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Coffee shop helper spared the gallows

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GEORGE TOWN: A coffee shop helper escaped the hangman's noose when he was freed on 11 charges, including one for drug trafficking.

Penang High Court Judicial Commissioner Abdul Wahab Mohamed acquitted and discharged Khoo Kean Lee, 47, at the end of the prosecution's case yesterday.

He was accused of trafficking in 80.31g of methamphetamine at a house in Simpang Ampat, Seberang Prai Tengah, at about 3.30pm on April 16, 2014.

The offence under Section 39B(1) (a) of the Dangerous Drugs Act 1952, punishable under Section 39B(2) of the same Act, carries the mandatory death penalty upon conviction.

For the second and third charges, he was accused of possessing 0.58g of heroin and monoacetylmorphine, and 9.97g of ketamine, at the same place, time and day.

Khoo was also charged with five counts of possession involving 8.3kg of caffeine, 3.75 litres of chloroform, 1.5 litres of hydrochloric acid, 1.225kg of malaria drug chloroquine and 3.19g of anti-anxiety drug phenaze-



Elated man: Khoo walking out of the courtroom after he was acquitted and discharged by the High Court.

pam at the same place, time and day. The five charges were under Section 9(1) of the Poisons Act.

Khoo also faced two charges under Section 8 of the Firearms Act (Increased Penalties) 1971 for unlawful possession of a Glock 36 pistol and a Walther pistol and another charge under Section 8(a) of the Arms Act 1960 for possession of live ammuni-

tion without a permit, at the same place, time and day.

In his judgment, JC Abdul Wahab ruled that the prosecution failed to prove a *prima facie* case.

He said the house owner, who was the second prosecution witness, testified that he had rented the house to a tenant (the ninth prosecution witness) who in turn testified that the house was occupied by another person, not the accused.

The court then held that the accused was not a tenant or occupier of the house where the drugs were found.

He said Khoo had led the police to a car where they found an electricity bill under the name of one Yap Mooi Kim and bearing the house address.

The accused, he added, then led the police to the house.

"Yap was not called to give evidence in court and this created a gap in the prosecution's case," he said.

JC Abdul Wahab also said the DNA of the accused and four others were found on the items in the house, and so other individuals may have had access to those items.

Khoo was represented by Hussaini Abdul Rashid while DPP Noor Azrul Abdul Rahman prosecuted.