

SINGAPORE / JUDGMENT

Public Prosecutor v Bill Darmadi

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In the state courts of the republic of singapore

[2026] SGMC 96

R370-CPIB-2026-0324-5835

Public Prosecutor

v

Bill Darmadi

judgment

[Criminal Procedure and Sentencing] — [Disposal of property]

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Public Prosecutor

v

Bill Darmadi

[2026] SGMC 96

R370-CPIB-2026-0324-5835

District Judge Shen Wanqin

20 July 2026, 1 September 2026 and 23 September 2026

23 September 2026 Judgment reserved.

District Judge Shen Wanqin:

1 On 17 May 2023, the Corrupt Practices Investigation Bureau (“ CPIB ”) seized nearly S\$140 million from four bank accounts held by Mr Bill Darmadi (“ Bill ”) in Singapore. The seizure arose from CPIB’s investigation into whether Bill had assisted in retaining the criminal proceeds of his father, Mr Surya Darmadi (“ Surya ”), who was convicted in Indonesia of corruption and money laundering offences. Bill is a director and shareholder of Rich Asian Pte Ltd (“ Rich Asian ”) and

Palmbridge Ltd (“Palmbridge”), two Singapore-incorporated companies whose bank accounts received funds from Indonesian companies linked to Surya. Substantial sums from those accounts were subsequently transferred to Bill’s bank accounts in Singapore. The main issue is whether the funds seized from Bill’s accounts should remain under seizure.

2 Under s 370(1) of the Criminal Procedure Code 2010 (“CPC”),

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Foot Note 1

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Unless otherwise stated, all statutory references are to the Criminal Procedure Code 2010.

CPIB was required to report the seizure by 17 May 2024. It did not do so until 24 March 2025, when it filed its first seizure report and obtained an order extending the seizure for 12 months under s 370(3)(b). Bill was neither notified of the application nor furnished with the seizure report before the Court made the order. On 24 March 2026, CPIB filed a second seizure report and sought a further 12-month extension under s 370(3)(b). Bill opposed the application and sought the return of the seized funds. The Attorney-General subsequently commenced proceedings in the High Court, seeking restraint orders over the same funds (“High Court proceedings”). The Prosecution later relied on those proceedings as a separate basis for continued seizure under s 370(3)(a).

3 I must therefore determine whether the requirements for continued seizure under s 370(3)(a) or s 370(3)(b) are satisfied. The Prosecution’s reliance on s 370(3)(a) also raises the issue of whether it may rely on the subsequently commenced High Court proceedings, having regard to the one-report rule established in *Lee Chen Seong Jeremy and others v Public Prosecutor* [2019] 4 SLR 867 (“Jeremy Lee”). Having considered the parties’ submissions, I find that the continued seizure of all the funds in Bill’s bank accounts is justified. Under s 370(3)(b), there is a reasonable basis for thinking that the funds, save for USD 8,659,749.02 held in a Citibank account (“the Untraced Sum”), are proceeds of an identifiable offence and may be the subject of disposal proceedings. Section 370(3)(a) separately justifies the continued seizure of all the funds, including the Untraced Sum, because the High Court proceedings concern their disposition and remain pending. The procedural irregularities in CPIB’s handling of the seizure do not warrant a different conclusion. I therefore order that all the funds remain under seizure for a further 12 months.

4 I set out my reasons below.

Material Facts

5 Surya is the owner of PT Dua Palma Group and Chairman of Darmex Agro Group, both Indonesian palm oil conglomerates. Between 2003 and 2022, he operated palm oil plantation businesses without the requisite permits, generating substantial illicit profits at significant cost to the Indonesian economy. He laundered those profits through companies under his control by diverting funds to overseas entities. In 2023, he was convicted in Indonesia of corruption and money laundering offences.

6 Against this background, CPIB commenced investigations into whether Bill had committed an offence under s 44(1) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap 65A, 2000 Rev Ed) (“CDSA”) (“the alleged CDSA offence”). CPIB’s investigations revealed that, between January 2020 and January 2023, substantial funds flowed from Indonesian companies linked to Surya into bank accounts held by Palmbridge and Rich Asian, and thereafter into Bill’s bank accounts in Singapore.

7 On 17 May 2023, CPIB seized the following four accounts held by Bill (collectively, “the Accounts”) and the funds standing to their credit (collectively, “the Funds”):

Account

Balance

UOB Account 357-315-381-0 (“UOB 3810”)

S\$81,578,915.49

UOB Account 357-910-503-6 (“UOB 5036”)

USD 23,116,458.46

UOB Account 450-365-628-5 (“UOB 6285”)

S\$10,000,000.00

Citibank 779003 (“Citibank Account”)

USD 14,759,749.02

8 Under s 370(1), CPIB was required to report the seizure to the Magistrate within one year, by 17 May 2024.

9 On 3 May 2024, CPIB informed Bill that it intended to report the seizure and seek an extension (“the 2024 Notification”). CPIB invited Bill to indicate whether he intended to object to the application, in which event the matter would be fixed for a hearing.

10 On 29 May 2024, Bill's solicitors wrote to CPIB requesting the basis of the intended application so that they could advise Bill on his legal position. CPIB overlooked the request and did not respond. By then, CPIB had also failed to report the seizure by the statutory deadline of 17 May 2024.

11 On 24 March 2025, CPIB filed its first seizure report (" the 2025 Report ") and applied to extend the seizure for a further 12 months (" the 2025 Extension Application ") (collectively, " the 2025 Reporting "). CPIB neither notified Bill of the 2025 Reporting nor furnished him with the 2025 Report. The 2025 Report made no reference to Bill's request for further information on 29 May 2024. On 25 March 2025, the Court granted the 2025 Extension Application and extended the seizure for 12 months (" the 2025 Order ").

12 On 5 February 2026, CPIB informed Bill that it intended to seek a further extension and asked whether he intended to contest the application. Bill's counsel requested the basis for continued seizure, which CPIB provided. Counsel thereafter informed CPIB that Bill intended to oppose the application, requested a hearing and sought a copy of the supporting seizure report.

13 On 24 March 2026, CPIB filed its second seizure report (" the 2026 Report ") and applied for a further 12-month extension under s 370(3)(b). On 17 April 2026, CPIB informed Bill of the application and that it had sought an ex parte hearing for permission to redact parts of the 2026 Report. On 30 April 2026, CPIB furnished Bill with a redacted copy of the 2025 Report and a copy of the 2025 Order. Following the ex parte hearing on 6 May 2026, CPIB furnished Bill with a redacted copy of the 2026 Report and requested an inter partes hearing.

14 I heard the parties on the application under s 370(3)(b) on 20 July 2026 and reserved judgment. When the matter came before me for delivery of judgment on 1 September 2026, the Prosecution informed me that the Attorney-General had commenced two originating applications in the High Court, HC/OA 964/2026 (" OA 964 ") and HC/OA 965/2026 (" OA 965 "), seeking restraint orders over the Funds. The Prosecution relied on those proceedings as a separate basis for continued seizure under s 370(3)(a). In light of this development, I deferred judgment and invited the parties to make further submissions on the application of s 370(3)(a).

15 Against this background, I turn to the issues for determination.

Issues to be determined

16 Based on the parties' submissions, the following issues arise for determination:

- (a) whether Bill's right to be heard was infringed in the making of the 2025 Order;
- (b) whether the infringement of Bill's right to be heard warrants the return of the Funds;
- (c) whether CPIB's failure to comply with the reporting timeline under s 370(1) warrants the return of the Funds;
- (d) whether the requirements for continued seizure under s 370(3)(b) are satisfied; and

(e) whether the requirements for continued seizure under s 370(3)(a) are satisfied.

17 I address each issue in turn.

Whether Bill's right to be heard was infringed

18 It is common ground that Bill, as the person from whom the Accounts were seized, had a right to be heard on the first and each subsequent reporting of seizure under s 370 (Mustafa Ahunbay v Public Prosecutor [2015] 2 SLR 903 ("Mustafa") at [55], Oon Heng Lye v Public Prosecutor [2017] 5 SLR 1064 ("Oon Heng Lye") at [24] and Ng Siam Cheng Sufiah v Public Prosecutor [2020] 4 SLR 659 ("Sufiah Ng") at [51]). The right to be heard encompasses two subsidiary rights: the right to notice of a hearing and the right to further information concerning the seized property, including the contents of the seizure report provided to the Magistrate (collectively, "the subsidiary rights") (Mustafa at [70] and [77]).

19 The issue is whether Bill's right to be heard was infringed in the making of the 2025 Order. This turns on two questions:

- (a) whether Bill's rights to notice of a hearing and to further information arose only if he indicated an intention to contest the 2025 Extension Application or if a hearing had been convened; and
- (b) whether Bill waived his right to be heard in relation to the 2025 Extension Application.

Whether the rights to notice and further information arise only upon an intention to contest or the convening of a hearing

20 While the Prosecution accepts that Bill had a right to be heard, it submitted that the subsidiary rights arose only if he indicated an intention to contest the 2025 Extension Application and a hearing was convened. It described the reporting regime under s 370 as operating as follows:

- (a) Where an interested party does not indicate an intention to contest or be heard, the investigating authority files the seizure report as an update to the Court. No hearing is convened, and the interested party need not be notified of a hearing or furnished with the report.
- (b) Where an interested party indicates an intention to contest, a hearing is convened. The interested party is then notified of the hearing date and furnished with the seizure report before the hearing.

21 Bill submitted that neither subsidiary right depends on his having indicated an intention to contest the 2025 Extension Application or on a hearing having been convened. Relying on Mustafa at [72] and [78], he contended that once an interested party establishes an interest in the seized property, he is entitled to notice of the hearing and to a copy of the seizure report.

22 I accept Bill's submission in part. The two subsidiary rights arise at different points. The right to notice arises only if a hearing is convened, as there is otherwise no hearing of which notice can be given. The right to further information, however, does not depend on an interested party having first indicated an intention to contest or on a hearing having been convened. I explain why.

23 The right to be heard is not absolute, and what it requires depends on the subject matter and the statutory framework in which it operates (*Howe Wen Khong Rocky and others v Attorney-General* [2025] SGHC 253 (" Rocky Howe ") at [52]). In proceedings under s 370, the subsidiary rights must likewise be understood in light of the functions they serve in giving effect to the right to be heard, while taking account of the public interest (*Mustafa* at [69] and [73]).

24 The function of notice is to enable an interested party to attend a hearing and exercise his right to be heard. This function arises only once a hearing has been fixed. I therefore accept the Prosecution's submission that the right to notice of a hearing arises only if a hearing is convened. The right to further information serves a different function. It enables an interested party to understand the basis for continued seizure and to make an informed decision whether to contest it (*Sufiah Ng* at [76]). This function necessarily precedes the decision whether to seek a hearing. If disclosure of the information depended on the interested party first indicating an intention to contest, he would have to make that decision without the information necessary to assess whether there is any basis for doing so.

25 The procedural framework in *Mustafa* supports this conclusion. The Court of Appeal held at [77] and [81] that a party to be heard before the Magistrate's Court must be informed how the seized property is connected with the pending investigation, and that this information will ordinarily be conveyed through the seizure report tendered to the Magistrate. Where disclosure would not prejudice investigations, the investigating authority should provide the report to the interested party. The Magistrate may thereafter, if necessary, direct the interested party to state the basis of his objections by affidavit. This sequence contemplates disclosure of the seizure report before the interested party is required to formulate his objections. The Prosecution has not identified any authority supporting the converse proposition that disclosure arises only after an intention to contest has been indicated and a hearing convened.

26 The Prosecution's proposed approach would also deprive the right to further information of much of its practical utility. An interested party would have to choose between declining to contest without knowing the basis for continued seizure and indicating an intention to contest simply to obtain the report. The latter course could result in hearings being fixed unnecessarily, only for the interested party to decide after receiving the report that there is no basis for objection. Neither consequence accords with the function served by the right to further information.

27 I am not persuaded that Sufiah Ng supports a different conclusion. The Prosecution relied on that case as illustrating that, where an interested party has not indicated an intention to be heard and no hearing has been fixed, the investigating authority may file the seizure report as an update to the Court without providing either notice of a hearing or the report to the interested party.

28 The observations in Sufiah Ng must be read in their factual context. The Court was addressing whether hearings had been convened on two particular dates or whether the Court had merely directed the investigative authority to file its reports by specified deadlines. Its observations at [63]–[64] were directed to that issue. They do not establish the broader proposition that the absence of a hearing relieves the investigating authority of any obligation to provide further information to an interested party. The Court's conclusion that the petitioner's right to be heard had not been infringed also depended on the circumstances of that case, including that she had been kept sufficiently informed and represented throughout the proceedings (Sufiah Ng at [69]–[70]). The position here is materially different: Bill received no information concerning the 2025 Reporting.

29 I therefore conclude that the two subsidiary rights arise differently. The right to notice arises only if a hearing is convened. The right to further information arises independently of the convening of a hearing and does not depend on the interested party first indicating an intention to contest. This enables the interested party to obtain sufficient information to decide whether to contest continued seizure in the first place.

30 This does not mean that the investigating authority must provide the seizure report in every case. Like the right to be heard, the right to further information may be waived by the conduct of the interested party. Where an interested party has been informed of an intended application for continued seizure and elects not to contest it, the Court may, depending on the circumstances, conclude that he has waived his right to be heard, such that no further steps are required to give effect to that right. I turn next to whether Bill's conduct amounted to such a waiver.

Whether Bill waived his right to be heard in relation to the 2025 Extension Application

31 The parties framed their submissions principally in terms of whether Bill objected, or failed to object, to the continued seizure of the Accounts. The relevant question, however, is whether Bill's conduct amounted to a waiver of his right to be heard in relation to the 2025 Extension Application. If it did, CPIB was not required to take further steps to give effect to that right. For the reasons that follow, I find that Bill did not waive his right to be heard.

32 There is no authority directly addressing waiver of the right to be heard in proceedings under s 370. Some guidance may nevertheless be drawn from *Tan Chor Jin v Public Prosecutor* [2008] 4 SLR(R) 306 (“*Tan Chor Jin*”), where the Court of Appeal considered whether an accused could, by his conduct, lose or waive his constitutional right to counsel. The Court held that the right to counsel was not an “untrammelled or enduring and/or unwaivable right” and recognised that the conduct of the rights-holder was relevant to the inquiry (*Tan Chor Jin* at [54] and [63]).

33 The Court of Appeal considered foreign authorities which imposed stringent requirements for a valid waiver, including that the waiver be unequivocal, free and voluntary, and made with knowledge of what was being given up (*Tan Chor Jin* at [66]–[67]). The Court did not, however, adopt those requirements as a specific test under Singapore law. At [68], it preferred a “broad-based, fact-centric approach”, taking account of all the circumstances and any competing interests, while maintaining the focus on whether unfairness or prejudice had resulted. Significantly, the Court observed that this approach presupposed that the accused had first been given an opportunity to exercise the right in question.

34 I adopt the same broad approach in considering whether Bill waived his right to be heard. The nature of the right and the statutory context here are different from those in *Tan Chor Jin*, but the underlying inquiry is similarly whether, viewed in all the circumstances, Bill’s conduct can properly be regarded as a relinquishment of his right to be heard. Of particular relevance is whether Bill had a meaningful opportunity to exercise that right before the 2025 Order was made.

35 The Prosecution submitted that Bill waived his right to be heard because he did not indicate an intention to contest the continued seizure after receiving the 2024 Notification. Bill contended that he could not decide whether to contest because CPIB did not respond to his solicitors’ request for the basis of the intended application. In my judgment, Bill’s conduct following the 2024 Notification does not support a finding of waiver. His solicitors’ letter of 29 May 2024 expressly reserved his rights and requested the basis of the intended application. Far from indicating that Bill had decided not to contest the continued seizure, the letter showed that he sought further information before deciding what position to take. CPIB overlooked that request and did not respond. In these circumstances, Bill’s failure thereafter to indicate an intention to contest cannot properly be treated as a relinquishment of his right to be heard.

36 More fundamentally, Bill was never notified of the 2025 Reporting or the 2025 Extension Application before the 2025 Order was made. He therefore had no opportunity to decide whether to exercise his right to be heard in relation to that application. This is significant in light of *Tan Chor Jin*, where the Court of Appeal expressly proceeded on the premise that the rights-holder had first been given an opportunity to exercise the right said to have been waived (*Tan Chor Jin* at [68]).

37 I am also not persuaded by the Prosecution’s submission that Bill’s present objection to the continued seizure was belated. His May 2024 letter showed that he was awaiting further information before deciding whether to contest continued seizure. CPIB neither responded to that request nor informed him when it subsequently filed the 2025 Report and sought the 2025

Order. When CPIB informed Bill in 2026 that it intended to seek a further extension and provided the basis for continued seizure, he indicated that he wished to oppose the application. In these circumstances, his objection cannot fairly be characterised as belated.

38 I therefore find that Bill did not waive his right to be heard in relation to the 2025 Extension Application. CPIB remained obliged to give effect to that right by furnishing Bill with the 2025 Report and affording him an opportunity to make representations to the Magistrate before seeking the 2025 Order.

Whether Bill's right to be heard was infringed

39 Having found that Bill did not waive his right to be heard in relation to the 2025 Extension Application, I turn to whether that right was infringed. The substance of that right is well established. At its core, a person must be informed of the case he has to meet and be given a fair opportunity to present his case or answer the opposing case (*Attorney-General v Datchinamurthy a/l Kataiah* [2022] SGCA 46 at [23], *Rocky Howe* at [51] and *Stansfield Business International Pte Ltd v Minister for Manpower* (formerly known as *Minister for Labour*) [1999] 2 SLR(R) 866 at [26]). The underlying principle is one of fairness: where a party's interests may be affected by the Court's decision, he must have a meaningful opportunity to make representations before that decision is made (*Mustafa* at [45]).

40 In s 370 proceedings, an interested party must be afforded an opportunity to make representations to the Magistrate (*Oon Heng Lye* at [24]–[25] and *Mustafa* at [45]). Where a hearing is convened, an interested party must be notified of it (*Oon Heng Lye* at [24] and [31]–[32]). As explained above, the interested party must also be informed how the seized property is connected with the pending investigation so that he can make an informed decision whether to make representations (*Mustafa* at [69] and [77], and *Sufiah Ng* at [76]).

41 Applying these principles, I find that Bill's right to be heard was infringed in the making of the 2025 Order. CPIB neither notified him of the 2025 Extension Application nor furnished him with the 2025 Report. Without notice of the application, Bill had no opportunity to make representations before the 2025 Order was made. Without the Report, he could not assess the grounds on which CPIB sought continued seizure, despite his solicitors having expressly requested that information on 29 May 2024. CPIB furnished him with the 2025 Report only on 30 April 2026, more than a year after the 2025 Order had been made. By then, the opportunity to be heard before the making of that Order had passed.

42 The Prosecution submitted that any infringement was only partial because the 2024 Notification informed Bill that CPIB intended to seek continued seizure and gave him an opportunity to indicate whether he wished to contest. I do not accept that submission. The 2024 Notification informed Bill only that CPIB intended to apply for continued seizure of the Accounts. It did not state when CPIB would make the application or the grounds on which continued seizure would be sought. When CPIB eventually filed the 2025 Report and made the 2025 Extension Application some ten months after the statutory deadline, Bill received neither notice

of the application nor the information necessary to respond to it. The 2024 Notification therefore did not afford Bill a meaningful opportunity to be heard on the 2025 Extension Application before the 2025 Order was made.

43 This conclusion accords with the purpose of s 370, which operates as a check on the investigating authority by requiring it to account for seized property and justify its continued retention (Mustafa at [6]–[7]). That safeguard would be substantially weakened if a general notification of an intended future application were sufficient notwithstanding a substantial delay before the application was eventually made. Here, CPIB filed the 2025 Report some ten months after the prescribed deadline and obtained the 2025 Order without notifying Bill of the application. Treating the 2024 Notification as sufficient in those circumstances would allow a general notification given many months earlier to substitute for a meaningful opportunity to address the application actually placed before the Court.

44 The decision in *Oon Heng Lye* provides further support for this conclusion. There, the Prosecution relied on the usual police practice of informing an accused during statement recording that exhibits related to the offence would be forfeited and recording any objection. Menon CJ held that, even assuming Oon had been informed that the seized funds would be forfeited if they were related to a crime, this was insufficient to give effect to his right to be heard. Among other things, Oon had not been notified of the hearing before the Magistrate and therefore had no opportunity to be heard before the forfeiture order was made (*Oon Heng Lye* at [34]).

45 The same reasoning applies here. Bill's general awareness from the 2024 Notification that CPIB intended to seek continued seizure did not afford him a meaningful opportunity to address the 2025 Extension Application. By the time CPIB made that application, some ten months after the statutory reporting deadline, Bill had received neither notice of the application nor the information he had requested concerning the basis for continued seizure. I therefore find that CPIB infringed Bill's right to be heard by failing to notify him of the 2025 Extension Application, furnish him with the 2025 Report, and afford him an opportunity to make representations to the Magistrate before obtaining the 2025 Order.

Whether the infringement of Bill's right to be heard warrants the return of the Funds

46 The infringement of Bill's right to be heard does not, without more, warrant the return of the Funds. Bill submitted that the Funds should be returned, having regard to the infringement, CPIB's delay in reporting the seizure and the absence of a reasonable basis for continued seizure. The Prosecution submitted that the question of return ultimately depends on whether the statutory requirements for continued seizure are satisfied. I agree. Bill was denied the opportunity to be heard before the 2025 Order was made. That infringement does not, however, determine whether the Funds may now remain under seizure. That question must be determined separately by reference to the requirements of s 370.

47 The approach in Mustafa similarly shows that an earlier denial of the right to be heard does not, without more, require the return of the seized property. There, an order extending seizure had been made without notice to the applicant's solicitors because of the Prosecution's oversight. Having recognised the applicant's right to be heard, the Court of Appeal did not order the return of the seized property. Instead, it directed that, if the property remained under seizure, the applicant should be given notice of the next reporting and an opportunity to be heard before the Magistrate determined whether the property should continue to be held: Mustafa at [86]. The Court thus afforded the applicant the opportunity to be heard at the subsequent reporting rather than treating the earlier denial of that opportunity as requiring the return of the property.

48 Oon Heng Lye provides further support for this approach. The High Court found that the petitioner had been denied his right to be heard before the forfeiture order was made, but declined to set aside the order because the errors had caused no substantial injustice. In reaching that conclusion, the Court considered whether the petitioner was lawfully entitled to possession of the seized funds (Oon Heng Lye at [20]–[21] and [42]–[55]). Although that case arose in the exercise of the High Court's revisionary jurisdiction, it similarly demonstrates that an infringement of the right to be heard does not, without more, require the return of seized property.

49 In the present proceedings, Bill has now been afforded the opportunity that was denied to him in 2025. He has received both the 2025 Report and the 2026 Report, filed comprehensive written submissions and been fully heard on the continued seizure of the Funds. The earlier infringement remains an irregularity in the making of the 2025 Order, but it does not prevent me from determining, after hearing Bill, whether the statutory requirements for continued seizure are now satisfied.

50 I therefore do not accept that the infringement of Bill's right to be heard warrants the return of the Funds. Whether the Funds should be returned depends on whether the statutory requirements for continued seizure are satisfied. In making that determination, however, the Court may take into account the period for which the Funds have remained under seizure and any delay on the part of the investigating authority (Mustafa at [84]). I turn first to CPIB's failure to comply with the statutory reporting timeline.

Whether CPIB's failure to comply with the reporting timeline under s 370(1) warrants the return of the Funds

51 Bill accepts that the Accounts were lawfully seized under s 35(1)(a). The issue is whether CPIB's failure to report the seizure within the time prescribed under s 370(1) rendered the continued seizure unlawful and now warrants the return of the Funds. Bill submitted that it does because CPIB failed to report the seizure by 17 May 2024. The Prosecution submitted that CPIB's non-compliance does not warrant the return of the Funds because the delay in reporting the seizure ceased to have legal consequences once CPIB filed the 2025 Report. I accept the Prosecution's submission that the earlier delay does not now warrant the return of the Funds.

52 Section 370(1) imposed a long-stop date of one year from the date of seizure, within which CPIB was required to report the seizure to the Magistrate's Court (Rajendra r Prasad Rai and another v Public Prosecutor and another matter [2017] 4 SLR 333 (" Rajendar ") at [42]). As the Accounts were seized on 17 May 2023, CPIB was required to report the seizure by 17 May 2024. It failed to do so and did not file the 2025 Report until 24 March 2025.

53 The consequences of that non-compliance are addressed in Ung Yoke Hooi v Attorney-General [2009] 3 SLR(R) 307 (" Ung Yoke Hooi "). There, the Court of Appeal held that a failure to report a seizure within the prescribed time affects the investigating authority's power to continue exercising legal control or custody over the seized property. During the period of non-compliance, the investigating authority is in wrongful control or custody of the property. Once the seizure is reported to the Magistrate's Court, however, legal control and custody pass to the Court, notwithstanding that the report was made late (Ung Yoke Hooi at [24], [26] and [27]). The same principle was applied in Sufiah Ng at [79].

54 Applying that principle, CPIB lacked lawful authority to continue exercising control over the Accounts and the Funds from 17 May 2024 until it filed the 2025 Report on 24 March 2025. The filing of the 2025 Report did not retrospectively validate CPIB's control during that period. It did, however, bring the seizure within the Magistrate's Court's supervisory jurisdiction. From that point, the Funds could remain under seizure if the requirements of s 370 were satisfied, notwithstanding CPIB's earlier failure to report the seizure on time.

55 The earlier period of unlawful control therefore does not, by itself, warrant the return of the Funds now. Although CPIB had been in wrongful control of the seized property during the period of delayed reporting, the Court of Appeal held that once the seizure was reported, the delay ceased to provide a basis for judicial review seeking its release (Ung Yoke Hooi at [26]–[28]). Once the seizure has been reported, the question whether the property should remain under seizure falls to be determined under the statutory regime, taking into account, where relevant, the period of seizure and any delay on the part of the investigating authority.

56 This conclusion does not diminish the significance of CPIB's non-compliance. Section 370(1) imposes a one-year long-stop date, after which continued seizure is subject to judicial oversight (Rajendar at [42]–[44]). CPIB exceeded that deadline by approximately ten months. During that period, the Accounts and the Funds remained under CPIB's control without the judicial oversight required by s 370. The lapse was significant and should not be repeated. It does not, however, require the return of the Funds if the statutory requirements for their continued seizure are now satisfied.

57 I therefore find that CPIB's failure to comply with the reporting timeline under s 370(1) does not warrant the return of the Funds. I turn to whether the statutory requirements for continued seizure are satisfied.

Whether the requirements for continued seizure under s 370(3)(b) are satisfied

58 The Prosecution relied on two grounds for continued seizure under

s 370(3)(b). First, it contended that the Funds remain relevant to CPIB's investigations into the alleged CDSA offence ("the investigation ground"). Second, it contended that continued seizure is necessary to preserve the Funds for possible disposal proceedings under s 364 ("the disposal ground"). Bill disputed both grounds.

59 The question is therefore whether there is a reasonable basis for thinking that the Funds remain relevant to CPIB's investigations or are the proceeds of an identifiable offence in respect of which proceedings under s 364 may ensue or a disposal order may be sought (Rajendar at [47]–[49]). Either ground, if established, is sufficient to justify continued seizure. Before considering them, I deal with a preliminary issue concerning part of the funds in the Citibank Account.

60 The evidence establishes that USD 6.1 million was transferred from Palmbridge's account to the Citibank Account. The total balance seized from that account, however, was USD 14,759,749.02. The difference of USD 8,659,749.02, i.e., the Untraced Sum, cannot presently be traced to any fund flows linked to Surya's criminal conduct, as the Prosecution accepts. The Prosecution explained that the entire Citibank Account had been frozen and that, although portions of frozen accounts had been released following negotiations in other cases, no such negotiations had taken place here. It therefore did not oppose the release of the Untraced Sum and left the matter to my determination.

61 The Prosecution has not established a reasonable basis for thinking that the Untraced Sum falls within s 370(3)(b). Although further investigations may reveal a connection between the Untraced Sum and Surya's criminal conduct, the Prosecution accepts that there is presently no evidence of such a connection. The possibility that future investigations may uncover such evidence is insufficient to justify continued seizure under s 370(3)(b). As I conclude below, however, s 370(3)(a) independently precludes the disposal of the Untraced Sum while the High Court proceedings remain pending. I therefore do not order its release.

62 I turn to whether s 370(3)(b) justifies the continued seizure of the balance of the Funds ("the Remaining Funds").

Whether there is a reasonable basis for thinking that the Remaining Funds are relevant to CPIB's investigations

63 I first consider the investigation ground. This raises two questions: whether there is a reasonable basis for thinking that CPIB's investigations remain ongoing and, if so, whether there is a reasonable basis for thinking that the Remaining Funds remain relevant to those investigations.

64 Bill submitted that there is no reasonable basis for thinking that investigations remain ongoing because they have not progressed substantively since 2023 and their status and likely duration are unclear. I do not accept this submission. The investigations concern proceeds of foreign corruption offences channelled into Singapore and require CPIB to seek the cooperation of overseas authorities. Their progress therefore depends, at least in part, on responses from those authorities. Paragraphs 12 to 15 of the 2026 Report show that CPIB corresponded with

various overseas authorities between 2023 and 2025 in connection with the Funds. Although details of those requests were redacted to preserve the integrity and confidentiality of the investigations, the material disclosed shows that investigative steps continued after the 2025 Report was filed and that CPIB was awaiting responses from overseas authorities. I am therefore satisfied that the investigations remain ongoing.

65 I am not, however, satisfied that there is a reasonable basis for thinking that the Remaining Funds themselves remain relevant to those investigations. The Prosecution must provide sufficient information to establish their continuing relevance; a bare or general assertion that they remain relevant is insufficient (Rajendar at [48]).

66 The Prosecution submitted that the Remaining Funds remain relevant because they are traceable to Surya's criminal conduct in Indonesia. This submission does not distinguish between the two bases for continued seizure. Whether the Remaining Funds are suspected criminal proceeds that should be preserved for possible disposal is distinct from whether their continued seizure is necessary for the purposes of CPIB's investigations. The fact that the Remaining Funds may constitute criminal proceeds does not, without more, establish their relevance to the ongoing investigations.

67 The 2026 Report does not explain how continued seizure of the Remaining Funds would advance CPIB's investigations. The alleged fund flows can be investigated through bank statements and other documentary records. Indeed, in Rajendar , Menon CJ questioned why continued seizure of the funds themselves was necessary for investigative purposes where what would be required for investigation were the bank statements and related banking records (Rajendar at [16]). The Prosecution has not explained why bank records are insufficient here or why the Remaining Funds need to remain under seizure for those investigations. The existence of requests for international assistance does not, by itself, establish any connection between the continued seizure of the Remaining Funds and those investigations.

68 The Prosecution has therefore not established a reasonable basis for thinking that the Remaining Funds themselves remain relevant to CPIB's ongoing investigations. The investigation ground is not made out.

69 Although I reach that conclusion in Bill's favour, I do not accept his alternative argument based on the timing of the fund flows. Bill submitted that, under the version of the CDSA cited in the 2026 Report, the alleged CDSA offence could only have been committed between January 2020 and 30 December 2021. He therefore contended that fund flows extending to January 2023 could not be relevant to CPIB's investigation of that offence. This does not follow. The period during which an offence may have been committed does not necessarily limit the period from which evidence relevant to its investigation may be obtained. Fund flows before or after the period of the alleged offence may shed light on transactions within that period or otherwise provide context for the suspected offence. The fact that CPIB investigated fund flows extending to January 2023 therefore does not, by itself, establish that those fund flows were irrelevant to its investigation.

Whether there is a reasonable basis for thinking that the Remaining Funds constitute proceeds of an identifiable offence and proceedings under s 364 may ensue

70 The Prosecution submitted that the Remaining Funds should remain under seizure to preserve them for a possible disposal order under s 364. To succeed on this ground, the Prosecution must establish a reasonable basis for thinking that (Rajendar at [49] and [68]):

- (a) the seized property constitutes the proceeds of an identifiable offence (“ the first requirement ”); and
- (b) proceedings under s 364 may ensue or a disposal order under that provision may be sought (“ the second requirement ”).

71 I consider each requirement in turn.

Whether the Remaining Funds constitute proceeds of an identifiable offence

72 In respect of the first requirement, the Prosecution submitted that there is a reasonable basis for thinking that the Remaining Funds constitute proceeds of an identifiable offence, namely Bill’s alleged offence under s 44(1)(a) of the CDSA. It relied on evidence tracing Surya’s illicit profits through companies linked to him, then through Palmbridge and Rich Asian, and ultimately into Bill’s Accounts. The Prosecution submitted that these transfers formed part of an arrangement by which Bill facilitated Surya’s retention or control of his criminal proceeds.

73 Bill submitted that the evidence did not sufficiently link the Remaining Funds to the alleged CDSA offence. He contended that CPIB had not adequately identified how Surya’s illicit profits were held, the companies through which they passed, or how they ultimately came to be transferred into the Accounts. He therefore submitted that there was no reasonable basis for thinking that the Remaining Funds constitute proceeds of an identifiable offence.

74 I accept the Prosecution’s submission. In my judgment, the evidence provides a reasonable basis for thinking that the Remaining Funds constitute proceeds of the alleged CDSA offence. First, the 2026 Report identifies the criminal conduct from which the funds originated. It states that Surya paid bribes to obtain location permits for his companies to convert forest areas into palm oil plantations, generating substantial illicit profits which were subsequently laundered through companies under his control (2026 Report at [8]–[9] and [11]).

75 Second, the evidence traces funds from Indonesian companies linked to Surya into the accounts of Palmbridge and Rich Asian. These companies included PT Darmex Plantation, PT Monteredo Mas, PT Wiratadaya Bangun Persada and PT Asset Pacific. The connection between the accounts of Palmbridge and Rich Asian and Surya’s criminal conduct is further supported by the evidence from the Indonesian proceedings involving Surya. The Supreme Court of Indonesia identified those accounts as evidence in Surya’s corruption case and ordered the assets in them to be confiscated in connection with those proceedings.

76 Third, the evidence traces substantial sums from Palmbridge and Rich Asian into Bill's Accounts. USD 6.1 million was transferred from Palmbridge to the Citibank Account. Approximately S\$130 million was transferred from Palmbridge and Rich Asian to UOB 3810 and UOB 5036. A further S\$10 million was subsequently transferred from UOB 3810 to UOB 6285. These fund flows are summarised in Figure 1 below.

Figure 1. Funds flow diagram

77 Bill is a director and shareholder of Palmbridge and Rich Asian and is also the holder of the Accounts into which the funds were transferred. Taken together, the evidence traces funds linked to Surya's criminal conduct through Palmbridge and Rich Asian and into the Accounts held by Bill. This provides a reasonable basis for thinking that the Remaining Funds represent criminal proceeds which were transferred through the alleged arrangement by which Bill facilitated Surya's retention or control of those proceeds. I am therefore satisfied that there is a reasonable basis for thinking that the Remaining Funds constitute proceeds of the alleged CDSA offence.

78 I do not accept Bill's contention that there are material gaps in the tracing evidence. The 2026 Report identifies the Indonesian companies from which the funds flowed, the transfers into the accounts of Palmbridge and Rich Asian, and the subsequent transfers into Bill's Accounts. It also identifies the relevant accounts, transfer amounts and sequence of transactions. The evidence therefore provides a traced chain of transactions connecting Surya's illicit profits to the Remaining Funds.

79 I also do not accept Bill's characterisation of the Remaining Funds as unexplained wealth. Unexplained wealth concerns assets that are disproportionate to a person's known sources of income and cannot satisfactorily be explained (Rajendar at [59]). That is not the basis for continued seizure here. The conclusion that the Remaining Funds constitute proceeds of an identifiable offence rests on the evidence tracing funds linked to Surya's criminal conduct through Palmbridge and Rich Asian into Bill's Accounts. This case is therefore materially different from one involving unexplained wealth.

80 Finally, the applicable threshold is whether there is a reasonable basis for thinking that the Remaining Funds constitute proceeds of an identifiable offence. The Prosecution need not conclusively establish every step in the movement of the funds or every aspect of the alleged arrangement at this stage. The identified criminal source of the funds, their movement through Palmbridge and Rich Asian, their subsequent transfer into Bill's Accounts, and Bill's connection to both the intermediary companies and the recipient Accounts, taken together, are sufficient to meet that threshold.

Whether disposal proceedings may ensue or a disposal order may be sought

81 On the second requirement, the Prosecution submitted that there is a reasonable basis for thinking that proceedings under s 364 may ensue or that a disposal order may be sought in respect of the Remaining Funds. It relied on the ongoing investigation into the alleged CDSA offence and the evidence that the Remaining Funds constitute proceeds of that alleged offence. Bill disagreed. He submitted that CPIB had neither preferred any charges against him nor identified any basis on which a disposal order might be sought.

82 I accept the Prosecution's submission. CPIB's investigations into the alleged CDSA offence remain ongoing. I have also found that there is a reasonable basis for thinking that the Remaining Funds constitute proceeds of that alleged offence. If criminal proceedings are brought against Bill, the Remaining Funds may become the subject of disposal proceedings under s 364. These matters provide a reasonable basis for thinking that such proceedings may ensue or that a disposal order may be sought.

83 The evidence concerning the provenance of the Remaining Funds further supports this conclusion. As explained above, the Remaining Funds can be traced to assets which the Supreme Court of Indonesia identified in connection with Surya's corruption offences and ordered to be confiscated. This strengthens the basis for thinking that, if Bill is prosecuted for the alleged CDSA offence, a disposal order may be sought in respect of the Remaining Funds.

84 I therefore find that both requirements of the disposal ground are satisfied. There is a reasonable basis for thinking that the Remaining Funds constitute proceeds of an identifiable offence and that proceedings under s 364 may ensue or a disposal order may be sought in respect of them. Section 370(3)(b) therefore justifies the continued seizure of the Remaining Funds.

85 This conclusion is consistent with my earlier finding that the investigation ground is not made out. The two grounds serve different purposes. The investigation ground concerns whether the Remaining Funds need to remain under seizure for the purposes of CPIB's investigations. The disposal ground concerns whether they should remain under seizure to preserve them for a possible disposal order under s 364. I have found that the first ground is not established, but that the second is. The continued seizure of the Remaining Funds is therefore justified under s 370(3) (b).

86 The Prosecution also relied on s 370(3)(a) as a separate basis for the continued seizure of the Funds. I turn to consider that ground.

Whether the requirements for continued seizure under s 370(3)(a) are satisfied

87 The Prosecution relied on s 370(3)(a) for the first time shortly before judgment was to be delivered on 1 September 2026. Until then, its application for continued seizure of the Accounts and the Funds had proceeded under

s 370(3)(b). The 2026 Report neither relied on s 370(3)(a) nor referred to the High Court proceedings, which had not yet been commenced when the 2026 Report was filed. The Attorney-General subsequently commenced OA 964 and OA 965 (“ the OAs ”) in the High Court, seeking orders restraining the disposition of the Funds presently under seizure.

88 Section 370(3)(a) provides that the Court “ must not dispose of ” seized property if “ there is any pending court proceeding under any written law in relation to the property ”. The main question is whether the High Court proceedings satisfy these requirements, notwithstanding that they were commenced only after the 2026 Report was filed. This raises the following issues: (a) whether the one-report rule precludes reliance on s 370(3)(a) or the High Court proceedings; (b) whether the High Court proceedings are “ pending court proceedings ”; (c) whether they are proceedings “ in relation to ” the Funds; and (d) whether the Prosecution’s belated reliance on s 370(3)(a) caused prejudice to Bill.

Whether the one-report rule precludes reliance on s 370(3)(a) or the High Court proceedings

89 Bill submitted that the one-report rule precludes reliance on s 370(3)(a) because neither that provision nor the High Court proceedings formed part of the case for continued seizure disclosed in the 2026 Report. Relying on *Public Prosecutor v Top Excel Network Distribution Limited* [2021] SGMC 68 (“ Top Excel ”), he submitted that proceedings commenced only after the filing of a seizure report cannot subsequently be relied upon to invoke s 370(3)(a).

90 The one-report rule was established in *Jeremy Lee* . The High Court held that a seizure report must be substantively complete when filed and that the Prosecution may not thereafter introduce fresh material to augment or fortify its case for continued seizure (*Jeremy Lee* at [49]–[54], [63] and [69]). The rule serves the interests of finality and fairness by ensuring that an interested party knows the case he has to meet and by preventing the statutory reporting deadline from becoming a rolling one.

91 The same principles were applied in *Rajendar Prasad Rai and another v Public Prosecutor and another matter* [2017] 5 SLR 796 (“ *Rajendar (Stay)* ”). There, the High Court declined to admit additional evidence which had been available at the time of the s 370 hearing but had not been placed before the Magistrate. Menon CJ held that whether seizure should continue was to be assessed by reference to the position when the parties appeared before the Magistrate, and that it would be unfair to permit the Prosecution thereafter to mount a fresh attempt to justify continued seizure by adducing additional evidence (*Rajendar (Stay)* at [27]–[28]).

92 In my view, a distinction must be drawn between the statutory provision relied upon and the factual basis necessary to engage that provision. The omission of a statutory provision from the seizure report does not, by itself, determine whether that provision may subsequently apply. The difficulty arises where reliance on the provision requires the Prosecution to introduce a new factual basis for continued seizure which was not disclosed in the report. It is in this respect that *Top Excel* is relevant.

93 Top Excel applied the one-report rule specifically to s 370(3)(a). There, the seizure report relied only on s 370(3)(b). After the report was filed, the police applied for a summons to commence criminal proceedings and the Prosecution sought to rely on that development to invoke s 370(3)(a). The Court held that, if the Prosecution wished to rely on s 370(3)(a), it had to make that basis known in the latest seizure report. It followed that any pending court proceeding relied upon had to have commenced before the report was filed (Top Excel at [64]–[80], in particular [71] and [74]–[75]).

94 The Prosecution sought to distinguish Top Excel on the basis that the 2026 Report had referred to the prospect of future restraint proceedings. It submitted that the subsequent commencement of the High Court proceedings merely gave effect to an intention already disclosed in the Report and did not introduce a new factual basis for continued seizure. I do not accept that distinction. The High Court proceedings did not exist when the 2026 Report was filed. The fact that the Report contemplated future restraint proceedings did not make proceedings subsequently commenced part of the factual basis disclosed in it. Their commencement was a new factual development, notwithstanding that the possibility of such proceedings had previously been contemplated.

95 The High Court proceedings therefore cannot be used to supplement the factual basis disclosed in the 2026 Report or to cure any deficiency in the Prosecution's case under s 370(3)(b). The Prosecution may likewise not rely on evidence filed in those proceedings for that purpose. To permit either would contravene the one-report rule.

96 The remaining question is whether the one-report rule also requires the Court to disregard the subsequent existence of the High Court proceedings when determining whether s 370(3)(a) precludes disposal of the Funds. On this point, I respectfully take a different view from Top Excel . Section 370(3)(a) provides that the Court “must not dispose of” seized property if there is a pending court proceeding under any written law in relation to that property. The provision therefore operates as a mandatory restriction on the Court's power of disposal once its requirements are satisfied.

97 In my view, there is a material distinction between allowing the Prosecution to rely on a post-report development to strengthen the factual case disclosed in the seizure report and the Court independently determining whether proceedings which have since commenced satisfy the requirements of

s 370(3)(a). The one-report rule precludes the former. It does not require the Court to disregard the existence of proceedings which have since commenced when deciding whether it retains the statutory power to dispose of the property. The one-report rule limits the factual case which the Prosecution may advance after filing its seizure report; s 370(3)(a), by contrast, limits the Court's power to dispose of property once the circumstances specified in that provision exist.

98 The Court's consideration of subsequently commenced proceedings for the purposes of s 370(3)(a) does not undermine the finality and fairness which the one-report rule seeks to protect. The Prosecution remains confined to the factual basis disclosed in the 2026 Report in

seeking to establish the requirements of s 370(3)(b), and the High Court proceedings cannot be used to strengthen that case. Further, when the Prosecution raised s 370(3)(a), I deferred judgment and invited further submissions from both parties. Bill has therefore had a full opportunity to address whether the High Court proceedings satisfy the requirements of that provision.

99 The distinction between supplementing the Prosecution’s factual case and determining whether subsequently commenced proceedings restrict the Court’s power of disposal is also consistent with my decision in *Public Prosecutor v Evergreen GRP Holdings Pte Ltd and others* [2026] SGM 32 (“ Evergreen ”). There, I held that the purpose relied upon for continued seizure constitutes material factual information which must be disclosed in the seizure report and that the Prosecution cannot subsequently introduce a new purpose for continued seizure in breach of the one-report rule (*Evergreen* at [41]–[49]). That principle governs the factual case which the Prosecution may advance to justify continued seizure. It does not answer the distinct question whether the subsequent commencement of court proceedings restricts the Court’s power of disposal under s 370(3)(a).

100 In determining that question, I take judicial notice only of the existence of the High Court proceedings and the relief sought in them. In those proceedings, the Attorney-General sought orders under s 29 read with para 7(1) of the Third Schedule to the Mutual Assistance in Criminal Matters Act 2000 (“ MACMA ”), and O 53 r 11 of the Rules of Court 2021, restraining the disposition of the same Funds presently under seizure. The existence of those proceedings and the relief sought are objective procedural facts capable of being immediately and accurately ascertained from the Court’s records (see *Zheng Yu Shan v Lian Beng Construction (1988) Pte Ltd* [2009] 2 SLR(R) 587 at [27]). The scope of that judicial notice is confined to those facts. I do not take judicial notice of the truth of any allegation made in the High Court proceedings, nor do I rely on evidence filed in those proceedings to supplement the factual basis disclosed in the 2026 Report.

101 I therefore find that the one-report rule does not preclude the Court from applying s 370(3)(a). The Prosecution cannot rely on the High Court proceedings or the material filed in them to supplement the factual basis disclosed in the 2026 Report. The Court is not, however, required to disregard the existence of the High Court proceedings and the relief sought in them when determining whether the requirements of s 370(3)(a) are satisfied. I turn to those requirements.

Whether the High Court proceedings are “pending court proceedings”

102 Bill submitted that the High Court proceedings are not “pending court proceedings” within s 370(3)(a) because the OAs were filed without notice and do not compel his attendance. Relying on *Top Excel* , he submitted that the absence of compulsion means that no court proceedings are pending. The Prosecution submitted that *Top Excel* does not establish compulsion as a requirement for all proceedings under s 370(3)(a) and that, unlike the position in that case, the High Court proceedings have commenced.

103 I accept the Prosecution's submission. Top Excel does not establish that every proceeding must involve compulsion before it can constitute a "pending court proceeding" under s 370(3) (a). The issue there was whether an application for a summons under the CPC was sufficient to commence criminal proceedings. The Court held that it was not because, until the summons was issued, there was no compulsion on the person concerned to attend court. The absence of compulsion was therefore relevant to whether criminal proceedings had commenced in that particular context; it was not treated as a separate requirement applicable to all proceedings under s 370(3) (a).

104 The position here is different. OA 964 and OA 965 are originating applications before the High Court. Under ss 2(2)(a) and 2(2)(b)(ii) of the Administration of Justice (Protection) Act 2016, those proceedings commenced when the originating applications were filed and remain pending until finally decided. They have not been finally decided. Under the Third Schedule to MACMA, even after a restraint order has been made, the High Court retains jurisdiction over the Funds and has the power to vary or discharge the restraint in the prescribed circumstances. The fact that the OAs were filed without notice does not alter their status as pending proceedings. I therefore find that the High Court proceedings are "pending court proceedings" within s 370(3) (a).

Whether the High Court proceedings are proceedings in relation to the Funds

105 Bill submitted that the High Court proceedings are not proceedings "in relation to" the Funds within the meaning of s 370(3) (a). Relying on *Evergreen*, he submitted that the provision applies only where the seized property itself forms the subject matter of proceedings concerning its disposition. He contended that the Funds are relevant to the OAs only as evidence for the Indonesian proceedings and therefore fall, if at all, within

s 370(3) (b). The Prosecution submitted that the OAs seek to restrain the disposition of the Funds presently under seizure and that the Funds are themselves the subject matter of the High Court proceedings.

106 I adopt the interpretation of s 370(3) (a) in *Evergreen*, which the parties do not dispute. Section 370(3) (a) applies where the seized property itself forms the subject matter of the proceeding and its disposition is directly in issue. This is distinct from s 370(3) (b), which concerns property that is relevant for the purposes of another investigation or proceeding (*Evergreen* at [29]–[30]). On this interpretation, the High Court proceedings are proceedings "in relation to" the Funds. As the Attorney-General sought orders restraining the disposition of the same Funds presently under seizure, the Funds are not merely evidence relevant to the High Court proceedings. Their disposition was itself the subject of the relief sought. I am accordingly satisfied that the High Court proceedings are proceedings "in relation to" the Funds within s 370(3) (a).

107 This conclusion is consistent with the purpose of s 370(3)(a) identified in Evergreen . The provision performs a gatekeeping function by preventing the disposal of seized property while another court is adjudicating matters concerning that property, thereby avoiding conflicting orders in respect of the same property (Evergreen at [35]). This concern arises directly here because both this Court and the High Court are dealing with the disposition of the same Funds.

108 Bill submitted that no risk of conflicting orders arises because this Court and the High Court are applying different statutory regimes. I accept that the statutory inquiries are different and that different conclusions under those regimes would not, without more, be inconsistent. The relevant concern, however, is not whether the courts may reach different conclusions under their respective statutory regimes, but whether an order made by this Court concerning the Funds may conflict with a restraint order made by the High Court. An order releasing the Funds while a restraint order remains in force would create such a conflict. Section 370(3)(a) prevents that result by precluding this Court from disposing of the Funds while the High Court proceedings remain pending.

Whether the Prosecution's belated reliance on s 370(3)(a) caused any prejudice to Bill

109 Bill further submitted that the Prosecution's belated reliance on s 370(3)(a) caused him prejudice. I do not accept this submission.

110 As regards procedural prejudice, once the Prosecution raised s 370(3)(a), I deferred judgment and invited both parties to make further submissions. Bill therefore had a full opportunity to address the new statutory basis relied upon by the Prosecution. He was not deprived of a reasonable opportunity to be heard on the Prosecution's reliance on s 370(3)(a).

111 I am likewise not persuaded that Bill suffered substantive prejudice. My conclusion under s 370(3)(a) does not permit the Prosecution to rely on the material filed in the OAs to cure any deficiency in the 2026 Report or strengthen its case under s 370(3)(b). My determination under s 370(3)(b) remains confined to the factual basis disclosed in the 2026 Report. The conclusion under

s 370(3)(a) rests only on the existence of the High Court proceedings and the relief sought in them, of which I have taken judicial notice. The Prosecution's belated reliance on s 370(3)(a) therefore does not alter the basis on which its case under s 370(3)(b) has been determined.

112 I therefore find that the High Court proceedings are pending court proceedings in relation to the Funds within s 370(3)(a). That provision accordingly precludes me from disposing of the Funds while the High Court proceedings remain pending. The Funds shall therefore remain under seizure. This conclusion does not determine the merits of the High Court proceedings and is confined to the effect of those proceedings on my power to dispose of the Funds under s 370(3)(a).

Conclusion

113 CPIB's handling of the seizure was attended by significant procedural lapses. Its failure to notify Bill of the 2025 Extension Application and furnish him with the 2025 Report infringed his right to be heard. Its failure to report the seizure by 17 May 2024 also meant that it lacked lawful authority to continue exercising control over the Funds until the 2025 Report was filed on 24 March 2025. These safeguards serve important purposes. The right to be heard affords a person with an interest in seized property a meaningful opportunity to address its continued seizure, while the reporting requirement ensures that continued seizure is subject to timely judicial oversight.

114 Those lapses do not, however, warrant the return of the Funds in the present proceedings. Bill has since been afforded a full opportunity to address the factual and legal bases for continued seizure. As for the reporting delay, the filing of the 2025 Report did not retrospectively validate CPIB's control of the Funds during the period of non-compliance, but it brought the seizure within the Magistrate's Court's supervisory jurisdiction from that point onwards. Whether the Funds should now remain under seizure therefore depends on whether the statutory requirements for continued seizure are satisfied.

115 I have found that they are. Section 370(3)(b) justifies the continued seizure of the Remaining Funds, but not the Untraced Sum. Section 370(3)(a), however, precludes the disposal of all the Funds, including the Untraced Sum. The High Court proceedings are pending court proceedings in relation to the Funds within the meaning of that provision. So long as those proceedings remain pending, s 370(3)(a) requires this Court not to dispose of the Funds. I therefore order that the Funds remain under seizure for a further 12 months.

Shen Wanqin

District Judge

Hon Yi (Attorney-General's Chambers) for the applicant;

Wendell Wong, Tay Eu-Yen and Yap An-Yi (Drew & Napier LLC) for the respondent.

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