LEGAL SYSTEMS IN ASEAN – SINGAPORE
CHAPTER 5 – LEGAL PROCEDURE (CRIMINAL)

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A. CRIMINAL PROSECUTION

By virtue of Art 35(8) of the Constitution and section 336(1) of the Criminal Procedure Code (Cap. 68), the Attorney-General, in his capacity as Public Prosecutor, has the power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for any offence in Singapore. The Attorney-General is assisted by the Solicitor-General who, in the absence or inability of the Attorney-General, acts as Public Prosecutor.

The Attorney-General is empowered under section 336(3) of the Criminal Procedure Code (CPC) to appoint any officers or persons to assist him or to act as his deputies in the performance of any of the functions or duties of the Public Prosecutor under the CPC or under any other written law. The Public Prosecutor or his deputies may authorise any advocate to act for the Public Prosecutor in the conduct of any case or prosecution in court or in any part of such conduct. For instance, fiats may be given to advocates and solicitors to conduct public prosecutions on behalf of town councils and statutory boards in relation to specific regulatory violations – these fiats are normally accompanied by a list of conditions to which the advocates and solicitors are subject.

There are a number of legislation that specifically empower officers of regulatory agencies to prosecute offences created under those Acts. For example, section 86(1) of the Factories Act (Cap. 104) provides that an inspector appointed under that Act may prosecute or conduct before a District Court or a Magistrate’s Court any charge, information, complaint or other proceeding arising under this Act, or in the discharge of his duty as an inspector. Having said that, the ultimate exercise of prosecutorial control still vests with the Public Prosecutor.

Only the Public Prosecutor, Solicitor-General, a Deputy Public Prosecutor or an authorised advocate and solicitor may conduct criminal prosecutions before the High Court. Similarly, apart from the aforementioned persons, no other person shall appear on behalf of the Attorney-General in any criminal appeal or on any point of law reserved under Chapter XXIX of the Criminal Procedure Code.

The common law position on private prosecution is partially preserved in the CPC. The provision does not preclude private persons from appearing in person or by advocate to prosecute in summary cases before a Magistrate’s Court or in summary non-seizable cases before a District Court. In such cases, the private person or his advocate must lay a complaint before a Magistrate, who may then proceed to examine him on oath1. The Magistrate may then order the police to investigate the matter. In practice, the court may

* The views expressed in this article are that of the author alone. They do not necessarily reflect the views or opinions of the ASEAN Law Association or the organisation which the author is currently associated with.
1 Section 133(1) of the Criminal Procedure Code (Cap.68, 1985 Rev Ed.) (“CPC”).
require the complainant and the defendant to appear before him for criminal mediation before permitting the matter to proceed to private prosecution. Notwithstanding the fact that this is a private prosecution, the Attorney-General still retains overall direction and control\(^2\) and may intervene to terminate or takeover the prosecution.

**B. CRIMINAL PROCEDURE**

*Investigations*

Criminal investigations in Singapore are conducted by a number of different enforcement agencies. The largest of these would be the Singapore Police Force (SPF). Apart from specialised police investigation divisions such as the Criminal Investigation Department (CID) and the Commercial Affairs Division (CAD), investigation branches also exist in each of the 6 Police Land divisions and the Police Coast Guard division. Police officers exercise powers of investigation provided for in the CPC as well as a large number of specific legislation that empower police officers to conduct investigations.

Some of the other enforcement agencies include the Corrupt Practices Investigation Bureau (CPIB) which draws investigative powers from the Prevention of Corruption Act and the Criminal Procedure Code, the Central Narcotics Bureau (CNB) which draws investigative powers from the Misuse of Drugs Act, the Immigration and Checkpoints Authority (ICA) which is empowered under the Immigration Act, the Ministry of Manpower (MOM) which, *inter alia*, is empowered under the Factories Act and Employment of Foreign Workers Act, and Singapore Customs which draws its powers of investigation from, *inter alia*, the Customs Act and Regulation of Imports and Exports Act. The investigative powers contained in specific legislation such as those set out in this paragraph often relate to powers of arrest with or without a warrant, powers of entry, search and seizure, and powers to record witness statements.

Investigations by the police generally, though not necessarily, commence upon the receipt of information relating to the alleged commission of an offence. A battery of special investigative powers may, without need for the Public Prosecutor’s order, be exercised by police officers where a seizable offence\(^3\) is reasonably suspected\(^4\). These include the power to require the attendance of witnesses\(^5\), the power to orally examine these witnesses and to record written statements from them\(^6\) and the power to conduct searches in any place for any document or thing that is necessary for an investigation into an offence. Such special powers may also be exercised by the police when they do investigate non-seizable offences, although the requisite order of the Public Prosecutor or a Magistrate must first be obtained\(^7\).

Quite apart from the above, the CPC also prescribes the procedure to be followed when police officers effect an arrest. For example, Chapter IV of the CPC lays out how arrest is to be carried out and when police officers may conduct searches of private property and of

\(^2\) *Jasbir Kaur v Muhktiar Singh* [1999] SGHC 57.

\(^3\) A seizable offence means an offence for which a police officer may ordinarily arrest without warrant according to the third column of Schedule A to the Criminal Procedure Code.

\(^4\) Section 118, CPC.

\(^5\) Section 120, CPC.

\(^6\) Section 121, CPC.

\(^7\) Section 116(2), CPC.
persons. Regard must also be had to Art 9(3) of the Constitution which states that ‘[w]here a person is arrested, he shall be informed as soon as may be of the grounds of his arrest and shall be allowed to consult and be defended by a legal practitioner of his choice’. Case law has interpreted this to mean that while the right to counsel arises from the moment of arrest, it cannot be exercised immediately because a balance has to be struck between the right of an accused person to consult his lawyer on the one hand, and on the other the duty on the police to protect the public from wrongdoers by apprehending them and collecting whatever evidence exists against them. In any case, a person who has been arrested without a warrant may not be detained in custody by a police officer for a longer period than under all the circumstances is necessary, and shall not exceed 48 hours.

Statements made to and recorded by the police fall into two general categories. The first category is colloquially referred to as the ‘long statement’. Such statements are recorded from witnesses and suspects alike pursuant to the provisions in the CPC. When giving a long statement, witnesses and suspects are required to state the truth except that they may only decline to make any statement that may expose them to a criminal charge, a penalty or forfeiture. The second category is known as ‘cautioned statements’. A cautioned statement is recorded pursuant to section 122(6) of the CPC when a suspect is charged with an offence or officially informed that he may be prosecuted for it. The contents of such a statement carry legal and evidential significance in that a failure to mention any fact in the cautioned statement, being a fact which in the circumstances existing at the time he could reasonably have been expected to mention when so charged or informed of the fact that he is to be so charged, may at trial attract an adverse inference by the court when determining whether to commit the accused for trial, or whether there is a case to answer, and whether the accused is guilty of the offence charged. A long or cautioned statement made by an accused to or in the hearing of a police officer of or above the rank of sergeant is inadmissible as evidence in court if it was procured under any form of threat, inducement or promise.

Pre-trial procedure

Pre-trial procedure for offences whether triable before the High Court, District Court or Magistrate’s Court generally commences with the ‘first mentions’ before a subordinate mentions court. At such a hearing, the offender is brought before the court (whether through warrant/arrest or summons process) and his case is ‘mentioned’. This involves the prosecution tendering the charge or charges against him. The court will take cognizance of the charge except in cases where the consent or sanction of the Public Prosecutor or the complaint of some other public officer is a prerequisite. If investigations are complete at this stage and the prosecution is ready to accept a plea from the accused, the court may take the plea from the accused. Otherwise, the matter will be adjourned for investigations to be completed. In such cases, the court may consider granting bail to the accused.

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9 Section 36, CPC.
10 Section 123(1), CPC.
11 Section 122(5), CPC.
12 Section 129, CPC; see also specific legislation.
Pre-trial conferences and criminal case management

To facilitate the just and expeditious resolution of cases, the courts conduct pre-trial conferences (PTCs) – these are administrative conferences conducted in-chambers (as opposed to open court hearings), at which parties are required for example, to update the court on the progress of investigations, the taking of clients’ instructions, the narrowing of contested issues of fact and/or law, and the fixing of trial dates. If the matter is anticipated to go for trial, the court will ask parties to exchange lists of witnesses and serve statements and reports (including scientific reports), that will be adduced at the trial. The introduction of the PTC system in the 1990’s has had a major impact on the administration of criminal justice in Singapore. By fostering a culture of frank discussion between parties, the system has significantly reduced the number of cases fixed for trial and led to more expeditious case disposal. In particular, the number of cases initially fixed for trial but which conclude on the very first day as a result of the accused pleading guilty has dropped. This saves court time as well as resources on the part of the court, the defence, the prosecution and the police.

A fairly recent innovation by the Attorney-General’s Chambers (developed in conjunction with the Subordinate Courts and the Law Society) is the Criminal Case Management System (CCMS). Whilst a district judge presides over the proceedings in the PTC, the CCMS is conducted in the absence of judicial officers. Under this system, the prosecution and the defence meet to discuss the merits of their respective cases and narrow down the issues of contention or reach an agreement on plea bargaining even before the first PTC is held. This has led to a reduction in the number of PTCs conducted by the Subordinate Courts before a case can be satisfactorily resolved.

Preliminary inquiry

Whilst, cases dealt with by the District and Magistrates’ courts are by way of a summary trial, a preliminary inquiry must first be held for offences ordinarily triable before the High Court. The purpose of the preliminary inquiry is to ensure that there is a prima facie case against an accused before the matter is committed for trial before the High Court.

Chapter XVII of the CPC sets out the procedure to be followed for this “paper inquiry”. The prosecution usually tenders the evidence of its witnesses through conditioned statements, although the examining Magistrate may, either on its own motion or on the application of the prosecution or the defence, require the witness to give oral evidence instead. After the conditioned statement of a prosecution witness and the accompanying exhibits are marked and admitted, the examining Magistrate will order the witness to execute a personal bond to attend the trial proper, in the event that the accused is so committed.

The examining Magistrate may adopt any of the following courses of action at the preliminary inquiry:

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14 Section 141(4), CPC.
15 Section 148(1), CPC.
(a) discharge the accused at any stage of the preliminary inquiry if he finds that the charge is groundless\textsuperscript{16} or discharge the accused after receiving all the evidence, if he finds that there are not sufficient grounds to commit him for trial before the High Court\textsuperscript{17};

(b) frame a charge in writing and call upon the accused to plead or order the accused to be tried before any other Magistrate’s Court or District Court, if the examining Magistrate is of the opinion that there are sufficient grounds for committing the accused, but that the offence disclosed by the evidence is such as might more properly be tried summarily\textsuperscript{18};

(c) when the examining Magistrate is of the opinion that there are peculiar difficulties or circumstances connected with the case, or whenever he is so directed by the Public Prosecutor, he shall remand the accused or admit him to bail and forthwith transmit the evidence before the court to the Public Prosecutor in order that he may give such instructions as to him appear requisite\textsuperscript{19};

(d) if the accused had stated at the commencement of the preliminary inquiry that he wishes to plead guilty to the charge preferred against him, the examining Magistrate may commit him to trial if he is satisfied, after recording the facts of the case presented by the prosecution, that they disclose sufficient grounds for committing him to trial and further that the accused understands the nature of the charge and intends to admit without the qualification the offence alleged against him\textsuperscript{20}; or

(e) when the examining Magistrate, after taking the written statements and all the other evidence in support of the prosecution, is of the opinion that the accused should be committed for trial before the High Court, he must frame a charge declaring what the offence or offences the accused is charged\textsuperscript{21}.

If the examining Magistrate adopts the course of action stated in paragraph (e) above, the charge that is framed shall be read and explained to the accused and the standard allocution set out in section 143(2) of the CPC read to him. At this juncture, the accused may adopt one of the following courses of action:

(a) he may elect to reserve his defence but he, or his defence counsel, may address the court on a submission that there is insufficient evidence to put the accused on trial for the offence of which he is charged, and the prosecution has the right of reply\textsuperscript{22}. In this case, the examining Magistrate shall forthwith commit the accused for trial before the High Court if he is of the opinion that there is sufficient evidence to do so\textsuperscript{23}; or

\textsuperscript{16} Section 142(4), CPC.
\textsuperscript{17} Section 142(1), CPC.
\textsuperscript{18} Section 142(2), CPC.
\textsuperscript{19} Section 142(5), CPC.
\textsuperscript{20} Section 139, CPC.
\textsuperscript{21} Section 143(1), CPC.
\textsuperscript{22} Section 153(1), CPC.
\textsuperscript{23} Section 144, CPC.
(b) he may, instead, elect to make his defence before the preliminary inquiry.

If the accused elects to make his defence before the preliminary inquiry, the examining Magistrate will consider any conditioned statements that the accused or any defence witnesses had made. The accused may, instead, make an oral statement in court, which must then be recorded down in writing and signed by the examining Magistrate. The evidence of any defence witnesses other than the accused may similarly be given orally.

After the accused states his defence before the preliminary inquiry, the examining Magistrate will commit him for trial before the High Court if he finds sufficient grounds for doing so, or discharge him if he finds that there are not sufficient grounds.

Once the accused is committed for trial before the High Court, the examining Magistrate will require him to give orally or in writing a list of the names and as far as possible the addresses of the persons, if any, whom he wishes to be summoned to give evidence on his trial and shall record that he has done so. The examining Magistrate has to send a copy of the record of proceedings to the Public Prosecutor and to the accused, and, when he receives an order from the Public Prosecutor.

**Bail applications**

There are two types of bail – police or station bail on the one hand, and court bail on the other. The former refers to bail that is offered by the police to suspects who have been arrested or detained without warrant but who have not yet been charged. For bailable offences, any police officer may offer police bail, but only police officers above the rank of sergeant may offer police bail for suspects accused of non-bailable offences (unless there appear reasonable grounds to believe that the suspect is guilty of an offence punishable with death or life imprisonment). The latter refers to bail offered by the courts to accused persons who have already been charged.

Schedule A to the CPC designates which offences are bailable as of right and which are not. The court is bound to offer bail for bailable offences, and it may, in its discretion, offer bail for non-bailable offences. Bail can be imposed in both arrest and summons cases. However, the court may refuse bail where it is satisfied that the accused may intimidate witnesses or otherwise prejudice the course of justice while on bail.

The primary concern in imposing bail is to secure the attendance of the accused. The court is therefore concerned with the flight risk of the accused and will assess all factors that may impact on this, for example the gravity of the offence, the amount of property involved, whether the accused has family ties and property in Singapore or abroad and whether the bailor is present in Singapore. The court may then, based on the various factors related to the accused person’s flight risk set the bail amount. The court will also
require one or more persons to stand as sureties. The court may also impose conditions on bail to secure the attendance of the accused, such as impounding his passport, or requiring him to report his whereabouts to the investigating officer regularly.

Withdrawal of charges

The prosecution may, at any stage of a summary trial before judgment or of any trial before the High Court before the return of the verdict, if it thinks fit, inform the court that it will not further prosecute the accused person upon the charge – all proceedings will then be stayed and the accused person discharged not amounting to an acquittal unless the court orders otherwise. In the case of an offence ordinarily triable before the High Court, the District Court may only order a discharge not amounting to an acquittal as it has no jurisdiction to order an acquittal.

Trial procedure

The procedure for the conduct of trials before the High Court is set out in Chapter XXI of the Criminal Procedure Code, while the procedure for summary trials before the District and Magistrates’ courts can be found in Chapter XIX of the aforesaid Code. Every person accused before any criminal court has a right to be defended by an advocate.

High Court trials

At the commencement of a trial in the High Court, the charge is first read and explained to the accused and he is asked whether he wishes to plead guilty to the offence charged or claim trial to the charge. If he chooses to plead guilty, the Court records his plea and he may be convicted on it. In cases involving the mandatory death penalty, the Court may nonetheless require the prosecution to present its evidence in its entirety. Where the Court does convict the accused on his plea of guilt, the prosecution will tender a statement of facts in support of the charge. The accused is asked whether he admits to the statement of facts. If he does, the High Court will then pass sentence after hearing the plea in mitigation of the accused and the submission, if any by the prosecution, on sentence.

If the accused does not plead guilty or claim trial to the charge, then the Court will proceed to try the case.

Once the Court decides to try the case, the prosecution is required to present an opening address that states shortly the nature of the offence charged and the evidence by which the prosecution proposes to prove the guilt of the accused. The prosecution may call witnesses to give oral evidence either on oath or affirmation or lead evidence by way of conditioned statements as provided under the CPC.

A person in Singapore other than the accused may, with leave of court, give evidence via video link or live television link in any trial, inquiry, appeal or other proceedings if the witness is (a) below 16 years of age, (b) the offence is specified in section 364A(2) of the

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32 Section 184, CPC.
33 Section 193, CPC.
35 Section 195, CPC.
36 Section 187(1), CPC.
CPC (generally relating to offences involving hurt, offences of a sexual nature, offences against children, young persons and women etc), (c) the court is satisfied it is expedient in the interest of justice to do so, or (d) the Minister certifies that it is expedient in the public interest to do so.

At the conclusion of the case for the prosecution, the court will decide if the prosecution has made out on a prima facie basis, which if unrebutted would warrant the conviction of the accused person\(^{37}\). The test is as set out by the late Lord Diplock, in the seminal case of *Haw Tua Taw v PP* [1980-1981] SLR 73 as follows:

“At the conclusion of the prosecution’s case what has to be decided remains a question of law only. As decider of law, the judge must consider whether there is some evidence (not inherently incredible) which, if he were to accept it as accurate, would establish each essential element in the alleged offence. If such evidence as respects any of those essential elements is lacking, then, and then only, is he justified in finding ‘that no case against the accused has been made out which if unrebutted would warrant his conviction’, within the meaning of s 188(1). Where he has not so found, he must call upon the accused to enter upon his defence, and as decider of fact must keep an open mind as to the accuracy of any of the prosecution’s witnesses until the defence has tendered such evidence, if any, by the accused or other witnesses as it may want to call and counsel on both sides have addressed to the judge such arguments and comments on the evidence as they may wish to advance.”

Before the High Court calls for the defence, the court will recite the standard allocution to the accused i.e. to inform the accused that he has two options: (a) to elect to give evidence from the witness box, under oath or affirmation, in his own defence; or (b) to elect not to give evidence, i.e. remain silent, in which case the court may in deciding whether he is guilty or not draw such inferences as appear proper, including inferences adverse to the accused\(^ {38}\).

After the accused makes his election, the accused may open the case for the defence by stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the prosecution’s evidence\(^ {39}\). Each defence witness, including the accused (if he elects to give evidence he will do so before the other defence witnesses\(^ {40}\), will be examined, then subject to cross-examination by the prosecution and re-examination by the defence\(^ {41}\). Any accused who elects to give evidence may be cross-examined on behalf of any other accused jointly tried\(^ {42}\).

At the conclusion of the defence case, the defence will make its closing submissions. The prosecution will then have a right of reply on the whole case\(^ {43}\). Thereafter, if the court

\(^{37}\) Section 189(1), CPC.

\(^{38}\) Sections 189(2) and 196(2), CPC.

\(^{39}\) Section 190(1), CPC.

\(^{40}\) Section 190(3), CPC.

\(^{41}\) Section 190(2), CPC.

\(^{42}\) Section 190(4), CPC.

\(^{43}\) Section 191, CPC.
finds the accused not guilty it will record an order of acquittal, but if it finds the accused guilty, the court will pass sentence according to law.\textsuperscript{44}

\textit{Subordinate court trials}

The procedure for the conduct of summary trials before the District or Magistrates’ courts is similar in many respects to that for High Court trials, except that opening addresses are not a mandatory feature in summary trials.\textsuperscript{45}

\textit{Sentences}

The sentences generally prescribed under law are imprisonment, fine and caning. In no case shall all 3 punishments be inflicted on any person for the same offence.\textsuperscript{46} In some instances, the courts may order that a period of police supervision follow the sentence passed. Depending on the age of the accused and the number and type of previous convictions, the courts may also pass a sentence of reformative training, corrective training or preventive detention. Reformative training and corrective training refer to periods of imprisonment with a view to an offender’s reformation and the prevention of crime. Preventive detention, on the other hand, is incarceration with a view to the protection of the public.

Singapore retains the death penalty for the most serious of offences, such as murder and drug trafficking. The second most severe penalty would be life imprisonment, which means the remainder of a convict’s life,\textsuperscript{47} although the Life Imprisonment Review Board promulgated under the Prisons Regulations may examine the suitability of releasing such a convict after he has served at least 20 years’ imprisonment.

Apart from the sentences set out above, the court may also order a convicted offender to undergo probation.\textsuperscript{48} Children and young persons who commit offences may be dealt with by the juvenile court. Pursuant to the Children and Young Persons Act (Cap. 38), the juvenile court is empowered to make a wide array of orders upon proof of the commission of an offence by a juvenile. For example, the court may order the juvenile to undergo probation, or be committed to the care of a relative or fit person, or require the juvenile’s parents to execute a bond to exercise proper care and guardianship or order the juvenile to reside in a home or attend an approved school etc.

Under section 401 of the CPC, the court before which a person is convicted of any crime or offence may, in its discretion, make an order for the payment by that person of prosecution’s costs and/or an order for him to compensate any person or representatives of that person injured in respect of the latter’s person, character or property.

As for compensation, it must be borne in mind that it is not ‘punishment’ for an offence under the Penal Code. It is not part of the ‘sentence’. A compensation order does not prejudice any right to a civil remedy for the recovery of any property or damages beyond

\textsuperscript{44} Section 192, CPC.
\textsuperscript{45} Section 181, CPC. Cf section 188(1), CPC.
\textsuperscript{46} Section 11(1), CPC.
\textsuperscript{47} Abdul Nasir bin Amer Hamsah v PP [1997] 3 SLR 643.
\textsuperscript{48} See the Probation of Offenders Act (Cap. 252, 1985 Rev Ed.).
the amount of compensation paid under the order\textsuperscript{49}. Compensation orders were not introduced into the law to enable the convicted to buy themselves out of the penalties of crime. They were introduced as a convenient and rapid means of avoiding the expense of resort to civil litigation when the criminal clearly has means which would enable the compensation to be paid\textsuperscript{50}. Under section 403(1) of the CPC, the court may allow time for payment, direct instalment payments, issue a warrant for distress and sale of property of person against whom an order is made, order the imprisonment of a person against whom the order is made, if he is in default of payment, and/or order the payment from money found on the person against whom an order is made.

\textit{Appeals}

Broadly speaking, appeals against conviction and sentence may be made against Subordinate court decisions to the High Court (referred to as Magistrates’ appeals), and against High Court decisions to the Court of Appeal. The procedure for Magistrates’ appeals, reservation of points of law and stating of cases to the High Court\textsuperscript{51} and criminal revision can be found in Part VII of the CPC and the Supreme Court of Judicature Act (Cap. 322), whereas the procedure for the Court of Appeal is primarily set out in the Supreme Court of Judicature Act. Three preliminary points are in order. First, appellate jurisdiction is statutory in nature, and hence even the highest and final appellate tribunal does not possess an inherent appellate jurisdiction\textsuperscript{52}. Second, where an accused has pleaded guilty and been convicted on that plea, no appeal is permitted except as to the extent of the legality of the sentence passed\textsuperscript{53}. Third, where an accused person has been acquitted by a Subordinate Court, only the Public Prosecutor may appeal – this is to protect the accused person.

The appellate procedure before the High Court and Court of Appeal are broadly similar. The appellate process kicks start with the filing of a notice of appeal – this must be filed within 10 days\textsuperscript{54} of a Subordinate Court judgment, sentence or order or within 14 days\textsuperscript{55} from a High Court decision. On receipt of the notice, the record of proceedings (which includes the written grounds of decision and the notes of evidence) will be served on parties\textsuperscript{56}. Service of the record triggers a timeline within which the appellant must file a petition of appeal. The petition must state shortly the substance of the judgment appealed against and contain definite particulars of the points of law or of fact, if any, in regard to which the court appealed from, is alleged to have erred\textsuperscript{57}. If the appellant fails to file the petition of appeal within the stipulated time frame, the appeal will be deemed to have been withdrawn, although the appellate courts have the power to allow out-of-time appeals. In practice, after the petition of appeal is filed, parties will serve on each other and file with the appellate court a set of appellant’s and respondent’s skeletal arguments – these outline the crux of their appeal and response.

\textsuperscript{49} Section 401(4), CPC.
\textsuperscript{50} per Scarman LJ in \textit{R v Inwood} [1974] 60 Cr App R 70.
\textsuperscript{51} Note, however, that the reference of constitutional questions from the Subordinate courts to the High Court is found in section 56A of the Subordinate Courts Act.
\textsuperscript{52} \textit{Lim Choon Chye v PP} [1994] 3 SLR 135.
\textsuperscript{53} Section 244, CPC.
\textsuperscript{54} Section 247(1), CPC.
\textsuperscript{55} Section 45(1) Supreme Court of Judicature Act (Cap.322, 1999 Rev Ed.) (“SCJA”).
\textsuperscript{56} Section 247(3), CPC and section 46, SCJA.
\textsuperscript{57} Section 247(4) and (5), CPC and section 47, SCJA.
At the appellate hearing proper, the appellant will first be heard. Thereafter, the respondent will be given an opportunity to be heard and the appellant entitled to reply. The High Court hearing Magistrates’ appeals may, if it considers there is no sufficient ground for interfering, dismiss the appeal, or it may, in an appeal from an acquittal, reverse the order and direct that further inquiry be made or that the accused be retried or committed for trial, or find him guilty and sentence him accordingly. In an appeal from conviction, the High Court may reverse the finding and sentence and thereafter acquit or discharge the accused or order that he be retried or committed for trial, or it may alter the finding, maintaining the sentence, or, with or without altering the finding, reduce or enhance the sentence. The High Court may also alter the nature of the sentence. The powers of the Court of Appeal are largely similar.