



Dinesh a/l Thevaras (Middle) Outside The Courtroom With His Lawyers, Dato' Geethan Ram Vincent (Left) and Mr Revin Kumar (Right)

Man Acquitted of Section 39B Drug Trafficking

Cheang Sue Lyn

SHAH ALAM:

The High Court today heard the case for and acquitted 26 year old Dinesh a/l Thevaras who was facing a charge under section 39B of the Dangerous Drugs Act 1952, an offence which, if convicted carries a mandatory death penalty. The case was heard by YA Dato' Haji Ab. Karim bin Haji Ab. Rahman who gave the final judgment.

Around 9:30pm on 15 January 2018, the Gombak police, acting on an anonymous tip, conducted a stake out of the parking lot behind Coffee Box Restaurant in Batu Caves. According to the Prosecution, after roughly 10 minutes, a blue Myvi driven by the accused pulled into the parking lot. The car was stopped and searched. In the front passenger seat, the police allegedly found a brown flowery paper bag containing two transparent plastic bags, the contents of which was some white powder later confirmed to be methamphetamine totalling 356.1 grams. Nearby, the police also arrested the accused's older brother, then 29-year-old Saravanan a/l Thevaras who was subsequently not charged.

However, according to the Defence, the accused was not driving the car, indeed, he was not even in the parking lot at the time.

The Defence put to the relevant witnesses that the accused was actually in the Coffee Box Restaurant with his brother waiting for their dinner to be served. The accused's brother, Saravanan, was questioned and confirmed this fact. Further, the Defence put forward that the blue Myvi did not belong to the accused, instead, it belonged to his sister-in-law who had recently brought the car for servicing at a workshop. On the stand, the accused's sister-in-law testified under oath that a mechanic from the workshop had called her informing her that he had accidentally left his brown paper bag in the car when servicing the vehicle and asked her to hold on to the bag so that he could collect it at a later date.

After hearing the Prosecution's case and the contentions put forward by the Defence in their cross-examination of the various witnesses, the Honorable judge held that the Prosecution had failed to prove a prima facie case and acquitted the accused without calling for defence. In cases where the Defence is not called to present their version of events, the Defence's version can be deduced from the questions they put to the Prosecution witnesses during cross-examination. The Prosecution will then have the opportunity to re-examine the witness to allow them to explain their position if required.