
- Q. Is this man carrying the gun in Court? A. Yes.
- Q. Will you point out where he is? A. There.
(Witness points to accused in the dock).
- 30 Q. Now, this accused whom did he face? A. He faced my uncle.
- Q. Were you told to do anything? A. He did not tell me to do anything, when I was pushed to the table I was facing the TV.

In the High
Court of
Singapore

Prosecution
Evidence

No.8

Goh Ah Hong
Examination
4th November
1964

Continued

In the High Court of Singapore.

Prosecution Evidence

No.8

Goh Ah Hong Examination 4th November 1964 Continued

Q. While you were facing the TV did you hear anything? A. I heard a murmuring of voices and a chair being dragged and then I heard a shot.

Q. When you heard the shot did you do anything? A. I turned around and I saw my uncle staggering towards the table and when his hand touched the phone the gunman fired another shot.

Q. At this time what did the deceased do? A. He fell to the ground.

Q. Did he do anything before he fell to the ground? A. Yes, he put his hand to the chest. 10

Q. What did the accused and the two others do then? A. They ran out by the back door of the shop.

Q. Will you have a look at A3? A. Yes.

Q. Did they go through that door? A. Yes.

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(Cross-examination by Mr. Tan)

Cross-examination 4th & 5th November 1964

Q. How old are you? A. I am 17 years of age.

Q. At the time of the incident? A. I was 16. 20

Q. When was your birthday? A. November.

Q. When the incident happened you were not even 16? A. Yes.

Q. You are now in Secondary III? A. Yes.

Q. Who was the deceased? A. He was my uncle.

Q. You said there were three children? A. Yes.

Q. Whose children? A. My uncle's children.

Q. The television was on? A. Yes.

Q. When the television was on were the lights out? A. No, all the lights were on. 30

Q. Did you have a good picture? A. Yes.

- Q. Good picture with the lights on? A. Yes.
- Q. Usually when the television is on we switch off the lights but we leave, perhaps, the side lights on? A. They were on.
- Q. Some of them were off? A. I cannot remember properly.
- Q. This is a very serious matter, Miss Goh. Were the lights off? A. They were on.
- 10 Q. How many on and how many off? You see, Miss Goh, we Chinese are very thrifty about this thing. We switch off the lights when we do not need it? A. No, it was on.
- Q. Were any lights off? A. I cannot remember.
- Q. You must try to remember. Were any of the lights off? A. I cannot remember.
- Q. I am putting it to you that the lights were off. Perhaps one solitary light was on so that you don't knock about the provisions on the shelves? A. No, it was on.
- 20 Q. Miss Goh, you must not tell lies. Now, what programme was on? A. I am afraid I do not know the title.
- Q. You are an educated girl and speak very good English. Some very terrible thing had happened on that night and this must be fixed in your mind - isn't it? A. Yes.
- Q. Of course you live at Bournemouth Road, you and your sister came along to see TV with the children and Bay Kim Geok? A. I was there all the time.
- 30 Q. Being an educated girl you must have read the papers about the programme "Television Singapura at 7.50 p.m. - Bat Masterson." A. I am not a regular TV viewer.
- Q. Surely you must have a liking for such programmes as "Conquest", "Perry Mason", "Detectives with Robert Taylor" and so on. Every person has a different taste, some like travels, some comedies.

In the High
Court of
Singapore

Prosecution
Evidence

No. 8

Goh Ah Hong
Cross-
examination
4th & 5th
November
1964

Continued

In the High Court of Singapore

Prosecution Evidence

No.8

Goh Ah Hong Cross-examination 4th & 5th November 1964

Continued

You see "Bat Masterson" was on that evening. Do you know about him? A. No.

Q. The famous chap and a very handsome fellow, you can't remember him? A. No.

Q. You went there just to watch TV? A. Yes.

Q. Can you remember whether any of the lights were off? A. I do not know.

Q. So this man came to you and prodded you behind your back? A. Yes.

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Q. You said you heard noises, the dragging of chairs and you said another shot was fired. All this time you were facing the wall, were you not? A. Not facing the wall.

Q. I mean looking towards the direction of the wall? A. Yes.

Q. And this chap was behind you with the dagger? A. When I was at the table he was not behind me.

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Q. Where did he move? A. I did not notice him.

Q. He was supposed to be standing guard on the two girls, isn't it? A. I did not know where he was.

Q. He disappeared into thin air, did he?

His Lordship: She was looking towards the wall, so how could she say where he chose to stand.

Q. How many shots were fired? A. I heard one and I saw one.

His Lordship: You heard one shot being fired and you saw another shot being fired, I take it you also heard that? A. That is right, My Lord.

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In the High
Court of
Singapore

Prosecution
Evidence

No.8

Goh Ah Hong
Cross-
examination
4th & 5th
November
1964

Continued

Q. Which way did you turn during the second shot, you said you saw a shot being fired?

A. I turned to the right.

Q. You saw your uncle being shot at. Now this is the gunman, I am the man who was shot at, I am supposed to be here. Now, you did not see it from here - isn't that true? There are two directions. When the shot was fired you were attracted by the gunfire. (Counsel demonstrates). Now, you are a science student? A. Yes.

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Q. Then you understand me more clearly. You saw your uncle being shot at - isn't that true?

A. I saw the gunman fire.

Q. You saw both at the same time when your turned to the right? A. I turned my head round.

Q. Like that? (Counsel demonstrates) A. Yes.

Q. Now, Miss Goh, you were in fear, surely you would not dare to turn like that? A. I saw the gunman first, he fired.

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Q. With which hand? A. Left hand.

Q. So you turned right and you saw the gunman fire and when he fired you also saw your uncle - is that so? A. Yes.

Q. Which part of his body was hit? A. The chest region.

Q. Where was this gunman in relation to Tan Teng Puan? A. I did not notice where Tan Teng Puan was standing at the time.

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Q. Because if what you say is true you would have seen Tan Teng Puan in front of the gunman. He said the gunman was behind him, so why didn't you see Tan? A. At what stage, the first shot or the second shot?

Q. The second shot? A. I did not notice where he was standing.

Q. But you noticed the gunman being hidden by Tan Teng Puan? A. He wasn't.

In the High
Court of
Singapore

Prosecution
Evidence

No. 8

Goh Ah Hong
Cross-
examination
4th & 5th
November
1964
Continued

- Q. Look at photograph No. 4, were you not standing near the eggs? A. I was standing here. (Witness indicates in picture).
- Q. Tan Peng Puan said you were standing more towards the eggs side? A. I was standing here. (witness indicates).
- Q. No, here (indicates)? A. It must have been my sister.
- Q. What you say to the Court is untrue because if you were standing there, you had to make a full tilt to see the gunman shooting. Tan Peng Puan says he was here, the gunman was behind him and if you were standing here, you had to make a full tilt but you were told to face the wall. (Counsel indicates on the picture.) A. I did turn.
- Q. We are going according to the physical laws of nature, Miss Goh, you are lying?

His Lordship: Would you please demonstrate to us, Miss Goh? Now face there, there is the TV in front of you. Now, please demonstrate how you turned. A. Like this, My Lord. (Witness demonstrates)

His Lordship: A complete turn. When you turned you were doing a complete turn, that is what you did. A. Yes, my Lord.

- Q. You did not turn your body full round or anything of that sort, Miss Goh? A. Yes.
- Q. If you did anything at all that evening you were trying to catch a glimpse as to what happened when you heard the second shot - is it not true? A. I turned when I heard the first shot.
- Q. Now, Miss Goh, if you did turn right you would have to like that (Counsel demonstrates). Why didn't you turn to the right? Why take all the trouble when you were liable to be shot at? The easiest way would be to turn to the left. Can you answer me? A. It was a voluntary action.

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His Lordship: What she means is instinctively, automatically, without thinking about it.

In the High Court of Singapore

Q. You mean you were startled and you made a complete turn? A. I just turned round.

Prosecution Evidence

Q. What made you turn round? There must be a reason, curiosity, you were startled by the gunshots?

No. 8

Crown Counsel: My Lord, this is bullying my witness, she is only a young girl.

Goh Ah Hong Cross-examination 4th & 5th November 1964

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Mr. Tan: I am not bullying your witness. I want the truth, a man is on trial for murder.

Continued

His Lordship: On hearing the shot she turned round just to see what had happened.

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20 Q. Miss Goh, what you have told the Court is a pack of lies and you are fabricating your evidence and that it was quite impossible for you to identify the man during that short space of time?

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His Lordship: That sentence is not quite properly worded when you say it was quite impossible to identify the man within such a short space of time. When a person observes a robber, then that person is making a mental photograph of the robber. Identification is done at a later stage when the robber is seen again and then when somebody is put in an identification parade the person is called in front to identify the robber, he walks along and suddenly the person sees someone who corresponds to the photographic mind. So when you say "It was impossible for you to

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In the High Court of Singapore

Prosecution Evidence

No.8

Goh Ah Hong Cross-examination 4th & 5th November 1964 Continued

His Lordship: identify the man within such a short space of time," you are not talking sense.

Mr. Tan: I agree with your Lordship.

His Lordship: So you have to be very careful.

(Continued)

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No.9

Goh Ah Eng Examination 5th November 1964

No. 9

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PART EVIDENCE OF GOH AH ENG

(affirmed) (s in English)

(Examination-in-chief by Crown Counsel)

- Q. Your name is Goh Ah Eng? A. Yes.
Q. You are a clerk? A. Yes.
Q. Where do you work? A. I work at the Audit Office.
Q. Where do you live? A. 9 Bournemouth Rd.
Q. Now, look at photograph A.18. Is that your uncle? A. Yes.
Q. On the 9th November 1963 at about 5.30 p.m. did you go anywhere? A. Yes, I went to the shop at 374 Tanjong Katong Rd.
Q. What were you doing there at about 5.30 p.m. A. I was passing my leisure hours there and I more or less helped my uncle with the customers.
Q. At about 7 p.m. who were with you at the shop? A. There was my deceased uncle, Tan Peng Puan, my sister, the last witness, and Bay Kim Geok.

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(Bay Kim Geok called into Court)

- Q. Is that Bay Kim Geok? A. Yes.
- Q. Were there any children there? A. Yes my two small cousins.
- Q. What were you doing at about 7 p.m.? A. At about 7 p.m. we were just preparing to watch a television show.
- Q. Were the lights on? A. The lights were on full.
- Q. You mean all on? A. All on.
- Q. You said you were watching the TV? A. Yes.
- 10 Q. What happened? A. I was very involved watching the television when all of a sudden I noticed that 3 complete male strangers had entered the shop. They were led by Tan Peng Puan who was in front of them.
- Q. Did anything happen to your back at that time? A. Then I felt somebody prodding a knife at my back. At this moment I was really seated and I was asked by the one who was close to me to stand up and face the wall.
- 20 Q. By one of those three strangers? A. Yes.
- Q. Did you turn round and face the wall? A. Yes.
- Q. A short while later did you hear anything? A. A short while later I heard the dragging of a chair.
- Q. What else did you hear? A. I heard the sound of a shot being fired and after a short interval there was another shot.
- Q. You heard another shot? A. Yes.
- 30 Q. When you heard the shot did you turn round? A. After the shot I knew something must have happened, so I turned round.
- Q. When you turned round what did you see? A. I saw the three men were running to the rear door and my uncle was slowly collapsing on to the chair with blood rushing from his chest.

In the High
Court of
Singapore.

Prosecution
Evidence

No.9

Goh Ah Eng
Examination
5th November
1964

Continued

In the High Court of Singapore

Prosecution Evidence

No.9

Goh Ah Eng Examination 5th November 1964

Continued

Q. Look at A5. Is that where your uncle was? A. He was actually seated behind the table.

Q. Where did your uncle collapse? A. There was actually a chair behind this table and he collapsed on to the chair and then on to the floor.

Q. And you saw blood rushing up? A. Yes.

Q. Was there any blood on the floor? A. Yes, there were lots of blood.

Q. Do you see those stains there (Crown Counsel indicates on A5.) A. Yes All these were blood stains.

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Q. What did you do then? A. Then I immediately telephoned for the police and called for the ambulance at the same time.

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Cross-examination 5th November 1964

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Q. As far as you are concerned you also went to the identification parade on the 8th June, 1964? A. Yes.

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Q. You were brought there, could you identify anybody? A. I did not identify anyone.

Q. You were brought before the identification parade? A. Yes.

Q. How did you go to the C.I.D. from the Audit Office where you work? A. It was arranged for a police car to come and fetch me.

Q. At the Audit Office? A. I was told to go downstairs and wait for the police car to fetch me to the C.I.D.

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Q. Where is that, Fullerton Building? A. Yes.

His Lordship: Q. You were told by whom? A. Tan Eng Bok.

Q. To go to the ground floor? A.Yes.

His Lordship: Q. And wait for a police car?
(Contd.) A. Yes.

Q. And this Inspector spoke to you personally? A. It was by telephone.

Q. Then you were picked up by the police car and brought to the C.I.D. building? A. Yes.

Q. When you went there, did you meet anyone?
A. When I went there my sister and the other witnesses were there.

Q. Which other witnesses? A. My sister, Goh Ah Hong, Bay Kim Geok, Tan Peng Puan, my aunt, Inspector Tan Eng Bok, and I think there was one other officer; I don't know his name.

Q. In the same room? A. Yes.

Q. In plain clothes? A. Yes.

His Lordship: Q. And did you see Tan Peng Puan?
A. Yes.

Q. According to your sister, she said that you, Bay Kim Geok, your aunt and Tok Seang Mong went to the C.I.D. in the same car from 9 Bournemouth Road? A. The police car came and picked me, Tan Peng Puan and my aunt.

Q. And according to Tan Peng Puan he brought you?
A. No.

Q. He said? A. He must have heard wrongly.

Q. He said it deliberately? A. (No answer).

Q. In regard to this incident, it happened in the shop premises; there were gun shots, how many gun shots? A. Two.

Q. Did any of the children scream? A. No.

Q. Did they make any noise; I mean were they frightened? A. They did not make any noise.

Q. Who was looking after the children? A. Bay Kim Geok.

In the High
Court of
Singapore

Prosecution
Evidence

No. 9
Goh Ah Eng
Cross-
examination
5th November
1964

Continued

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In the High Court of Singapore

Prosecution Evidence

No. 9

Goh Ah Eng Cross-examination 5th November 1964

Continued

Q. How was she looking after the children; the children were all milling around; did she hold them like this (indicates) as a good servant?

A. How she looked after them I cannot say.

Q. Do you know what she was doing with the children?

A. I did not notice; the children were seated next to her.

Q. Where was she facing, towards what direction?

A. Towards the television.

Q. How far away was she; now supposing you were standing there (indicates), how far away was she to you? A. About two feet or so.

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His Lordship: Q. Were you seated or standing? A. I was seated.

Q. And she was seated or standing? A. She was seated.

Q. And the children? A. The children I did not notice.

Q. And what about Goh Ah Hong, your sister? A. She was standing opposite at the back of the show case.

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Q. Have a look at photograph No.2; I think No.3 will show you better? A. Behind this show case here (Indicates on No.3).

His Lordship: Q. You say she was standing at the end of the show case? A. Yes.

Q. Where was she facing, your sister? A. Facing the television.

Q. That means to the front of the shop? A. (No answer).

Q. Your sister told us she was standing somewhere here (indicates)? A. I am telling before the incident happened. After the incident happened where she was standing I cannot tell you because I was facing nearest to the television.

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No. 10PART EVIDENCE OF BAY KIM GEOK

(affirmed) (s in Hokkien)

(Examination-in-chief by Crown Counsel)

Q. What is your name? A. My name is Bay Kim Geok and I work at No. 9 Bournemouth Rd.

Q. You are a maid servant? A. I am a baby-sitter.

His Lordship: Q. How old are you? A. 17 years old.

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Q. According to Chinese reckoning? A. Yes.

Q. Can you recognise your employer? A. Yes.

Q. Look at A.18? A. A.18 is a photograph of my employer.

Q. On the 9th November 1963 at about 6.30 p.m. were you at Tanjong Katong Rd.? A. I was.

Q. Were you watching the TV? A. Yes.

Q. Who were with you? A. I was with Goh Ah Hong, Goh Ah Eng, Tan Peng Puan and two children watching TV.

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Q. Tan Peng Puan is now in Court. (Counsel points) A. Yes.

Q. Where was the deceased at that time when you were watching the TV? A. He was seated behind a table.

Q. Look at A5? A. He was seated behind the table as shown in A5.

Q. At about 7 p.m. did anyone enter the shop? A. Yes, three robbers came in.

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Q. From what direction did they enter the shop? A. They came from the rear of the shop.

Q. Look at A3? A. They came from the rear door. (Witness indicates).

In the High Court of Singapore

Prosecution Evidence

No.10

Bay Kim Geok
Examination
5th November
1964

In the High
Court of
Singapore

Prosecution
Evidence

No.10
Bay Kim Geok
Examination
5th November
1964
Continued

- Q. Did they have anything in their hands?
A. Two of them had a knife each and the third person carried a gun.
- Q. Now, the man who carried the gun, is he in Court today? A. He is in Court today. (Witness points to accused).
- Q. Did the accused ask you to do anything?
A. The accused told me to stand up.
- Q. What else did he tell you to do? A. He also told me to put my hands up. 10
- Q. Did he ask you to face any direction?
A. He asked me to face forward.
- Q. Was there any wall around there? A. To face the wall.
- His Lordship: Which wall? A. I had my back facing against the wall, my front was also facing another wall.
- Q. The wall behind the deceased?
A. The opposite wall, I had my back facing the deceased. I was asked to look forward, i.e. opposite the wall from where the deceased was sitting. 20
- Q. That is the wall behind the small showcase? A. Yes.
- Q. What did the accused do then? Did you hear anything? A. He told my employer, i.e. the deceased, to produce the keys.
- Q. Did the other two men with a knife each do anything? A. I did not look at these two persons, I only paid attention to the one who had a gun. 30
- Q. That is the accused? A. Yes.
- Q. Did you hear anything? A. My employer took up the receiver and the gunman fired a shot with his gun.
- Q. What did the deceased do then? A. Then my employer collapsed.

Q. How many shots did you hear? A. Two shots.

Q. Did the deceased collapse on to the floor?
A. Yes.

Q. Look at A5. Could you tell us where he fell?
A. My employer collapsed at this spot, there is a dark patch here. (Witness indicates on the photograph).

Q. When this happened what did the accused and the two others do? A. Then they ran.

10 Q. Towards what direction did they run? A. Towards the rear of the shop.

Q. As shown once again in A3. A. They ran out of the shop through the rear door as shown in A3.

Q. Later on did the ambulance arrive? A. Yes.

Q. Was the deceased taken away? A. Yes.

Q. Now, while this incident occurred was the shop well-lighted? A. It was very bright.

Q. Look at A.3, were all those lights on? A. Yes.

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Q. Could you see those robbers entering from your position where you were standing near the desk?
A. I did not see them coming from this door, I was watching TV.

Q. So, you have no idea whatsoever when they came in? A. They must have come in from the rear door, they could not come from the front door. I was watching TV facing the front door.

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His Lordship: You are certain they did not come from the front door? A. I am certain.

In the High Court of Singapore

Prosecution Evidence

No.10

Bay Kim Geok Examination 5th November 1964

Continued

Cross-examination 5th & 6th November 1964

In the High
Court of
Singapore

Prosecution
Evidence

No. 10

Bay Kim Geok
Cross-
Examination
5th & 6th
November
1964
Continued

- A. Then your evidence went on, "The accused told me to stand up and to put my hands up."? A. Yes.
- Q. Now Miss Bay Kim Geok, you remember you also gave evidence some time in March this year in similar surroundings in the High Court over another person who was tried? A. Yes.

- Q. Do you remember you said "that person armed with a knife asked me to stand up and keep quiet" ?

His Lordship: First of all show that passage to the witness.

Mr. Tan: Yes, my Lord.

(Mr. Tan shows copy of certified notes to witness)

A. I made this statement at the last trial.

- Q. Then you carried on by saying "I stood up"?
A. I also made this statement.

- Q. Then you also said "We were asked to face the wall to the right as one looks at the front door"? A. I did make this statement.

- Q. Now, if you look at A.2, if what you say is true, on that day you were asked to face the wall to the right; in other words, you were looking at the shelves? A. Yes.

His Lordship: Both here and at the trial in March she said she looked at the wall on the right. "I was asked to face the wall on the right."

Mr. Tan: Yes, my Lord.

- Q. Then you carried on and said "The same robber, (the one holding the knife) took hold of my hand"?

Crown Counsel: That is not so. Three robbers came, one carried a revolver, the other two knives. One of them was armed with a knife. That is not quite correct.

Mr. Tan: The same robber.

His Lordship: Never mind, proceed with your cross-examination.

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- Q. The same robber took hold of my hand? A. Yes.
- Q. "I had a good look at him"? A. Yes.
- Q. What do you mean by "him"; is that the one sentenced to seven years? A. Yes.
- Q. Then you said "I had a good look at him. He asked me to stand still"? A. Yes.
- Q. You said "I looked at him for a short while till I heard one shot, then another"? A. Yes.
- 10 Q. Then a very short sentence: "I was frightened"? A. Yes.
- Q. "I turned round after the second shot and saw them running away"? A. Yes.
- Q. Then "TV. not very loud"? A. Yes.
- Q. Then you said "I can recognise the one who held my hand"? A. Yes.
- Q. Do you mean the one with the knife? A. Yes.
- Q. Then you added another sentence "It was the accused"; do you mean the accused in that case? A. Yes.
- 20 Q. So will you please tell the Court, did you or did you not see the one who fired the gun? A. I did see the man who fired the gun.
- Q. How did you see; at what occasion did you see?
- Crown Counsel: How many questions.
- His Lordship: Put one question at a time.
- A. At what stage.
- Q. You were there all the time and this man who held the knife was behind you? A. I did see the man who carried the gun.
- 30 Q. You were looking at the TV and somebody from behind told you to stand up and keep quiet? A. Yes.
- Q. Then you faced the wall to the right? A. Yes.

In the High
Court of
Singapore

Prosecution
Evidence

No. 10

Bay Kim Geok
Cross-
examination
5th & 6th
November
1964

Continued

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Bay Kim Geok
Cross-
Examination
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Continued

Q. You said you had a good look at the one armed with a knife? A. Yes.

Q. And the only time you ever had any glimpse was when you turned round after the second shot and you saw them running away at the back; you only saw their back view? A. The three of them were inside the shop.

His Lordship: Q. When you were facing the wall, the wall behind the show-case, were you able to see the three men? A. When I was facing the wall I could see these three persons.

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Q. Ask her to stand over there. Now just imagine that the wall is in front of you there. You are asked to face in that direction (indicates). Now where were the three in relation to you? A. The one who held the gun was standing this side (demonstrates). I cannot remember where the other two persons were standing.

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Mr. Tan: I cannot understand. Can your Lordship understand.

His Lordship: Yes, I can.

His Lordship: You see, Mr. Tan, that was the table where the deceased was sitting and she was between the table and the small show-case. Now the man with the gun was facing the deceased employer; so he was in front of the deceased employer and she was also in front of the deceased employer but with her back to the table. So it appears from her evidence that the man with the gun was within the range of her vision.

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His Lordship: You told me, Mr. Tan. that the width of the front of the shop was 12 ft. If that was 12 ft. what was

His Lordship: the distance between the table
(Contd.) and the small show-case?

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Mr. Tan: It is very difficult to guess.

Interpreter: She was leaning against the
employer's table by the side
just in front.

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His Lordship: Q. Can you give us an indication
of the space between the
employer's table and the show-
case. She could indicate it
along this line? A. About
this space (indicates).

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His Lordship: Q. This is your employer's table
(indicates), indicate the
distance between the table and
the show-case? A. The
deceased employer's table was
over there and the show-case
was about here (indicates)'

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His Lordship: About 4 feet.

Q. The television was over there and you were
looking at the television? A. Yes.

Q. Please tell the Court when this man came behind
you, how did you stand in relation to the tele-
vision? A. In this position (demonstrates).

Q. You were facing towards the television? A. Yes.

His Lordship: Q. Were you seated or standing up?
A. When I was looking at the
television I was seated; later
on I stood up. I was told to
stand up.

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Q. And when you stood up did you
lean against the employer's
table? A. I was about this
distance away from my
employer's table.

Q. About a foot? A. Yes.

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Q. So Miss Bay, if you were in that position, you could not have seen the gunman; it is physically impossible? A. I turned round and looked at him.

Q. When did you turn round to look at him?
A. When the gunman told my deceased employer to produce his keys I took a look at the gunman.

Q. At the last trial you said "I turned round after the second shot," and in the same sentence you said "I saw them running away"? A. I said so at the last trial.

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Q. Why did you say a different thing today?
A. Last time I was relating the story about the other man; this time about this accused.

His Lordship: Q. Do you mean to say you turned round more than once? A. I looked at the gunman for a long time.

Q. And when you heard the second shot, what exactly did you do?
A. I did not do anything except looking at the thieves.

20

Q. You continued to look at them?
A. Yes.

Q. Isn't it true that after the second shot when you turned round you only saw them running away; they were already moving? A. Yes.

His Lordship: Q. So you were looking at the robbers who were running away?
A. Yes.

Q. So all this other evidence you gave today especially this part "My employer took up the receiver and the gunman fired a shot with his gun"; did you see that actually? A. I did see this happen.

30

Q. Is this the first shot? A. The second shot.

Q. Tan Peng Puan said the first shot? A. The second shot.

Q. I put it to you you never saw your employer taking up the receiver and the gunman fire the shots; you did not see that with your own eyes? A. I deny that.

40

Crown Counsel: Tan Peng Puan said the second shot. My learned friend should be very careful. The Interpreter will vouch for this; he himself interpreted.

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Mr. Tan: I am careful.

Bay Kim Geok Cross-examination 5th & 6th November 1964

Continued

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His Lordship: I find the evidence in my notes. This is what I have written: "When the deceased touched the telephone the accused opened fire the second time."

His Lordship: As I warned you before, Mr. Tan, when you lead any witness in cross-examination you should be very accurate.

Mr. Tan: I shall be very accurate.

20

His Lordship: If you read the section in the Evidence Ordinance, section 144 1(b), leading questions may be asked in cross-examination subject to the following qualifications:

(a) ... (Does not matter).

(b) the question must not assume that facts have been proved which have not been proved, or that particulars have been given contrary to the fact.

Mr. Tan: Yes, my Lord. It was an error; error bona fide.

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His Lordship: In a trial of this nature you must be scrupulously fair and any mistakes made might create a wrong impression in the minds of the Jury. They may think you are justified in putting that particular question and they may form the wrong impression.

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Q. You remember at the first preliminary inquiry on the 18th of December, 1963, you attended a preliminary inquiry on the one now in Changi Prison, the one that was convicted and sentenced to seven years' imprisonment. Now please tell the Court

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actually how many robbers did you see on the night of the incident? A. Three.

Q. You saw all their faces? A. I saw the faces of two robbers.

Q. One sentenced to seven years? A. Yes.

Q. And another one, as you allege, is the prisoner? A. Yes.

Q. Do you remember on that day you gave evidence before the Magistrate? A. Yes.

Q. Then you were cross-examined by counsel for Lau Soon Kim and you said "I was very frightened. I saw only one of the robbers"? A. I saw two in fact. 10

His Lordship: Q. Never mind how many you saw. The question is: Did you on the 18th of December, 1963, at the preliminary inquiry into the case against Lau Soon Kim, say "I saw only one of the robbers." That is what the Magistrate has recorded you as having said? A. I did say this sentence. 20

Q. Now then, it is for you to explain the difference between what you said on that day and what you are telling the Court today. Today you told the Court that you saw two robbers. "I saw the faces of two robbers." A. I said two, he did not catch me. 30

His Lordship: Now, it is for you to explain the difference between what you said on that day and what you told the Court today. Today you told the Court that you saw two robbers. "I saw the faces of two robbers". A. I said two, he did not catch me.

His Lordship: Who did not catch you? A. The interpreter did not hear me. 40

Q. Now, strange as it may seem to you the following sentence was said by you. "I saw only one of the robbers, I was trying to catch the children when the accused pulled me away. So I knew his face." The accused referred to was the one at Changi - Lau Soon Kim? A. I did make this statement to the Magistrate in that inquiry.

Q. Then you also said "I am 16 years old." A. Yes.

10 Q. "The accused pulled my hand away.", i.e. Lau Soon Kim? A. Yes.

Q. "I don't know how the accused was dressed", Lau Soon Kim? A. Yes.

Q. "I kept on looking, kept on swearing at the accused for a long time.?" A. Yes.

Q. In other words, Miss Bay, you have only seen one robber? A. I said I saw two robbers but the interpreter did not hear me.

Q. Miss Bay, you are not telling the truth?
A. I am telling the truth.

20 Q. Do you agree with me that what you said in the Magistrate's Court was correctly recorded by an experienced Magistrate and he had a very experienced interpreter? A. (No answer)

Q. Is there any television set in Bournemouth Rd.?
A. Not at that time.

Q. Now, there is? A. Yes.

(End of Cross-examination.)

(Re-examination by Crown Counsel)

30 Q. Miss Bay, at that time when the other person who was sent to imprisonment for 7 years, he was the only man being tried. The accused here was not being tried? A. Yes.

His Lordship: At which time?

Cr. Counsel: At the time of the Preliminary Inquiry.

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Bay Kim Geok Re-examination 5th & 6th November 1964 Continued

Q. You were concerned about that accused then? A. Yes.

Q. The trial was about that accused? A. Yes.

(End of Re-examination)

(No Questions by Jury.)

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No.11

Tan Eng Bok Examination 9th November 1964

No. 11

EVIDENCE OF TAN ENG BOK

(Sworn) (In English)

(Examination-in-chief by Crown Counsel)

Q. Your name is Insp. Tan Eng Bok? A. That is so, My Lord. 10

Q. You are an inspector attached to the Special Investigation Service, Criminal Investigation Dept.? A. That is so.

Q. At 10.10 p.m. on the 9th November 1963 you were informed of this present case? A. I was.

Q. And you proceeded to 374 Tanjong Katong Rd. A. I did, My Lord.

Q. You arrived there at 10.40 p.m.? A. That is so.

Q. 374 Tanjong Katong Rd. is shown in A.1? A. That is correct. 20

Q. There you met Insp. Sharma? A. I did.

Q. And from him you took over this case? A. That is correct.

Q. At 11.15 p.m. on your instructions did Tan Peng Soon, the photographer, take 17 photographs - Exs.A1 - A17? A. That is so.

Q. Did you then search the premises? A. Yes.

Q. And did you recover two expanded lead bullets?

(Two expanded bullets shown to witness)

A. These are the two expanded lead bullets recovered from the scene.

His Lordship: Marked and admitted as Exhibits D and E.

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Prosecution Evidence

Tan Eng Bok Examination 9th November 1964 Continued

10

Q. You found one of these bullets inside a tin "Goddard's Silver Polish" as shown in A.6?

A. That is so.

Q. From the second shelf? A. Second shelf as shown in A6.

Q. How was this bullet lodged in Exhibit H?

A. The expanded bullet was lodged in the second tin, a tin of "Goddard's Silver Polish" as shown in A6. It looks like a tin but it is made of cardboard.

His Lordship: We will call it the container.

20

Q. Where did you find the other bullet?

A. The other expanded bullet was found underneath the table?

Q. Can you show us where you found it?

A. Photograph A5, that is the table in question, underneath the table.

Q. Which part of the table? A. More or less directly under the calculating machine. It was under the table and could not be seen.

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No. 11
Tan Eng Bok
Examination
9th November
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Continued

Q. At 10.30 a.m. on the 11th November 1963 you received from Dr. Aaron a test tube containing a spent bullet? (Exhibit C) A. I did, My Lord.

His Lordship: Exhibit C is admitted in evidence.

Q. And the test tube containing a sample of blood from the deceased? A. That is so.

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No. 12

Defendant's Evidence

No. 12

Chung Kum Moey @ Ah Ngar
Examination
9th & 10th
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EVIDENCE OF CHUNG KUM MOEY alias AH NGAR

D E F E N C E

Formal warning given to accused.

Accused elects to give evidence on oath.

CHUNG KUM MOEY @ AH NGAR (Accused)

Examination-in-chief by Mr. Tan.

(Affirmed)

(In Cantonese)

Q. What is your name? A. Chung Kum Moey @ Ah Ngar. 20

Q. At that time when you were arrested, 8th June this year; where were you living? A. At the time of my arrest I was living at 300 Victoria Street.

Q. You were a noodle-maker? A. Yes.

Q. Who was your employer? A. His nick name is Ah Kee.

Q. Do you know his full name? A. I do not know his full name.

Q. Your place of work, when you were a noodle-maker, was at 53 Hertford Road?

30

Crown Counsel: My Lord, he is leading the witness.

Mr. Tan: No harm done.

His Lordship: That is an introductory question.

A. Yes.

- Q. Now, please take your mind back; you were arrested on the 8th of June, 1964? A. Yes.
- Q. Some time in early November last year, where were you working? A. At that time I was also working at the same place, making noodles.
- Q. What do you mean "the same place"; is it 53 Hertford Road? A. Yes.
- Q. When did you leave the employment? A. I do not know.
- Q. Were you working in November with this person? A. Yes, I was.
- Q. Did you make noodles on the premises? A. Yes.
- Q. Did you also sleep there? A. Yes.
- Q. Can you tell the Court why you left this job as a noodle-maker? A. I left this place of work because I had a quarrel with a woman who was living adjacent to my room; she was living in a room adjacent to mine.
- Q. What was it about; was it a love affair? A. This girl was moving around with me, but her mother objected to her moving around with me and as a result of her following her mother's instructions we had a quarrel.
- Q. Now you have heard about the time that is mentioned; on the 9th of November, 1963, at about 7 p.m. somebody was shot at 374 Tanjong Katong Road; have you anything to do with this? A. No.
- Q. Do you know one Lau Soon Kim who has the same features as you? A. I don't know him.

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Defendant's Evidence

No.12

Chung Kum
Moey @ Ah
Ngar
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Continued

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No.12

Chung Kum
Moey @ Ah

Ngar

Examination
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Continued

- Q. Did you go into that Mercedes taxi as the taxi-driver said he saw you? A. No.
- Q. Do you know the taxi-driver? A. I don't know him.
- Q. Now we come to the identification parade. You have heard from Inspector Tan that there were several identification parades held at 12.10, 12.20 and at 12.25 on the 8th of June, 1964? A. Yes.
- Q. Can you tell the Court what types of persons; we begin with age of the persons at this identification parade? A. I don't know. 10
- W. Were there older persons, younger persons there? A. I did not pay attention to them. I was taken to the parade. I stood where I was told to stand.
- Q. You have heard Inspector Tan said and also the interpreter that you were given certain facilities like changing of clothes, combing your hair, even allowing you to change shoes, and also to take whatever position you would like to take on the parade; were these facilities, like changing clothes, allowed you? A. Yes. 20
- Q. What about combing your hair? A. Yes.
- Q. What about taking your position on the parade, was that allowed? A. Yes.
- Q. Now you said you did not know their ages because you did not notice, what about the build of the other people? A. About the same, some of them were slightly shorter. 30
- Q. What about their hair? A. I did not pay attention to their hair.
- Q. Now we begin with Tan Peng Puan, was he there; did he point you out that day; look at him? A. He did not point me out.
- Q. Who pointed you out, can you remember; can you describe him? A. The person who pointed me out is of very heavy build.

Q. Is he anywhere in Court; look at the people in the gallery, or any of the male witnesses?

A. No.

Q. Then you also heard the evidence of this girl, Goh Ah Hong, the English-speaking girl; was she there to identify you that day? A. No.

Q. That day she gave evidence, she said she identified you at the C.I.D.; was she there; she speaks English? A. Goh Ah Hong did not go to the C.I.D. to attend the identification parade in which I was on.

Q. There was another person, a girl, a baby sitter, Bay Kim Geok, who was always crouching around, under 14; did she go to the C.I.D.?

A. Yes she went to the C.I.D. and she identified me.

Q. What about our stout friend, the taxi-driver?

A. He identified me also.

Q. Did anything happen to you when you were detained in the C.I.D.? A. Four or five inspectors assaulted me; they told me to admit this offence.

Q. What did they do to you? A. They surrounded me and assaulted me. They said "Unless I admit, otherwise they would continue to beat me up."

Q. What did you do? A. I could not help admitting because I was very severely assaulted.

His Lordship: I think that is inadmissible.

Mr. Tan: Yes, my Lord.

Q. What did you do in desperation, that is all I want to know, that part; in desperation what did you do? A. They assaulted me. They put me against an air-conditioner and said they would beat me up until I admit the offence.

Q. Now this place Victoria Street at 2 a.m. in the morning on the 8th of June, 1964, what were you doing there? A. I went there to look for work.

His Lordship: Q. At what time? A. 2 a.m. on the 8th of June.

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Continued

Q. When you went there for work, what time did you go? A. I cannot remember what time I went there.

Q. Evening or night? A. I went there at night.

Q. Did you sleep there? A. Yes.

Q. During the raid how many of you were detained?
A. Five were detained.

Q. By Inspector Michael Chan? A. Yes.

(At 4 p.m. Court adjourns to 10.30 - 10.11.64)

(On former affirmation)

Q. Now you have heard the evidence in this case;
on the 9th of November, 1963, where were you,
can you remember? A. I cannot remember. I
seldom go out. I believe I was in the house
that day. 10

Q. Where is that; was it at Hertford Road where
you make the noodles? A. Yes.

Q. This gentleman here (Leong Wing Kee produced);
do you know him? A. Yes, he is my employer.

Q. How many months did you work for him?
A. I worked for Leong Wing Kee from August, 1963,
to December, 1963. 20

Cross-
examination
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Cross-examination by Crown Counsel.

Q. How old are you? A. According to English
reckoning I am 29.

Q. You said you were a noodle-maker? A. Yes.

Q. For how long have you been making noodles?
A. Several months.

Q. From when did you start making noodles?
A. No.53; I do not know the name of the road;
it is near the White Bridge. 30

Q. I asked you from when did you start making
noodles? A. August, 1963.

Q. Before that what were you doing; were you selling ice-water or what? A. I was selling noodles then.

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Q. It is not true that you only started making noodles from August, 1963? A. I started making noodles in August, 1963; prior to that I was selling noodles.

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His Lordship: Q. You mean cooked noodles?
A. Yes, cooked noodles.

Chung Kum Moey @ Ah Ngar

10 Q. When did you have this quarrel with this girl friend of yours? A. After working there for just over a month I made friends with her.

Cross-examination
10th November 1964

Q. And after working for a month you quarrelled with her? A. Several months later we were not on friendly terms.

Continued

Q. When did this quarrel take place? A. At my place of work.

Q. When? A. About three months after I had known her I quarrelled with her.

20 Q. What is the girl's name? A. Ah Choo.

Q. As soon as you had the quarrel did you leave your job? A. I cannot remember.

Q. You cannot remember when you left the job? A. I think some time in December.

Q. From what time you start your work in the morning? A. Eight o'clock.

Q. And when you end working? A. My work finishes off at some time past 12 noon.

Q. After 12 o'clock you are actually free? A. Yes.

30 Q. What is your pay? A. I was paid \$3 to \$4 a day.

Q. After work where do you normally go to, what places do you frequent? A. I always remain at home.

Q. You never go out after work? A. Seldom.

Q. You go out to coffee shops? A. No, I always buy coffee and bring it home.

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Chung Kum
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examination
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Continued

- A. Are you telling us you have never been to a coffee shop? A. Seldom.
- Q. Do you know Victoria Street? A. Yes.
- Q. Do you know any coffee shop there? A. No.
- Q. Ban Whatt Coffee Shop? A. I do not know.
- Q. I put it to you that you know this coffee shop very well? A. I seldom go to this coffee shop to have my coffee.
- Q. You seldom go to this coffee shop to have coffee; in other words, you have been to this coffee shop? A. For some time I had lived near this coffee shop at Victoria Street. I had occasion to pass by this coffee shop and also had doffee in this coffee shop. 10
- Q. Why did you tell us you had never been to this coffee shop? A. Seldom, when friends invite me to go I accompanied them.
- Q. At one stage you told us that you never went to a coffee shop at all at Victoria Street; whom did you meet in this coffee shop, Ban Whatt Coffee Shop? A. No one in particular. 20
- Q. You meet your friends and have coffee there? A. Seldom.
- Q. You know that coffee shop in Victoria Street quite well? A. Yes.
- Q. On the 8th of June, 1964, where did you go? A. I cannot remember.
- Q. When your counsel asked you where you were, you said you went to Victoria Street? A. I cannot remember the date; I did not pay attention to dates. 30
- Q. You told us you went to Victoria Street on the 8th of June, 1964; why did you forget so quickly? A. I just cannot remember where I went on that day.
- Q. You even told us that you went there to look for a job? A. I went there to look for work.
- Q. Now you remember? A. I cannot remember the date.

- Q. What time did you go and look for the job?
A. I cannot remember the exact time, but I went there in the afternoon.
- Q. So what you told us earlier on is a lie; you told us you went there at nine? A. I went there in the afternoon; I also went there at nine.
- Q. Why did you go in the afternoon; you went there to see your friends? A. I went there to look for friends; some of them would be in in the afternoon, some of them would not be in.
- 10 Q. Why did you go at nine? A. They would be finishing their work by that time; that is why I went there at nine.
- Q. That is all you went there for, nothing else?
A. Nothing else.
- Q. Look, you told us that you went there to look for a job? A. Yes, that was my object, nothing else.
- Q. You told us a few minutes ago you went there to see some friends? A. To look for friends to recommend me for work.
- 20 Q. At nine at night? A. I cannot remember what time.
- Q. It is very strange you can remember when your counsel asked you, but you cannot remember it now?
- Mr. Tan: It was an introductory question. I cannot remember what happened last month unless I look into my diary.
- Crown Counsel: I hope my learned friend will not interrupt me; he will have his turn in re-examination.
- 30 His Lordship: Proceed, Mr. Deputy.
- Q. So you have forgotten this in scarcely 12 hours?
A. Sometimes I can remember.
- Q. Now, 9th of November, 1963, the day of the murder, you know that date? A. I do not know.
- Q. Now, where were you on that day? A. You are referring to day and time?

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- Q. Yes, day and time? A. I was attending to my work.
- Q. What time were you working from? A. Eight o'clock in the morning.
- Q. To? A. Some time past 12 noon.
- Q. After 12 noon where were you? A. After work I was tired, had a rest and went to sleep.
- Q. How long did you sleep? A. I got up and I was about to begin work again.
- Q. You mean you slept from 12 o'clock till the next day 8 o'clock; is that what you are asking us to believe? A. I got up roughly at about 3 o'clock. 10
- Q. You told us you slept till the next day; why didn't you tell us the truth? A. I had to work till evening.
- Q. You never told us you worked till evening; you told us you worked from 8 to 12? A. I had to work again some time past 3 o'clock.
- Q. You told us you were sleeping; you do not work and sleep together? A. Well, I could sleep when I was free in the afternoon. 20
- Q. Look you told us that you slept from 12 to the next day at 8; now you tell us you started work at 3 the same day; now which is the truth? A. I said that I slept until I was about to begin to work. When I say about to begin work I refer to the work at 3 in the afternoon.
- Q. You told us earlier on that your work commenced at 8 o'clock and finished at 12 o'clock? A. I was not asked whether I had to do work in the afternoon. 30
- Q. You told us that after 12 you never did any work?

His Lordship: He said "I finished work at some time past 12 after that I was free."

Mr. Tan: He finished at 12 and then another session.

His Lordship to witness:

Q. How many sessions of work do you have to do? A. Two.

Q. What were the hours? A. The first session is between 8 and some time past 12. The second session starts from some time past 3 till the work is completed and till dinner is cooked.

Q. What time is that? A. Sometime past six.

Q. On that day at about 6 p.m. where were you?
A. I was at my place of work.

Q. Where is that? A. At No. 53.

Q. Why don't you make up your mind. At one time you said No. 52 and now you say 53? A. 53.

Q. Not 52? A. 53.

His Lordship: My notes say 53.

Cr. Counsel: His evidence-in-chief is 52.

His Lordship: 53.

Q. Did you go out for coffee that day? A. No.

Q. What did you do? A. Anything.

Q. What anything did you do? A. Filled the pressure lamp with kerosene and adjusted the lamp.

Q. Only about ten minutes ago you told us that you did not know where you were on the 9th November, 1963? A. I don't understand you.

Q. The simple question is, you told us you did not know where you were on the night of 9th November 1963, now you know you filled in kerosene on the pressure lamp? A. I Was there everyday, I worked there.

Q. Tell us today where you were on the 9th November?
A. I did not go anywhere else.

Q. I put it to you that on that day you went to 374 Tanjong Katong Rd.? A. No.

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Continued

- Q. In a taxi? A. No.
- Q. And there you murdered the deceased? A. No, I know nothing about this.
- Q. You shot the deceased? A. No, I know nothing about this case.
- Q. Let us go back to the identification parade on the 8th June 1964. A. Yes.
- Q. There were you a member of the parade? A. I was.
- Q. Were you given all the facilities by Insp. Tan i.e. to change position if you wanted to in the Parade? A. Yes. 10
- Q. And why do you tell us that you were taken to the parade and told where to stand? A. I never said so.

Cr. Counsel: My Lord, he said that in his evidence-in-chief. "I was taken to the parade and told where to stand."

His Lordship: Well, I have recorded him as having said in his evidence-in-chief "I stood where I was told to stand."

- Q. So, what you told us earlier on is a lie? A. I did not say so. 20

His Lordship: But at the same time in fairness to him he did go on to say "I was offered the opportunity to change clothes, comb my hair, choose my own position in the parade."

Mr. Tan: What he meant was the sequences. He was told to line up and pick his position.

- Q. Now this so-called assault, when were you assaulted? A. On the first day of my arrest I was assaulted at night. 30
- Q. Severely? A. I had pains all over my body.
- Q. Did you tell anyone about the assault? A. All of them were detectives and inspectors, I did not tell them.

Q. The next day you appeared before a Magistrate?
A. Yes.

Q. Why did you not tell him that? A. I was assaulted after I had been brought to the Magistrate's Court to be charged.

Q. You told us that you were assaulted when you were arrested? A. No, I did not say that.

10 Q. Why did you take five minutes later to say that you were assaulted? A. I was told that I could make a complaint either at the lower Court or the Higher Court, I reserved my complaint and made it here.

Q. You reserved it for five minutes? A. Yes.

Q. So that you could invent a story? A. I was assaulted, it is a fact.

Q. Did you bang your head on the floor in despair?
A. I banged my head against the wall, not on the floor.

20 Q. Why did you do that? A. I could not stand the assault anymore, that is why I banged my head against the wall.

Q. So you wanted to hurt yourself more?
A. I could not stand the beating up, I was having pains all over my body.

Q. Now, in your identification parade how many witnesses identified you? A. At the parade five witnesses attended out of which four identified me.

30 Q. Do you remember the four witnesses who identified you? A. Two came and two did not come at all.

Q. I cannot understand your reasoning. You said four identified you and now you come and tell us that two identified and two did not come at all. Look, why don't you tell us the truth?
A. At the parade I was first identified by a person who was of a heavy build, the second person who identified me was a woman who is an older girl who came here to give evidence.

Q. What did they identify you as? A. I do not know.

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Defendant's
Evidence

No.12

Chung Kum
Moey @ Ah
Ngar
Cross-
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No.12

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Moey @ Ah
Ngar

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Continued

- Q. I will tell you what they identified you as. They identified you as the gunman who fired the shots on the deceased. A. I was not told.
- Q. Why should they identify you then? A. I do not know.
- Q. Don't you think it is ridiculous that four people should come and identify you as the gunman unless it is true? A. I do not know, it is a frame-up.
- Q. What is the name of your employer whom you worked with? A. He is known to me as Ah Kee.
- Q. You do not know him by any other name? A. I do not know.
- Q. When you tell lies you forget very quickly. You told us that your employer's name was Leong Weng Kee. A. I was not asked his full name, I know him only as Ah Kee.
- Q. Then why did you give his name a Leong Weng Kee? A. He is known to me as Ah Kee.
- Q. Look, I put it to you that on the 9th November 1963 at 374 Tanjong Katong Rd. you murdered the deceased with a gun? A. No.
- Q. By shooting him in the forearm and chest? A. No, I did not go there.
- Q. Where did you hire the gun? A. I know nothing about this matter.
- Q. You told us you had a girl friend. Why did you quarrel with this girl? A. She was moving around with me, her mother objected to that then we had a quarrel.
- Q. Do you know where this girl works? A. I do not know where but I know she was working in a rubber factory.

(End of Cross-examination)

(Re-examination by Mr. Tan)

- Q. You see when you were employed by Ah Kee your work was all routine work - noodle making in the morning and some other work. In other words you did whatever there was to be done? A. Yes.
- Q. As far as dates are concerned you cannot remember? A. I can't remember dates.
- Q. It is all approximate dates? A. Yes.

(End of Re-examination)

10 (No Questions by Jury)

No. 13

SUMMING-UP BY MR. JUSTICE J.W.D. AMBROSE

Members of the Jury, the time has now come for me to give you the necessary guidance as to the law applicable to this case and also to sum up the evidence.

20 First, I will deal with your functions. It is your task to decide all questions of fact in this case. You must base your decisions on the evidence before you and nothing else. Your minds must not be swayed by sympathy either for the deceased or his widow or for the accused. Do not allow your minds to be influenced by prejudice or mere suspicion. As sole judges of fact, you should be absolutely fair and impartial. You will give due consideration to any opinions expressed by me regarding the facts; but it is your duty to disregard them if you disagree with them. You are, however, to regard my directions on the law as binding on you.

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Now, let us turn to the charge. The accused is charged with murder. It is alleged that on the 9th November, 1963, at about 7.15 p.m. he murdered one Chia Mui Song at No. 374 Tanjong Katong Road, Singapore.

I will now explain to you what murder is. A person commits murder if he causes the death

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of another person by doing an act with the intention of causing death. But that is not the only way of committing murder. For murder may be committed without any intention of causing death. If a person intends only to cause bodily injury, and commits an act which causes death, he commits murder if the injury intended to be inflicted by him is sufficient in the ordinary course of nature to cause death. In other words, he commits murder if the intended injury will most probably result in death. It does not matter if he does not know that the intended injury will most probably result in death. If the intended injury is not sufficient to cause death, what is the position? In such a case, the person committing the act which causes death commits murder if two conditions are fulfilled. First, he must know that the act is so imminently dangerous that it must in all probability cause death or bodily injury likely to cause death. Secondly, he must commit the act without any excuse for incurring the risk of causing death or bodily injury likely to cause death.

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I will now instruct you as regards the burden of proof. The most important principle to be borne in mind by you as sole judges of fact is this. It is the duty of the prosecution to prove the guilt of the accused beyond reasonable doubt. A reasonable doubt is one for which a sensible reason can be supplied. It is not the duty of the accused to prove his innocence. The accused is presumed to be innocent until he is proved to be guilty. The prosecution has to prove the particular intention or knowledge against the accused. How is intention or knowledge of the accused to be proved by the prosecution? Intention or knowledge cannot be perceived by others, and therefore it cannot be proved by the evidence of those who have perceived it by one of the senses. The prosecution can prove intention or knowledge only by inviting you as sole judges of fact to draw inferences. The matters from which an inference as to intention and knowledge can be drawn are the nature of the act done, the surrounding circumstances in which the act was done, and other relevant facts, if any. You have to consider what is the particular intention or knowledge which is naturally suggested by the nature of the act of the accused and the surrounding circumstances. If the circumstances in which the act was done indicate that it is reasonably possible that it might have been done

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with some intention or knowledge other than the one asserted by the prosecution, or without any intention or knowledge, then you cannot draw the inference which the prosecution invites you to draw. You can draw an inference against the accused only when it is irresistible i.e. unavoidable.

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10 Let us turn to the evidence of death and cause
of death. On the 10th November, 1963, about 9.30
a.m. Dr. Aaron, the pathologist, examined a dead
body which was identified to him as that of Chia
Mui Song by Inspector Sharma and Inspector Tan Eng
Bok. This is Dr. Aaron's evidence. The cause of
death was haemorrhage from two gunshot wounds of
the chest and abdomen. As regards the chest wound
there was a bullet wound of entry circular in shape
and 8 millimetres in diameter on the front of the
right chest over the region of the fourth rib. The
bullet went in an oblique direction, passed through
20 the muscles and then through the fourth rib near
the junction with the cartilage. Then it entered
the chest cavity and went through the right lung,
the upper portion of the heart and ruptured the
aorta, which is the large blood vessel, in two
places. Then it went through the left lung and
ruptured one of the large bronchial tubes with the
accompanying blood vessels. The bullet fractured
the 8th rib and cut the soft tissues, and finally
came to rest below the skin. There were two
30 ounces of blood in the right pleural cavity. The
bullet found by Dr. Aaron was Exhibit C. In the
opinion of Dr. Aaron, the chest wound was suffic-
ient in the ordinary course of nature to cause
death. As regards the wound in the abdomen there
was a bullet wound of entry circular in shape and
8 millimetres in diameter on the front of the
right 8th intercostal space. The bullet passed
through the 8th intercostal space, the diaphragm,
the right lobe of the liver and the pylorus. The
40 bullet emerged through the left flank leaving an
exit wound 1.5 centimetres long. In the opinion
of Dr. Aaron, the injury to the abdomen of the
deceased which ruptured his liver and caused
haemorrhage in the abdominal cavity was sufficient
in the ordinary course of nature to cause death.
In Dr. Aaron's opinion, the injury to the chest by
itself was fatal and the injury to the abdomen by
itself was also fatal. I can see no reason why
you should not accept the doctor's evidence. You
50 will have no difficulty on the evidence before you

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in coming to the conclusion that the deceased died on the 9th November, 1963 as a result of two bullet wounds, and that the bullet wounds which caused his death were sufficient in the ordinary course of nature to cause death.

I come now to the first main issue in this case. It is this. Did the accused fire the two bullets which penetrated the deceased's chest and abdomen and caused his death? Let us consider the evidence led by the prosecution very carefully. This is the evidence of the main prosecution witness, Tan Peng Puan, a shop assistant employed at the shop at 374 Tanjong Katong Road where Chia Mui Song, his maternal uncle, was killed. On the 9th November, 1963 about 6.50 p.m. he went to the back door of the shop to go to No. 9 Bournemouth Road to have his bath. Bournemouth Road is the first side road to the south of the shop and on the west side of Tanjong Katong Road and is close to the shop. Tanjong Katong Road runs north and south, and the shop itself is on the west side of Tanjong Katong Road. When Tan Peng Puan went to the back door there were in the shop the deceased, two girls named Goh Ah Eng and Goh Ah Hong, a servant girl named Bay Kim Geok, and two little children of the deceased. As Tan Peng Puan was about to walk out of the back door, he was confronted by three men. One of them, who was a Cantonese, asked him to walk into the shop. The Cantonese took out a revolver and pointed it at Peng Puan with his left hand, and with his right hand he twisted Peng Puan's left arm behind his back. The Cantonese was the accused. The other two intruders were armed with knives and were behind the accused. The lights were on in the rear portion of the shop as well as in the front portion. Peng Puan walked to the front portion of the shop. The deceased was then seated at a table which is shown in Exhibit A4. This table is on one's left as one walks to the front from the rear of the shop. Peng Puan walked up to the table. The accused's companions guarded the three girls and ordered them not to move. The accused spoke in Cantonese to the deceased and asked him to come out. The accused also told the deceased not to move, and that, if he moved, the accused would open fire. The deceased came out and stood by the side of the table near Peng Puan. The accused asked the deceased for the keys. The deceased did not give the accused the keys. The accused tried to search the body of the deceased. The deceased brushed the

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accused's hands away. The accused opened fire in the direction of the deceased. The bullet hit the deceased on the right arm. One of the other two intruders and the deceased had a tussle over a chair. The accused went and stood behind Peng Puan with his revolver against Peng Puan's back. The deceased and the intruder who was trying to get hold of the chair released the chair. The deceased went to pick up the telephone which was on the table shown in Exhibit A4. When the deceased touched the telephone the accused opened fire a second time. Peng Puan saw the deceased holding his chest with his hand, the deceased then collapsed to his right. The accused and his two companions ran out of the shop through the rear door and Peng Puan ran after them. They ran along the backlane towards the north and entered Wilkinson Road, which is the first side road on the north of the shop. They ran along Wilkinson Road towards the west and then at the junction with Crescent Road, which is parallel to Tanjong Katong Road, turned to their left and ran along Crescent Road towards the south. There they split up, the accused and one of the intruders ran back towards the north to the junction of Wilkinson Road and Crescent Road, and escaped in a taxi which had come along Wilkinson Road, turned right into Crescent Road and stopped slightly north of the junction. The taxi drove off towards the north. The other intruder ran south along Crescent Road and hid under a culvert and was pulled out by Peng Puan and others and handed to the police. On the 8th June, 1964, at 12.15 p.m. at an identification parade held by Inspector Tan Eng Bok at the C.I.D., Tan Peng Puan identified the accused as the man who held the revolver and opened fire at the deceased. It may be mentioned here that this identification by Tan Peng Puan was confirmed by Inspector Tan Eng Bok.

I come now to the evidence of Goh Ah Hong, a school girl who was 15 years old at the time of the shooting incident. The deceased was her mother's sister's husband. She is now a Secondary Four student at Tanjong Katong Girls' School. This is her story. She was leaning against the end of a showcase watching a television programme. All the lights in the shop were switched on. This end of the showcase can be seen in Exhibit A3. The television set which was at the other end of the showcase can be seen in Exhibit A2. The television set was near the shutters of the shop, which also can be seen in Exhibit A2. Suddenly Ah Hong felt something prodding

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her back. She turned round and saw a Chinese carrying a dagger. He said something and pushed her to the table on her left which was opposite the showcase. She was facing the television set. She saw another Chinese who was carrying a gun. He was the accused and he faced her uncle, the deceased. She also saw a third Chinese who was carrying a dagger. She heard the murmuring of voices, a chair being dragged and then a shot being fired. She turned round and saw the deceased staggering towards the table. When the deceased's hand touched the telephone, the accused fired another shot. The deceased put his hand on his chest and fell on the floor. The accused and the other two intruders ran to the back door of the shop which is shown in Exhibit A3. Tan Peng Puan ran after them. Goh Ah Hong telephoned No. 9 Bournemouth Road, which was her home. On the 8th June, 1964 about 12.15 p.m. she attended an identification parade held at the C.I.D. by Inspector Tan Eng Bok. There she identified the accused as the man who shot her uncle. I may mention here that this identification by Goh Ah Hong was confirmed by Inspector Tan Eng Bok.

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Now I turn to the evidence of Goh Ah Eng, the sister of Goh Ah Hong. Goh Ah Eng is a clerk in the Audit Office. She was in the shop about 7 p.m. on the day in question with the deceased who was her uncle, her sister Goh Ah Hong, the servant girl Bay Kim Geok, and three children who were her cousins. About 7 p.m. they were preparing to watch television. The lights were not switched off and it was very bright inside the shop. All of a sudden she noticed three complete strangers coming into the shop preceded by Tan Peng Puan. She was then seated about 7 ft. from the television set with the servant girl, Bay Kim Geok, seated about 2 ft. to her right. One of the strangers prodded her back with a knife. She was asked to stand up and face the wall and she did so. She was short-sighted and she could not identify any of the three strangers as she was not wearing her spectacles at the time. A short while later, she heard the noise of a chair being dragged, and the sound of a shot being fired. After a short interval, she heard another shot being fired. She turned round and saw the three men running away. She also saw her uncle collapsing on the chair behind the table, with blood rushing from his chest, and then on to the floor. While Goh Ah Hong used one telephone to ring up 9 Bournemouth

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Road, Goh Ah Eng rang up the police and called for the ambulance. Exhibit G is a certified copy of her message to the police.

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10 Now I turn to the evidence of Bay Kim Geok, the servant girl, who is 15 years old and gave evidence on affirmation. On the day in question about 7 p.m. three robbers came in from the rear of the shop. Two of them had a knife each and the third had a gun. The man who carried the gun was the accused. He told her to stand up and put her hands up and face the wall behind the showcase. She did so. He told her employer to produce the keys. She turned round and looked at the accused and then continued to look at him. She did not look at the other two persons. She only paid attention to the accused. She heard two shots being fired. The second shot was fired by the accused when the deceased picked up the telephone. The deceased collapsed. The three robbers ran towards the rear of the shop. On the 8th 20 June, 1964 about 12.25 p.m. at an identification parade held at the C.I.D. she identified the accused as the person who fired the gun at her employer. I may mention here that this identification by Bay Kim Geok was confirmed by Inspector Tan Eng Bok.

30 Now I turn to the evidence of Toh Siang Choo, the wife and business partner of the deceased. She lives on the first floor of No. 372 Tanjong Katong Road, which is next door to No. 374, where the shooting incident took place. Her family lives at No. 9 Bournemouth Road. On the day in question about 7.05 p.m. she came down from the first floor of No. 372. She walked to the shop. The collapsible gate was closed. The shutters were closed, excepting two flaps. She looked into the shop. The lights were on. She saw many people inside the shop. She also saw her children watching television. A male Chinese who was in the shop came up to the collapsible gate, and asked "Are you going to buy something?" She had a strange feeling in her heart, 40 because he was not one of her employees. She concluded he might be a robber. She spoke to him and said she wanted to buy something. He said the shop was not opened for business. She then went to the coffee-shop next door and rang for the police. She also telephoned No. 9 Bournemouth Road and said that there was a robbery at the shop and asked for assistance. At that time most of her employees were having their evening meal there.

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I now turn to the evidence of Liew Kiat Sheong, the taxi-driver. He took the accused and his two companions in his taxi to Bournemouth Road shortly before the incident and was asked to wait for them at the junction of Crescent Road and Wilkinson Road. He waited there, and after he had waited for three or four minutes the accused and one of his companions came running to his taxi. The accused had a gun and his companion had a knife. His engine was running and he wanted to drive off. The accused shouted "Don't run away or else I will shoot you." The accused was holding the revolver in his hand. The taxi-driver was frightened. The accused and his companion got into the taxi. Inside the taxi the accused warned him not to make a report, otherwise the accused would kill him. The accused and his companion got out of the taxi at the junction of Tanjong Katong Road and Geylang Road.

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I now come to the evidence of the accused. This is what the accused said. From August to December 1963 he was employed as a noodle-maker by one Ah Kee at 53 Hertford Road. He did not go to the shop at 374 Tanjong Katong Road on the day of the incident. He could not remember what he was doing at the time of the incident, but he was not at the shop. After work he always remained at home and seldom went out. He seldom went out to have coffee at a coffee-shop. He did not go in a taxi to Bournemouth Road before the incident. He did not shoot the deceased. He knew nothing about the shooting.

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Ah Kee was called by the defence and confirmed that the accused was employed by him at 53 Hertford Road as a noodle-maker. He said that generally the accused finished work at 5 p.m., unless there were urgent orders, in which case he would continue work after 5 p.m. He did not know what the accused did after finishing his work.

I come now to the comments made on the evidence of Bay Kim Geok. It was suggested by defence counsel that Bay Kim Geok should be treated as a child of tender years. She is 15 years old. She was 14 when the incident took place. In my opinion, she is not a child of tender years, and she gave evidence on affirmation. If she was a child of tender years, she would not have been allowed by me to give evidence on affirmation. If she was a child of tender years and gave evidence not on affirmation,

it would have been my duty to warn you that, although you may convict upon her unsworn evidence, it would be dangerous to do so unless it is corroborated. I do not think any such warning is called for in her case. But I would draw attention to one very serious discrepancy between the evidence given by her in this case and the evidence given by her on the 17th December, 1963 in the preliminary inquiry into the case against Lau Soon Kim, the robber who was caught when he was hiding under the culvert in crescent Road shortly after the incident. In that preliminary inquiry Bay Kim Geok said "I was very frightened, I saw only one of the robbers." In the present case in her cross-examination she admitted that she made that statement in that preliminary inquiry. The passage in her deposition was shown to the witness but after making the admission she proceeded to say that she said at the preliminary inquiry she saw two robbers but that the interpreter did not hear her. Bay Kim Geok also admitted that at the trial of Lau Soon Kim in March 1964 in Criminal Case No. 84 of 1963 she said these words:

" One of them armed with a knife asked me to stand up and keep quiet. I stood up. We were asked to face the wall to the right as one looks at the front door. The same robber took hold of my hand, I had a good look at him. He asked me to stand still. I looked at him for a short while till I heard one shot, then another. I turned round after the second shot and saw them running away. I can recognise the one who held my hand, it was the accused. "

She admitted that there she was referring to Lau Soon Kim, the accused, in the other case. It seems to me that if you compare the evidence given by her in that other case with the evidence given by her in the present case, you have to reject her identification of the accused in the present case.

I come now to the comments made on the evidence of the Taxi-driver, Liew Kiat Sheong. It was suggested that the taxi-driver was an accomplice. Whether he was an accomplice or not is a question of fact for you to decide. But you have to be told what an accomplice is. The strict view is that an accomplice is one who participated in the actual crime charged, which in this case is murder. The taxi-driver did not go into the shop. Lau Soon

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Kim, who went into the shop, was not implicated in the shooting of the deceased. It seems to me that there is no evidence on which you can come to the conclusion that the taxi-driver was an accomplice in the crime of murder with which the present accused is charged. Strictly speaking, therefore, it cannot be said that the taxi-driver was an accomplice. But it seems to me that, although the taxi-driver was not a participant in the crime of murder, he was a party to the transaction of attempted robbery, in the course of which the deceased was shot. I think, therefore, that even though strictly speaking the taxi-driver was not an accomplice, I should warn you that although you may accept the evidence of the taxi-driver, it is dangerous to do so unless his evidence is corroborated. The evidence in corroboration must confirm some particular of the taxi-driver's story which connects the accused himself with the shooting of the deceased. The evidence in corroboration must be independent testimony which affects the accused by connecting or tending to connect the accused with the crime. The evidence of Tan Peng Puan is such independent testimony, if you accept it. And so is the evidence of Goh Ah Hong, if you accept it. The danger you have to guard against is that the taxi-driver may have exaggerated when he said that the accused came running to him with a gun and threatened him and that he allowed the accused and his companion to get into the taxi because he was frightened. It was suggested by defence counsel that the taxi-driver's evidence and demeanour suggested strongly that he was an accomplice in the attempted robbery in so far as he was to assist the robbers to get away from the scene in his taxi as quickly as possible. That seems to me a reasonable possibility. Speaking for myself I do not accept the taxi-driver's story that the accused threatened him with a gun. In my opinion there was no need for the accused to do so, but that is a matter for you to decide. It is not disputed that the taxi-driver was detained under the provisions of the Criminal Law (Temporary Provisions) Ordinance. It may be presumed from that that the taxi-driver was associated with activities of a criminal nature. Such a person's evidence has to be scrutinized very carefully before it can be accepted. I think his evidence that the accused carried a gun and threatened him should be rejected. He may have said that merely to ingratiate himself with the police. Furthermore, there was a

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discrepancy between the evidence given by him at the trial of Lau Soon Kim and the evidence given by him in the present case. There he said his eyesight was not particularly good: see Exhibit 1 put in by the defence. Here he denied that he said so in that trial. You have to ask yourselves seriously whether you can accept his evidence that the accused carried a gun and threatened him with it. If you are in reasonable doubt, you should reject that evidence.

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10 I come now to the comments made on the evidence
of Goh Ah Hong. It was suggested that Goh Ah Hong,
who is now 16 years old, should be treated as a
child of tender years. In my opinion she is not a
child of tender years. You observed her when she
gave evidence. It is for you to assess her intelli-
gence and honesty. It was also suggested that Goh
Ah Hong could not have turned round in the way she
demonstrated in this Court upon hearing the first
shot. That is a matter for you to consider very
20 carefully and decide. It was also suggested that
Goh Ah Hong did not go to the identification parade
on the 8th June, 1964, and that someone else was
substituted for her. You have heard Inspector Tan
Eng Bok's evidence and Goh Ah Hong's evidence that
she did attend at the identification parade and pick
out the accused as the man who shot her uncle. You
have also heard the accused's evidence that he did
not see Goh Ah Hong at the identification parade and
that she did not identify him. It is for you to
30 decide whether Inspector Tan Eng Bok and Goh Ah
Hong told the truth or whether the accused told the
truth.

40 I come now to the comments made on the evidence
of Tan Peng Puan. It was suggested that Tan Peng
Puan was not in the shop at the time of the shooting
and that he was having his evening meal at No. 9
Bournemouth Road when the shooting took place. Tan
Peng Puan said that he went for his dinner at No. 9
Bournemouth Road at 6 p.m. with the deceased and that
they both returned to relieve the other employees so
that they could have their dinner. The Pathologist's
evidence was that the deceased's stomach contained a
full meal of partly digested rice and mee hoon
stained with blood and that the duodenum was empty.
The deceased's wife said that the deceased and Tan
Peng Puan went and always had their meal first about
6 p.m. or 6.30 p.m. at No.9 Bournemouth Road and
that the other employees would then go and have
their meals. It was also suggested that Tan Peng

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Continued

Puan's evidence that the accused twisted his left arm behind his back and held him with his right-hand all the time could not be true as the accused would have been then unable to search the deceased. As regards this you will remember that Tan Peng Puan said that the accused released his hold on Tan Peng Puan's arm before searching the deceased.

I come now to the suggestion made by defence counsel that it was Lau Soon Kim who had the gun. It was suggested also that Lau Soon Kim went under the culvert to bury his revolver. To me the suggestion seems fantastic, but you must come to your own conclusion as regards that suggestion. It seems to me that, if Lau Soon Kim had the revolver, he would have used it to ensure his escape, and that, if he wanted to get rid of the revolver, he could have done so long before he reached the culvert in Crescent Road.

10

I come now to the suggestion that the accused was mistaken for Lau Soon Kim. There was a suggestion that Lau Soon Kim, the robber who was arrested and convicted, resembled the accused. I therefore caused him to be brought here from Changi Prison for your inspection. He was put in the dock side by side with the accused for you to compare their appearance. A photograph of Lau Soon Kim, Exhibit 2, has been put in by the defence. It is for you to decide whether the accused and Lau Soon Kim resemble each other and whether any mistake could have been made by Goh Ah Hong and Tan Peng Puan in identifying the accused as the man with the revolver who shot the deceased.

20

A point arises out of the accused's evidence that Goh Ah Hong did not attend at the identification parade. If you accept the evidence of Goh Ah Hong and Inspector Tan Eng Bok that she attended the identification parade and identified the accused, then you must also consider whether the accused has told a lie. If you think he has told a lie, you must consider whether you can accept his story that he was not present at the scene of the incident on the 9th November, 1963.

30

40

You must consider the accused's evidence very carefully. If you believe his story that he was not at the scene of the incident, you must find him not guilty. If you do not believe it, but it raises a reasonable doubt in your minds as to whether he was

present at the scene then, too, you must find him not guilty. If you are satisfied beyond reasonable doubt, that the accused was present at the scene and that he fired the two bullets which penetrated the deceased's chest and abdomen and caused his death, you must go on to consider further questions about the state of his mind at the time he shot the deceased.

10 It is necessary first to consider how many shots were fired. Tan Peng Puan, Goh Ah Hong and Goh Ah Eng said they heard two shots, but at least three bullets were fired according to Dr. Aaron, judging from the wounds on the forearm of the deceased, on his back and on his chest and abdomen. One bullet, Exhibit C, was found by Dr. Aaron. Two more bullets were found in the shop, they are Exhibits D and E. One of them was found in a cardboard container behind another cardboard container on a shelf on the wall behind the

20 deceased's table and the other was found under a table on the left-hand side of one standing behind the table and facing the showcase opposite it. A.S.P. Sahari bin Sulaiman, the Armament Officer of the Royal Malaysian Police, testified that he examined the three expended bullets and found that they were marked on their peripheries with five grooves right-hand twist rifling engravings, indicating that they had been discharged from a .38 special revolver with five grooves and right-hand

30 twist system of rifling.

According to Tan Peng Puan the first shot hit the deceased's right forearm. In my opinion that shot most probably grazed the deceased's back and ended up in the cardboard container on the shelf after penetrating the cardboard container which was in front of it. It seems to me also that it was the second shot which went through the deceased's chest and heart and came to rest under the deceased's skin at the back. It seems to me also that a third shot

40 was fired immediately after the second shot so much so that the sound of the second and third shot was heard without any break.

Now the first question you have to decide in connection with the state of mind of the accused is this: Did he intend to cause the death of the deceased? It seems to me a reasonable possibility that when he fired the first shot he was merely trying to intimidate the deceased and make him hand

In the High
Court of
Singapore

No.13

Summing Up
by Mr.
Justice
J.W.D. Ambrose
11th November
1964

Continued

In the High
Court of
Singapore

No.13

Summing Up
by Mr.
Justice
J.W.D. Ambrose
11th November
1964
Continued

over the keys. It also seems to me a reasonable possibility that when he fired the second and third shots he was aiming at the deceased's right forearm which had altogether four injuries and that his intention was only to prevent the deceased from telephoning the police. If you take the same view as myself, you will decide that there was no intention to cause death. For the rule is this: when a particular intention is an element of an offence, the burden of proving that intention lies on the prosecution, and if on the whole of the evidence there is room for more than one view as to the intention of the accused, the accused must get the benefit of the doubt. 10

Secondly, you have to consider the question whether the accused intentionally inflicted the bullet wound which penetrated the chest and also the bullet wound which penetrated the abdomen. Here again it seems to me a reasonable possibility that the accused was aiming at the forearm of the deceased to prevent the deceased from telephoning the police and that the bullets penetrated the chest and abdomen of the deceased either after passing through or without passing through his right forearm. If you take the same view as myself, you will decide that the injuries to the chest and abdomen were not intentionally inflicted by the accused. As I said earlier, if on the whole of the evidence there is room for more than one view as to the intention of the accused, the accused must get the benefit of the doubt. 20 30

Thirdly, you have to consider the question whether the accused had the knowledge that his act in aiming at the forearm was so imminently dangerous that it must in all probability cause death or bodily injury likely to cause death. To my mind it seems impossible to believe that the accused did not have such knowledge. It seems that one cannot possibly entertain any doubt as to the existence of such knowledge in the mind of the accused. You have also to consider the question whether the accused committed the act of shooting at the deceased's forearm without any excuse for incurring the risk of causing death or bodily injury likely to cause death. It seems to me that if the accused's excuse for incurring the risk was that he only wished to prevent the deceased from telephoning the police, then I must tell you that that is no excuse for incurring the risk, as far as the law is concerned. It seems 40

to me that as far as the state of mind of the accused is concerned the irresistible inference is that he had the knowledge that the act of shooting at the deceased's forearm was so imminently dangerous that it must in all probability cause death or bodily injury likely to cause death. It is clear to me beyond doubt that he had no excuse in law for incurring the risk of causing death or bodily injury likely to cause death. It seems to me, therefore, that the prosecution has established beyond reasonable doubt one of the states of mind required for the offence of murder.

In the High
Court of
Singapore

No.13

Summing Up
by Mr.
Justice
J.W.D. Ambrose
11th November
1964
Continued

Your main task is, therefore, to decide whether you fully accept the evidence of Tan Peng Puan and Goh Ah Hong that it was the accused who fired the bullets which penetrated the deceased's chest and abdomen. If you are fully satisfied on this point, that is, satisfied beyond reasonable doubt, you will find the accused guilty of murder. If you are left in reasonable doubt as to this point you will find the accused not guilty. Let me remind you all again, before you withdraw, that if any reasonable doubt is created in your minds either by the evidence given for the prosecution or the evidence given for the defence, then you must give the benefit of the doubt to the accused.

I hope your verdict will be a unanimous one. I can, however, accept a verdict by a majority of 6/1 or 5/2, but a verdict by a majority of 4/3 has no legal effect. You may now retire, if you wish, and take with you any exhibits you may desire, for example, the photographs put in by the prosecution and the photograph of Lau Soon Kim put in by the defence.

(Court official affirmed to take charge of Jury).

JURY retire: 3.50 p.m. JURY return: 4.25 p.m.

Dy. Registrar: Mr. Foreman and members of the Jury,
have you agreed upon your verdict?

Foreman: Yes.

Dy. Registrar: What is your verdict; a unanimous
one or by a majority?

Foreman: Majority.

In the High
Court of
Singapore

No.13

Summing Up
by Mr.
Justice
J.W.D. Ambrose
11th November
1964

Continued

Dy. Registrar: What is your majority?

Foreman: Five to two.

Dy. Registrar: What is your verdict?

Foreman: Guilty.

Dy. Registrar: Is he guilty as charged?

Foreman: Yes.

His Lordship: Mr. Interpreter, will you tell the accused that by a majority verdict of 5/2 of the Jury, in which I concur, he has been found guilty of the offence with which he has been charged. Ask him if he has anything to say before sentence is passed.

10

Accused: I maintain I am innocent and I have nothing further to say.

His Lordship: If you are dissatisfied with the judgment of this Court you have a right to appeal to the Federal Court, and you may consult your counsel on this point.

20

Mr. Interpreter, will you tell the accused that he has been found guilty of the offence of murder and there is only one penalty which is prescribed by law in respect of that offence.

(Silence is called and Court rises).

His Lordship: Chung Kum Moey, the sentence of the Court upon you is that you be taken from this place to a lawful prison and thence to a place of execution and that you be there hanged by the neck until you be dead. May the Lord have mercy on your soul.

30

(Accused stands down)

His Lordship: Members of the Jury, before I retire I wish to thank you for your services.
(Court adjourns)

No. 14

PETITION OF APPEAL

In the
Federal
Court of
Malaysia

IN THE FEDERAL COURT OF MALAYSIA HOLDEN IN SINGAPORE
(APPELLATE JURISDICTION)

No.14

FEDERAL COURT CRIMINAL APPEAL NO.73 of 1964

Petition of
Appeal
13th February
1965

(In the Matter of Singapore Criminal Case No.37/64)

CHUNG KUM MOEY @ AH NGAR

..... APPELLANT

vs.

THE PUBLIC PROSECUTOR

..... RESPONDENT

10

PETITION OF APPEAL

To:

The Honourable the Judges of the Federal Court.

The humble Petition of

Chung Kum Moey @ Ah Ngar of
Changi Prison, Singapore.

SHOWETH:-

20

1. Your Appellant was charged on the 2nd day of
November 1964 before the Honourable Mr. Justice
Ambrose and a Jury as follows:-

"That you, Chung Kum Moey @ Ah Ngar, on
about 7.15 p.m. at No.374 Tanjong Katong
Road, Singapore, committed murder by
causing the death of one Chia Mui Song,
and thereby committed an offence punish-
able under Section 302 of the Penal Code,
Chapter 119"

30

2. The Honourable Mr. Justice Ambrose and the Jury
then proceeded to try your Appellant and at the
conclusion of the case your Appellant was convicted
and sentenced as follows:-

In the
Federal
Court of
Malaysia

No.14

Petition of
Appeal
13th February
1965

Continued

"Chung Kum Moey, the sentence of the Court upon you is that you be taken from this place to a lawful prison and thence to a place of execution and that you be there hanged by the neck until you be dead. May the Lord have mercy on your soul."

3. Your Appellant is dissatisfied with the said conviction and sentence and appeals to the Federal Court against the verdict given in the High Court in Singapore at Singapore on the 11th day of November 1964 on the following grounds:-

10

- 1) The learned trial Judge failed to direct the jury adequately on the evidence given by the witnesses Tan Peng Puan and Goh Ah Hong.
- 2) The learned trial Judge failed to direct the jury to consider whether the third man might have fired the fatal shots.
- 3) The verdict of the jury is unreasonable and cannot be supported having regard to the evidence as a whole.

20

Dated this 13th day of February 1965.

Sd. J.F.McWilliam
Solicitor for the Appellant

The Address for service of the Appellant,
c/o Messrs Laycock & Ong,
Nunes Building,
Malacca Street,
Singapore.

30

Filed this 13th day of February, 1965

Sd. Boey Kun Hong
Registrar,
High Court, Singapore.

No. 15

SUPPLEMENTARY PETITION OF APPEAL

IN THE FEDERAL COURT OF MALAYSIA HOLDEN IN SINGAPORE

(APPELLATE JURISDICTION)

FEDERAL COURT CRIMINAL APPEAL NO.73 OF 1964

(In the Matter of Singapore Criminal Case No.37/64)

CHUNG KUM MOEY @ AH NGAR .. APPELLANT

Vs.

THE PUBLIC PROSECUTOR ... RESPONDENT

SUPPLEMENTARY PETITION OF APPEAL

To: The Honourable the Judges of the Federal Court.

The humble Petition of

Chung Kum MoeY @ Ah Ngar of
Changi Prison, Singapore.

SHOWETH:

In addition to the grounds already filed the Appellant will rely on the following further grounds:-

- 1. The learned trial Judge's direction as to reasonable doubt was confusing.
- 2. The learned trial Judge misdirected the jury as to the requirements of Section 300 of the Penal Code and as to the accused's knowledge as required by the fourth heading thereof.

Dated this 18th day of February 1965.

Sd. J.F.McWilliam

Solicitor for the Appellant.

In the
Federal
Court of
Malaysia

No.15

Supplementary
Petition
of Appeal
18th February
1965

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In the
Federal
Court of
Malaysia

No.15

Supplementary
Petition
of Appeal
18th February
1965

Continued

The Address for service of the Appellant,
c/o Messrs Laycock & Ong,
Nunes Building,
Malacca Street,
Singapore.

Filed this 18th day of February, 1965.

Sd. Tan Wee Kian
Ag. Registrar,
High Court, Singapore.

No.16

Notes of
Argument
Barakbah, C.J.
22nd February
1965

No. 16

10

NOTES OF ARGUMENT OF CHIEF
JUSTICE BARAKBAH

FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE
(APPELLATE JURISDICTION)

F.M. CRIMINAL APPEAL NO. 73 of 1964
(Singapore High Court Criminal Case No. 37/64)

Chung Kum Moey @
Ah Ngar

...

Appellant

vs.

Public Prosecutor

...

Respondent

20

Coram: S.S. Barakbah, Chief Justice, Malaya,
Campbell Wylie, Chief Justice, Borneo,
Tan Ah Tah, Judge, Federal Court.

NOTES OF ARGUMENT RECORDED BY BARAKBAH,
Chief Justice, Malaya.

J.F. McWilliams for Appellant,

Tan Boon Teik for Respondent.

22nd February, 1965.

McWilliams withdraws Ground 3(2).

Ground 3(1):

30

2 points: (i) Whether he was present.

(ii) Whether if present, he fired
the fatal shots.

Identification: 2 witnesses failed to identify.

Two unreliable - found by Judge.

1. Taxi driver.

2. Goh Ah Eng.

Tan Peng Puan and Goh Ah Hong - identified - not properly directed to Jury.

Archbolds - 35th Ed. para. 565.

Thomas Finch - 12 C.A.R. 77, 78.

10

Judgment of Ivory:

Judge should have gone in detail the evidence of these 2 witnesses.

P. 333 - record G. Vol. 2.

P. 39 D Vol. I.

P. 101A

P. 67F - P. 108 E - 2 shots

P. 184E)

P. 69B)

P. 244B

20

P. 84A

P. 119F

P. 109F

P. 113A

The jury should have been reminded of these facts when discussing the evidence of these 2 witnesses.

Ground regarding reasonable doubt.

P. 315D - direction confusing.

In the
Federal
Court of
Malaysia

No.16

Notes of
Argument
Barakbah, C.J.
22nd February
1965

Continued

In the
Federal
Court of
Malaysia

No.16

Notes of
Argument
Barakbah, C.J.
22nd February
1965

Continued

Abraham Barnett Kritz - 33 C.A.R. 169, 177.

Alfred Summers - 1952 36 C.A.R. 15.

George Alfred Hepworth - Norman Fearnley -
1955, 39 C.A.R. 152, 154.

Elsie Head - Ivy Warrenner - 1961, 45 C.A.R.
225, 227.

R. v. Law - 1961 C.L.R. (January) 52.

R. v. Woods - 1961 C.L.R. (May) 324.

Jury was unable to understand "a sensible
reason can be supplied." 10

Regarding requirements of Section 300 P.C. -
knowledge.

P. 314.

ORDER:

Appeal dismissed.

Sd. S.S. Barakbah
22.2.65.

No.17

Notes of
Argument
Wylie, C.J.
22nd February
1965

No. 17

NOTES OF ARGUMENT of Chief Justice WYLIE

Federal Court Criminal Appeal No.73/64 20

Chung Kum Moey

McWilliams (assigned) for appellant.

Tan Boon Teik, S.G. for respondent.

McWilliams:- Ground 3 (1).

No doubt deceased died from gunshot
wounds in course of robbery.

Issues were:- (1) Whether deceased
present.
(2) If so, did he fire
the shots. 30

Pre-eminently identification - 6 witnesses, who might have identified. Two failed to identify at all and of remainder, Judge directed two unreliable - taxi-driver and Goh Ah Eng.

In the
Federal
Court of
Malaysia

No.17

Notes of
Argument
Wylie, C.J.
22nd February
1965

Continued

This left 2 witnesses as to identification.

Imperative these two must be reliable.

Judge drew attention to flaws in evidence of taxi-driver and of Goh Ah Eng, but not of remaining two. Had he done so, jury might well have taken a different view of their evidence, especially in light of having criticised the other two and also evidence of accused, thus leaving false impression nothing wrong with their evidence.

10

See (Archbold) 35th Edition para. 565 page 201.

See Finch 12 Cr. App. R. 77.

See Summing-up p.333 F5 - 334 B2. Great stress on evidence of these 2 witnesses.

20

See p.39 D - 45 E for Tan Peng Puan's account of incident p.101 A - 102 C3.

102 A She says shot fired after the dragging of a chair.

[As to number of shots see p.67 F2 - G2]

Deceased's wife 184 E - 185 B 1.

Cf. P.69 B2 - C2, and D2 - 3.

This should have been pointed out to the jury, but was not.

69 D 4 - 70 E 1.

Adjourned 12.55 p.m.

30

Resumed 2.30 p.m.

McWilliams:- As to whether Tan was there, see taxi-driver at p.244.

Did not see Tan at all.

In the
Federal
Court of
Malaysia

No.17

Notes of
Argument
Wylie, C.J.
22nd February
1965

Continued

P.84 A - B 2. Cf. P.119 E -
Going to C.I.D.

As to sleeping in shop P.96 B - C.

p.117 B2 - E5.

cf. p.147A - C 3.

As to Goh Ah Heng - as to not noticing where
Tan was.

P.109 F - G and also B - E4. cf. P.110 F - G.

Contradiction in that said at first only
turned her head.

10

P.113 A 1 - 5.

P.135 A - G2. Cannot remember either of the
others, even the one who held a dagger at her
back.

P.118-119. Cannot remember whether at school
or not and whether she got permission to go to
school.

None of these points put by Judge to jury.

But cf. ref. to accused's evidence at p.330A -
B5.

20

Ground 1 of Supplementary Grounds.

S. Up. p.315 C2 - D2 "sensible reason".

Kritz (1949) 33 Cr. App. R. 169 at p.177-178.

per Goddard L.C.J.

Goddard - Summers (1952) 36 Cr. App. R. 15 "sure".

Goddard - Hepworth & Fearnley (1955) 39 Cr. App.
R. 152

154-56. "sure"

Head & Warrener (1961) 45 Cr. App. R. 225 at 227-228.

(1961) Jan. Cr. Law Review 52 "reasonable doubt".

Woods

(1961) May Cr. Law Review 324.

In the Federal Court of Malaysia

No.17

Notes of Argument Wylie, C.J. 22nd February 1965

Continued

Ground 2 of Supplementary Grounds:-

S. Up. p.314 E - F3 - in order up to this point.

But follow F4 - 315 C1 and p.334 A3 - 5 - withdrew all other issues from the jury.

10

Case.

Prosecution not called upon.

Judgment of Court delivered by Chief Justice, Malaya, dismissing appeal.

Adjourned 5.05 p.m.

No. 18

NOTES OF ARGUMENT of Mr. Justice TAN AH TAH

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE (APPELLATE JURISDICTION)

No.18

Notes of Argument Tan Ah Tah 22nd February 1965

20

Federal Court Criminal Appeal No.73 of 1964 (Singapore Criminal Case No.37 of 1964)

Chung Kum Moey alias Ah Ngar ... Appellant

vs

The Public Prosecutor ... Respondent

Coram: Syed Sheh Barakbah, C.J. Malaya
Wylie, C.J. Borneo
Tan Ah Tah, F.J.

NOTES OF ARGUMENT

J.F. McWilliam for Appellant

30

Tan Boon Teik, Solicitor-General, for prosecution

McWilliam: I abandon Ground 2.

In the
Federal
Court of
Malaysia

No.18

Notes of
Argument
Tan Ah Tah
22nd February
1965

Continued

Ground (1) Two questions:-

(1) Was Appellant present ?

(2) If present, did he fire the fatal
shots ?

6 witnesses present. 2 failed to identify Appellant. Of the other 4, J. said 2 were unreliable i.e. (i) Taxi driver (ii) Goh Ah Eng. This left Tan Peng Huan & Goh Ah Hong as the witnesses who identified Appellant. J. pointed out flaws in evidence of taxi driver & Goh Ah Eng but did not do so regarding evidence of Tan Peng Huan & Goh Ah Hong.

10

Archbold 35th ed. p.201 para.565

R. v Finch 12 Cr.App.R. 77

Summing-up at p.333

Tan Peng Huan's evidence p.40 to 45.

3 bullets (1) in tin in shelf (ii) under desk (iii) in deceased's body.

Goh Ah Hong's evidence p.101

Deceased's wife Toh Siang Choo p.184E to p.185B 20

Tan Peng Huan p.69B, C1, D2

Adjourned to 2.30 p.m.

McWilliam (continuing): I concede there was no positive evidence that Tan was not in the shop. Tan's evidence p.84.

Goh Ah Hong at p.119 said her uncle Tok Siang Mong took her to C.I.D. & she never mentioned Tan.

Tan p.96 B2 said he had to sleep in the shop for the night.

Goh Ah Hong p.117 said boys slept in the shop. She did not say Tan slept there. 30

Goh Ah Eng p.147 gave evidence about boys sleeping in the shop - ages between 14 & 20 or a little more than that.

As to Goh Ah Hong's evidence, there is the discrepancy about a chair being dragged along the floor & the time the shot was fired.

Goh Ah Hong p.109F.

Goh Ah Hong p.135AB could identify Appellant but could not identify man who prodded her with a dagger. This creates a doubt as to whether her identification of Appellant is reliable.

10 Strange she could not remember whether she got permission from the school to go to the C.I.D.

Ground 1 of supplementary Grounds. Direction on reasonable doubt p.315D

R.v Kritz (1949) 33 Cr.App.R.169 at p.177

R. v Summers (1952) 36 Cr.App.R. 15

R.v Hepworth & Fearnley (1955) 39 Cr.App.R.152
at p.154,155

R.v Head & Warrenner (1961) 45 Cr.App.R.227

20 In R.v Law the words used were "pretty certain" - See Criminal Law Review 1961 January p.52. The conviction was quashed.

In R.v Woods the words were "pretty sure" See Cr. L.R.1961.p.324.

It was impossible for the jury to understand the words " A reasonable doubt is one for which a sensible reason can be supplied."

Ground 2 of supplementary grounds.

Summing up p.314, 333 - J. went under the 4th limb of section 300 Penal Code.

Tan Boon Teik not called on.

30 (Court adjourns for a while.)

4.50 p.m. Syed Sheh Barakbah C.J. delivers oral judgment dismissing the appeal.

Sd. Tan Ah Tah

In the
Federal
Court of
Malaysia

No.18

Notes of
Argument
Tan Ah Tah
22nd February
1965

Continued

In the
Federal
Court of
Malaysia

No. 19

ORAL JUDGMENT OF CHIEF JUSTICE
BARAKBAH

No. 19

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE

(APPELLATE JURISDICTION)

Oral Judgment
Barakbah, C.J.
22nd February
1965

FEDERAL COURT CRIMINAL APPEAL NO. 73 of 1964
(SINGAPORE CRIMINAL CASE No. 37/1964)

Chung Kum Moey & Ah Ngar ... Appellant

vs.

The Public Prosecutor ... Respondent

10

Coram: S.S. Barakbah, Chief Justice, Malaya,
Campbell Wylie, Chief Justice, Borneo,
Tan Ah Tan, Judge, Federal Court.

ORAL JUDGMENT OF BARAKBAH, Chief Justice, Malaya.

There is no doubt that the murder was committed in the shop and the only question was whether the accused was the person who committed the murder.

There are several grounds of appeal. I will deal with the last ground first, that is with reference to the requirements of sec. 300 of the Penal Code. We find that the learned Trial Judge had already dealt with the question of knowledge and that his last direction to the Jury was whether the accused did commit the act having regard to the evidence of the two witnesses namely Tan and Goh and he had earlier on already directed the Jury to disregard any expression of opinion by him on facts, and in our opinion there was no mis-direction on the part of the learned Trial Judge on that point.

20

30

With regard to the ground as to "reasonable doubt", we think that the expression used by the learned Trial Judge did not confuse the Jury. He did say in his summing-up "a reasonable doubt is one in which a sensible reason can be supplied". We do not feel that the use of these words did confuse the minds of the jury because he did say

again later on in his summing-up "If you are fully satisfied on this point, that is, satisfied beyond reasonable doubt, you will find the accused guilty of murder. If you are left in reasonable doubt as to this point you will find the accused not guilty. Let me remind you all again, before you withdraw, that if any reasonable doubt is created in your minds either by the evidence given for the prosecution or the evidence given for the defence, then you must give the benefit of the doubt to the accused."

10

With regard to the final ground, that is the learned Trial Judge failed to direct the Jury adequately on the evidence of the two witnesses Tan and Goh, counsel for the appellant criticised certain details of the evidence given by these two witnesses with a view to showing that they are unreliable witnesses. They were discrepancies which concerned minor details of an incident which usually happened where there was a state of confusion and alarm in the shop. We are not satisfied that all the points raised constitute discrepancies between the evidence of the witnesses, or that they were of sufficient importance for the Judge to refer to them in his summing-up. In spite of the very persuasive arguments put up by the learned counsel for the appellant we feel that for the reasons stated, the appeal should be dismissed.

20

30 Taken down by me and seen by the Hon'ble Chief Justice, Malaya.

Singapore,

22nd February, 1965.

Sd. G.E. TAN,
Secretary to Chief
Justice,
Malaya.

Mr. J.F. McWilliams for the Appellant,

Mr. Tan Boon Teik, Solicitor-General, for the Respondent.

In the
Federal
Court of
Malaysia

No.19

Oral Judgment
Barakbah, C.J.
22nd February
1965

Continued

102.

In the
Federal
Court of
Malaysia

No. 20
FORMAL ORDER

No.20
Formal Order
22nd February
1965

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE
(APPELLATE JURISDICTION)

FEDERAL COURT CRIMINAL APPEAL No.73 of 1964
(Singapore Criminal Case No.37 of 1964)

CHUNG KUM MOEY @ AH NGAR ... APPELLANT

VS

THE PUBLIC PROSECUTOR ... RESPONDENT

CORAM: SYED SHEH BARAKBAH, CHIEF JUSTICE, MALAYA;
WYLIE, CHIEF JUSTICE, BORNEO;

10

and

TAN AH TAH, JUDGE, FEDERAL COURT, MALAYSIA.

IN OPEN COURT

THIS 22nd DAY OF FEBRUARY 1965

O R D E R

THIS APPEAL coming on for hearing this day in the presence of Mr. J.F. McWilliam of Counsel for the Appellant and Mr. Tan Boon Teik, Solicitor-General, Singapore, on behalf of the Respondent AND UPON READING the Record of Appeal herein AND UPON HEARING Counsel for the Appellant IT IS ORDERED that the Appeal of the abovenamed Appellant be and is hereby dismissed.

20

GIVEN under my hand and the seal of the Court this 22nd day of February, 1965.

(L.S.)

Sd. RAJA AZLAN SHAH,
CHIEF REGISTRAR,
FEDERAL COURT, MALAYSIA,
KUALA LUMPUR.

30

No. 21

ORDER ALLOWING FINAL LEAVE TO
APPEAL TO HIS MAJESTY THE YANG
DI-PERTUAN AGONG *in forma pauperis*

In the
Judicial
Committee
of the
Privy
Council

No.21

Order allow-
ing final
leave to
appeal to
His Majesty
the Yang di-
Pertuan Agong
30th Septem-
ber 1965

in forma pauperis

SEAL OF
MALAYSIA

COURTS OF JUDICATURE ACT, 1964

(No: 7 of 1964)

ORDER UNDER SECTION 76(1)

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WHEREAS there was this day submitted to His Majesty the Yang di-Pertuan Agong a Report from the Lords of the Judicial Committee of the Privy Council dated the 15th day of July, 1965, in the words following, viz:-

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"WHEREAS by virtue of the Malaysia (Appeals to Privy Council) Orders in Council 1958 and 1963 there was referred unto this Committee a humble Petition of Chung Kum Moey alias Ah Ngar in the matter of an Appeal from the Federal Court of Malaysia (Appellate Jurisdiction) between the Petitioner and Public Prosecutor for Singapore (Respondent) setting forth that the Petitioner is desirous of obtaining special leave to appeal in forma pauperis from the Judgment of the Federal Court of Malaysia (Appellate Jurisdiction) dated the 22nd February 1965 whereby the Appeal of the Petitioner against his conviction of murder and sentence of death in the High Court of Singapore was dismissed:

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And humbly praying Your Majesty to Order that he shall have special leave to appeal in forma pauperis from the said Judgment of the Federal Court of Malaysia dated the 22nd February 1965 and for such further order as to Your Majesty may appear fit and proper:

THE LORDS OF THE COMMITTEE in obedience to the said Orders in Council have taken the humble Petition into consideration and having

In the
Judicial
Committee
of the
Privy
Council

No.21

Order allow-
ing final
leave to
appeal to
His Majesty
the Yang di-
Pertuan Agong
30th Septem-
ber 1965
Continued

in forma pauperis

heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree to report to the Head of Malaysia their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal in forma pauperis against the Judgment of the Federal Court of Malaysia dated the 22nd day of February 1965 and that the proper officer of the said Federal Court ought to be directed to transmit to the Registrar of the Privy Council without delay an authenticated copy under seal of the Record proper to be laid before the Head of Malaysia on the hearing of the Appeal."

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NOW, THEREFORE, His Majesty the Yang di-Pertuan Agong having taken the said Report into consideration was pleased to approve thereof and to order as it is hereby ordered that the same be punctually observed, obeyed and carried into execution.

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DATED this 30th day of SEPTEMBER 1965.

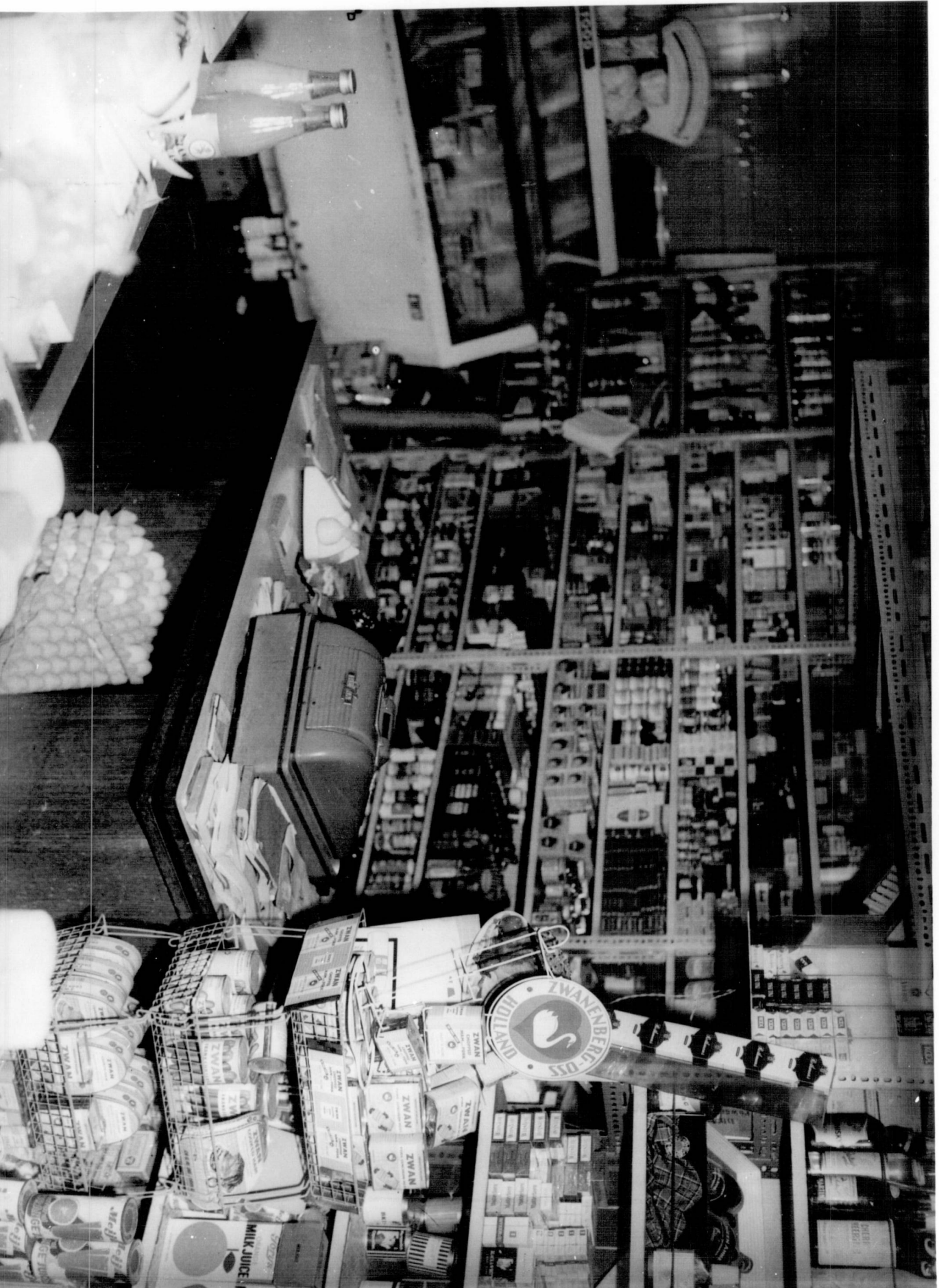
BY COLMANN

Sd ABDUL RAHMAN BEN YA'KUB

MINISTER OF JUSTICE.







EXHIBITS
PHOTOGRAPH A.5



A.5



No. 38 of 1965

IN THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL

O N A P P E A L
FROM THE FEDERAL COURT OF MALAYSIA
(APPELLATE JURISDICTION)

B E T W E E N :-

CHUNG KUM MOEY @
AH NGAR Appellant

- and -

PUBLIC PROSECUTOR FOR
SINGAPORE Respondent

RECORD OF PROCEEDINGS

SPEECHLY, MUMFORD & SOAMES,
10 New Square,
Lincoln's Inn,
London, W.C.2.
Solicitors for the Appellant.

STEPHENSON, HARWOOD & TATHAM,
Saddlers' Hall,
Gutter Lane,
Cheapside, London, E.C.2.
Solicitors for the Respondent.