



**FOR IMMEDIATE RELEASE**  
**27 APRIL 2022**

**COURT OF APPEAL DISMISSES APPLICATION  
BROUGHT BY PANCHALAI A/P SUPERMANIAM  
IN CASE OF NAGAENTHRAN**

Mdm Panchalai a/p Supermaniam and Mr Nagaenthran a/l K Dharmalingam (“**the applicants**”) brought an application on 25 April 2022 to stay the execution of Nagaenthran on the ground that the Honourable Chief Justice Sundaresh Menon (“**Menon CJ**”) ought not to have presided over Nagaenthran’s matters as his tenure as Attorney-General overlapped with Nagaenthran’s prosecution.

2 This a last-minute application, brought just two days before the scheduled execution, and is the **seventh** application (not including appeals) brought by Nagaenthran after his appeal against conviction was dismissed by the Court of Appeal in 2011 more than 10 years ago. It is the latest attempt to abuse the court’s processes and unjustifiably delay the carrying into effect of the lawful sentence imposed on Nagaenthran.

3 In the proceedings just prior to this, the Court of Appeal constituted a 5-judge coram to hear the applications brought by Nagaenthran pertaining to the claimed deterioration in his mental faculties. On 29 March 2022, the Court of Appeal delivered its judgment and emphasised that those proceedings constituted a blatant and egregious abuse of the court’s processes, with the case mounted by Nagaenthran’s counsel described as baseless and without merit, both as a matter of fact and of law. The Court warned that it is improper for counsel to abuse the process of the court.

**The Court of Appeal’s decision**

4 On 26 April 2022, the Court of Appeal dismissed the application brought by the applicants, and considered the following issues.

*Mdm Panchalai has no legal standing to be a party to the proceedings*

5 The Court of Appeal observed that while Mdm Panchalai may be interested in the outcome of this application, she has no legal standing to be a party to the proceedings.

*Nagaenthran did not object to Menon CJ hearing his matters in multiple previous hearings and was not denied a fair trial*

6 On the allegations made regarding Menon CJ's involvement, the Court of Appeal noted that Nagaenthran had expressly confirmed in 2016, under legal advice, that he had no objections to Menon CJ hearing his matters. This confirmation, which was recorded in the Court's records, was made after it had been specifically brought to his counsel's attention that Menon CJ's tenure as Attorney-General overlapped with Nagaenthran's criminal proceedings. In light of this confirmation and his subsequent lack of objections, the Court of Appeal found that it was baseless for Nagaenthran to now assert he had been denied the right to a fair trial. It was also telling that he never raised any concerns from December 2016 to just two days before his rescheduled execution, which suggests this allegation is an afterthought and not made in good faith.

7 The Court of Appeal also noted that Menon CJ was not involved in any decisions pertaining to Nagaenthran's prosecution during his tenure as Attorney-General from 1 October 2010 to 24 June 2012. It found that no fair-minded and reasonable person would suspect a fair trial would not be possible in the circumstances. The Court of Appeal stated it was unfortunate that the applicants sought to use extremely serious allegations of judicial bias to undermine the finality of the court's processes, and observed that this was ultimately a blatant and ill-disguised application to disrupt the carrying out of the sentence.

*Comments on drip-feeding applications and evidence*

8 In bringing this latest application in person, Mdm Panchalai claimed that her application and affidavit had been prepared and filed with the assistance of "friends and social activists", and alleged that lawyers had declined to act due to the apprehension of personal costs orders and other adverse consequences. However, the legal papers accompanying this latest application were clearly prepared under legal advice. The Prosecution noted that the correspondence email address ([kirstenhan@hey.com](mailto:kirstenhan@hey.com)) provided by Mdm Panchalai did not appear to be hers, and the legal papers had been signed for Mdm Panchalai by someone else. It appeared that those advising Mdm Panchalai had deliberately failed to inform her that Nagaenthran had expressly stated that he had no objections to Menon CJ hearing his matters, and that there was therefore no basis for her application.

9 As emphasised by the Court of Appeal, lawyers who assist their clients in drip-feeding applications and evidence act contrary to their duties as officers of the court. In the circumstances, the Prosecution submitted that Mdm Panchalai ought to be directed to state the identities of the persons involved in preparing the legal papers. The Court of Appeal observed that the legal papers were clearly drafted by a lawyer, and questioned Mdm Panchalai on who had helped her prepare and file the papers. Mdm Panchalai maintained, against the evidence, that she had not been assisted by any lawyers and that it had been her non-legally trained relatives and family friends who had assisted.

10 The Court of Appeal stated this was a clear continuation of the drip-feeding of applications in a bid to thwart the court's efforts to discharge its responsibility, and that the applicants' choice to keep this application in the pocket until this stage is reprehensible and improper.

*No further applications to be brought*

11 The Court of Appeal reiterated that Nagaenthran had been accorded due process in accordance with the law. He had exhausted his rights of appeal and almost every other recourse under the law over some 11 years. The Court of Appeal emphasised that there ought to be no further improper applications brought to stymie the court's process.

### **Potential contempt of court**

12 AGC observes that both prior to and after the filing of the application on 25 April 2022, various individuals and groups, both within and outside Singapore, repeated the false allegations asserted in Mdm Panchalai's affidavit and sought to cast aspersions on the involvement of Menon CJ in the proceedings. AGC takes a serious view of any act that may constitute contempt, and will not hesitate to take appropriate action to protect the administration of justice.

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