



Cheang Sue Lyn

Two Men Escape Death Sentence Despite Victim's Blood Being Found On Their Clothes



Ragu A/L Ramasamy (Left), Dato' Geethan Ram Vincent (Middle),
Devan Theeran A/L Vadivello (Right)

SHAH ALAM:

The High Court here today heard the case for and acquitted 34-year-old Devan Theeran A/L Vadivello and 36-year-old Ragu A/L Ramasamy who were jointly charged under section 302 of the Penal Code for murder. If convicted, the charge of murder carries the mandatory death penalty.

A total of 13 witnesses were called by the Prosecution to prove their case. According to the Prosecution, on 7 June 2015 at around 5:30 am, the 2 accused and 1 other still at large went to the home of the victim and attacked him while his family was sleeping in the house. Once the assailants fled, the 61-year-old victim, Ng Kee Len, called out for his son who rushed him to hospital. Emergency doctors said he had a slim chance of survival and the victim subsequently passed away 15 minutes later. Despite suffering head injuries, the court heard that the true cause of death was "massive blood loss due to slash wound to the right forearm".

Although motive is not an essential element to a charge of murder, the Prosecution in this case made their submission this issue. It was alleged that the second accused worked at an establishment, Karaoke Lust, and that the son of the victim, Ng Lip Kuan, caused a ruckus at the Karaoke lounge by breaking several bottles of alcohol. Following a series of displeasing events, the accused allegedly set out to get revenge on the victim, causing his death. An eyewitness identified the second accused fleeing the scene of the incident while DNA analysis found the victim's blood on the clothing worn by the first accused.

The accused were represented by Dato' Geethan Ram Vincent of Geethan Ram Advocates and Solicitors. In their police interviews, both accused vehemently denied any and all involvement in the events of the case; a point that the defence lawyer posit was not properly investigated or explored. Specifically he contends that the interview recordings, alibi submissions and the accused's defences as a whole were almost completely disregarded by the investigating team. The Defence also submitted that the identification of the second accused by the son of the victim was unsafe and that there was insufficient evidence linking the 2 accused to the crime. In addressing the DNA analysis which found the victim's blood on Devan's clothes, the defence lawyer argued that due to the process of seizure and investigation, there was a break in the chain of the evidence and that the risk of "cross contamination" was very high.

After hearing the submissions from both sides, the learned judge was left with doubt and thus could not confidently convict the accused. The men were acquitted and discharged with immediate effect.