

Syabu: Man jailed for life, given 12 lashes

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On Jan 18, Wong was ordered to enter his defence to the charge under Section 39B(1)(a) of the Dangerous Drugs Act (DDA) 1952.

KOTA KINABALU: A 48-year-old man was sentenced to life imprisonment and ordered to be given 12 lashes of the cane by the High Court here for trafficking 1,413.4gm of syabu. Judicial Commissioner Amelati Parnell found Muhd Tarmizi Wong Abdullah guilty of committing the offence at 9.30pm on Nov 30, 2020 in front of a loading area at Kg Mempakul, Menumbok, Beaufort. Amelati ordered Wong (*pic*) to serve the sentence, which is to be treated as a sentence of imprisonment of 30 years and to run from the date of arrest on Nov 30, 2020 with 12 strokes of whipping. On Jan 18, Wong was ordered to enter his defence to the charge under Section 39B(1)(a) of the Dangerous Drugs Act (DDA) 1952. The charge is punishable under Section 39B (2) of the same Act carries the death sentence or imprisonment for life and whipping of not less than 15 strokes if not sentenced to death, on conviction. Wong gave evidence under oath in his defence and also called one witness while the prosecution had called nine witnesses to testify at the prosecution's stage.

Earlier, counsel Ram Singh submitted that since the Abolition of Mandatory Death Penalty Act was being enforced, he urged the court not to impose the death penalty but one of life imprisonment. Ram said life imprisonment is sufficient for Wong as he is a local and has a mother, who is not well. Deputy Public Prosecutor Rustam Sanip submitted that with the coming into force of the Abolition of Mandatory Death Penalty Act 2023 on July 4, this year, the court is now given discretion to pass a sentence of death or life imprisonment with 12 lashes of the cane. He cited two decided cases in

guiding the court on whether to pass the death sentence or life imprisonment. In the present case, the drugs involved was 1.413.4gm of syabu which was 20 times the minimum weight for the presumption under Section 37(da) of the DDA 1952, submitted Rustam, who applied for a death sentence as a lesson to the public and would be offenders.

Meanwhile, in the Magistrate's Court, a self-employed man was charged with posing as a police officer at a restaurant in Manggatal. Md Aswanda Alfian Alfian Asrin pleaded not guilty before Magistrate Lovely Natasha Charles to committing the offence at noon on Sept 13 at Mong café, Bandar Sierra. He was charged under Section 170 of the Penal Code, which provides for a maximum jail term of two years or a fine, or both. Prosecuting Officer Inspector Kelvan Elson Maik prosecuting applied for a pre-trial case management and offered no bail as the accused has no identity card. The court set Oct 23 for mention of the case and ordered Aswanda, who was not represented to be remanded further.