



**FOR IMMEDIATE RELEASE  
8 NOVEMBER 2021**

**HIGH COURT DISMISSES APPLICATION BY NAGAENTHRAN A/L K  
DHARMALINGAM FOR LEAVE TO COMMENCE JUDICIAL  
REVIEW PROCEEDINGS**

The High Court, today, heard and dismissed the application brought by Mr Nagaenthran a/l K Dharmalingam (“**Nagaenthran**”) for leave to commence judicial review proceedings.

2 The key plank of Nagaenthran’s application pertained to the issue of his alleged mental age. In this regard, the sole factual basis for the application rested on evidence given by Nagaenthran’s lawyer, Mr Ravi s/o Madasamy (“**Mr Ravi**”). Mr Ravi claimed that Nagaenthran “d[id] not appear... to understand what is happening to him in respect of the impending execution of his sentence of death”. Mr Ravi also asserted his “firm belief” that Nagaenthran has a mental age of below 18 years.

3 The High Court found that Mr Ravi’s belief or opinion as to Nagaenthran’s mental age was inadmissible in law. Mr Ravi himself conceded that he possesses no medical expertise to comment on this matter. Furthermore, Mr Ravi has only met Nagaenthran once in the last three years, for a mere 26 minutes, on 2 November 2021. The High Court held that there was no credible basis upon which Mr Ravi’s assertions as to Nagaenthran’s mental age can be considered.

*Prison officer’s evidence relating to Nagaenthran*

4 AGC also submitted that Mr Ravi’s evidence was contrary to the objective facts.

5 A senior officer from the Singapore Prison Service (“**SPS**”) who has observed Nagaenthran for close to three years and who interacts frequently with him, gave evidence in respect of his dealings with, and observations of, Nagaenthran. The following evidence was presented to Court:

a. Nagaenthran has not demonstrated any abnormal behaviour throughout the officer's interactions with him. He has no problem communicating with SPS officers in English, Malay and Tamil, making requests and responding to instructions.

b. When Nagaenthran was notified that the sentence of death would be carried out in the near future, he confirmed that he understood what that meant.

c. After that, Nagaenthran took active steps to arrange his personal affairs. Amongst other things, he requested:

- i. for religious counselling, which he then attended. He had previously refused religious counselling;
- ii. for a DVD player to be placed outside his cell to play religious songs;
- iii. to call his family members and for them to visit. In the three years prior, he had declined requests from his family for visits and calls;
- iv. for his choice of SPS officers to attend to his needs in the lead up to the execution; and
- v. for his afternoon visit sessions to end at a later time.

d. Nagaenthran was also able to plan his daily visit and call schedules, and reschedule them in the event of clashes. He continues to communicate coherently and purposefully, and is able to provide contact numbers of relatives and even a childhood friend whom he had not contacted for some time.

e. In the context of making these arrangements, Nagaenthran had emphasised to the SPS officer that he had a short time left to live.

### *Medical evidence about Nagaenthran's mental state*

6 Nagaenthran undergoes regular medical and psychiatric assessments in prison.

7 On 5 November 2021, AGC wrote to Mr Ravi to seek Nagaenthran's consent to disclose to the Court the records of his latest assessments, as these may be subject to doctor-patient confidentiality. Copies of the reports were also extended to Mr Ravi. Mr Ravi did not reply to AGC's letter and made no attempt to take instructions from Nagaenthran on this issue. In fact, Mr Ravi has not seen or spoken to Nagaenthran again after his brief 26-minute meeting on 2 November 2021.

8 At today's hearing, AGC again asked Mr Ravi if Nagaenthran consented to the disclosure of the records. Mr Ravi initially stated that he was unable to advise Nagaenthran whether he should consent until he had seen the reports. AGC invited Mr Ravi to view the reports, and stated that the SPS was ready to facilitate an urgent video-call for Mr Ravi to take instructions from Nagaenthran. When asked by the Court as to whether he would like to take up the State's offer, Mr Ravi refused, and when asked by the Court if he was objecting to the production of the records, Mr Ravi confirmed that he was.

9 In dismissing the application today, the High Court reiterated that Nagaenthran has been accorded due process in accordance with the law. The High Court stated that it is not open to Nagaenthran to challenge the court's findings pertaining to his mental responsibility, whether directly or indirectly, in yet another attempt to revisit and unravel the finality of those findings.

10 As Mr Ravi indicated that Nagaenthran wished to file an appeal against the High Court's decision, an interim stay of execution has been granted pending the hearing by the Court of Appeal. The appeal has been fixed for 9 November 2021 at 2.30pm.

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