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Couple rearrested after acquittal

By Vivienne Malathi

Penang, Tues: A couple acquitted of a heroin-trafficking charge had a brief spell of freedom before police rearrested them outside the courtroom.

Unemployed Quah Seng Hooi and his Thai wife, Phanomphorn, both 28, charged with trafficking in 1.7kg of heroin at their house in Island Glades in 1995, were released by the High Court without their defence being called.

They smiled and hugged each other in the dock and thanked counsel Kitson Foong and S. Assamaley when Justice Jeffrey Tan announced his decision.

Once outside, Quah was arrested for another drug trial pending at a lower court, while Phanomphorn was in tears when she was rearrested under the Dangerous Drugs Preventive Measures Act.

Tan acquitted the two on the grounds that the prosecution failed to prove its case beyond reasonable doubt.

He said knowledge of the existence of the heroin was not enough to convict. There should be direct evidence showing they had custody and control.

Tan said that, for Quah, there was no direct evi-



Phanomphorn being handcuffed soon after her acquittal. — SUNpix by A. FRANCIS KUMAR

dence linking him to the heroin found inside the house as he was arrested before he could enter the house.

"The case went wrong because Quah was arrested outside and not inside. This is because the raiding officers were informed that Quah was to be picked up

for a firearms case," Tan said.

He said Phanomphorn, who was inside, could have been the alleged trafficker, but if she was, she would not have wanted to open the grille door for police.

Tan also said that, according to the evidence, Quah

was the target, not Phanomphorn, and that the two search lists drafted out by the investigating officer were served on Quah and not Phanomphorn.

He also said there were no traces of heroin found in Quah and Phanomphorn's fingernails.