

Chee Soon Juan v Public Prosecutor
[2008] SGHC 127

Case Number : Cr M 21/2008
Decision Date : 05 August 2008
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Applicant in-person; Christopher Ong Siu Jin and Lee Jwee Nguan (Deputy Public Prosecutor) for the respondent
Parties : Chee Soon Juan — Public Prosecutor

Criminal Procedure and Sentencing

5 August 2008

Choo Han Teck J:

1 The applicant filed this criminal motion for an order that the proceedings before District Judge Thian Yee Sze (“DJ Thian”) be adjourned till 18 August 2008 so that the applicant may “instruct counsel Joseph Chen of Joseph Chen & Co” to represent him in the proceedings. The proceedings in question involved two charges PS 718 of 2006 and PS 721 of 2006 in which the applicant was on trial together with Yap Keng Ho. The trial commenced on 14 July 2008 and was scheduled to continue to 8 August 2008.

2 On the first day of trial Mr Chia Ti Lik, counsel for the applicant applied for leave to discharge himself as counsel for the applicant. Leave was granted to him on 15 July 2008 and the proceedings were adjourned to 18 July 2008 for the applicant to instruct new counsel. Mr Joseph Chen appeared on 18 July 2008 and asked if the trial could be adjourned to 18 August 2008 because he was unable to proceed until then. His application was rejected by the trial judge. Mr Chen then applied to discharge himself as counsel. This was granted and the trial proceeded with the applicant acting in-person.

3 The applicant then filed this application on 23 July 2008 for the same prayer made by Mr Chen before DJ Thian on 18 July 2008, namely that the trial before DJ Thian be adjourned to 18 August 2008. This application was similar to the one filed by the applicant in Criminal Motion No 30 of 2006 (see: *Chee Soon Juan v Public Prosecutor* [2006] SGHC 202) which was an application made shortly after that of his co-accused Mr Yap in Criminal Motion No 29 of 2006 (see: *Yap Keng Ho v Public Prosecutor* [2007] 1 SLR 259). The judge conducting any legal proceedings decides how those proceedings are to be conducted. There are rules of procedure and standards of practice that help the court administer justice fairly and consistently. How she applies those rules is a matter strictly within her discretion. All applications regarding the conduct of those proceedings must be made to the judge having conduct of the case. Counsel before her may try and persuade her to one view or the other, but no one, not even a superior court, can tell her how to conduct those proceedings and how she should exercise her discretion. If any party is aggrieved by the final verdict of the court, he will have such recourse as the law relating to appeals permits. This is an important aspect of the independence of the judiciary. The applicant was fortunate that the trial judge gave him time to appear before me on this application although she was entitled to order that the trial would continue.

4 I need not reiterate all that I had said in the two cases referred to except to say that the

applicant had either forgotten the judgments in the two cases cited above, or had chosen to ignore them. I shall therefore remind him that an application to overturn a decision of a court when the proceedings have not concluded amounts to an abuse of the process of court. So far as the applicant is concerned, this Court will not hear any further applications of this nature.

5 For the reasons above, the application was dismissed.

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