

CN: 57/2020

In the matter of:

THE INDEPENDENT COMMISSION AGAINST CORRUPTION (ICAC)

V

MEGALINGAM VELU

RULING

1. The accused stands charged in an information containing ten counts for the offence of **Money Laundering** under **Section 3 (1) (a)** of the **Financial Intelligence and Anti Money Laundering Act 2002**. He has pleaded not guilty and retained the services of Counsel. The trial has started. On the 30th April 2026 this Court had to hear arguments subsequent to an objection raised by the prosecution on the 12th February 2026 when defence counsel was cross-examining witness 3 Mrs Youmanthee Rajaram. The latter was formerly employed as Office Management Executive at the Ministry of Labour. Prosecution's objection is to the effect that:

Your Honour, I am objecting to the question being put to this witness that she is being shown the legislation and being asked to state whether a word is in the legislation. If this question is about a word in the legislation, it's not for the witness to answer. It's for the Court to decide what's in there. The witness is a witness in fact. The witness has also given her recollection and her understanding as and when she has been asked. Right, now she has been asked to what my friend has termed to being a visual exercise. I'm stating that this is not the role of the witness, when she has to enlighten the Court and assist the Court with evidence.

2. This Court heard arguments on the objection raised whereby the defence and the prosecution submitted their respective views. On the one hand the prosecution maintained its position namely this is a "matter for submission in law." That is not within the realm of competence of this particular witness. On the other hand, the defence forcefully put forward that the prosecution's could not come up with any laws, exclusionary rules or authorities to support its objection. According to the defence this objection does not have any legal basis.



3. This Court has carefully considered the submissions made. In examination in chief witness Rajaram has thoroughly explained the operation of the law under which the Ministry of Labour was granting recruitment licences. Witness Rajaram was not a simple clerical employee. She had an executive post. In these circumstances, this Court finds that witness Rajaram is competent to answer the questions which the defence is asking. Now, this Court is alive to the principles outlined in **Blackstone's Criminal Practice 2026 PART F EVIDENCE Section F1 General Principles of Evidence in Criminal Cases Questions of Law and Fact In a Trial on Indictment: General Principles** where it was stated that:

F1.38

Construction of Words

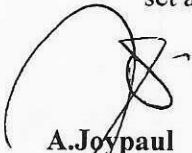
As a general rule, the construction of ordinary words in a statute is a question for the tribunal of fact (Brutus v Cozens [1973] AC 854 — 'insulting behaviour' under the Public Order Act 1936, s. 5; Chambers v DPP [1995] Crim LR 896 — 'disorderly behaviour' under the Public Order Act 1986, s. 5; Feely [1973] QB 530—'dishonestly' under the Theft Act 1968, s. 1(1); Harris (1968) 84 Cr App R 75—'knowledge or belief' under the Theft Act 1968, s. 22(1); Garwood [1987] 1 All ER 1032 — 'menaces' under the Theft Act 1968, s. 21(1); Banner [2024] EWCA Crim 1201—'ill-treatment' under the CJCA 2015, s. 20; Howard [1993] Crim LR 213 — an 'explosive substance' under the OAPA 1861, s. 29 (cf. Margelis [2021] EWCA Crim 1215, at [51] — 'pyrotechnic effect' under the Explosives Act 1875, s. 3, is not an ordinary expression but one on which the jury need to be given assistance); Holmes [2023] EWCA Crim 58 — 'gross indecency' under the Indecency with Children Act 1960, s. 1; and Kirk [2006] EWCA Crim 725—'indecent or obscene' under the Postal Services Act 2000, s. 85(4)). Thus, although a judge is perfectly at liberty to direct a jury that it is not open to them to give to a word a particular meaning (being a meaning so unreasonable that if it were adopted and the accused convicted, the Court of Appeal would treat the verdict as perverse), normally the judge should not direct the jury as to the meaning of an ordinary word. The exceptions to this rule are: where the word has been used in a context which indicates that it is being used in an unusual sense (per Lord Reid in Brutus v Cozens [1973] AC 854 at p. 861); where it has acquired a special meaning as a result of the authorities (e.g., the word 'fraudulently' in the Larceny Act 1916, s. 1(1)—see Feely [1973] QB 530); and where it is capable of bearing two different meanings (e.g., the word 'substantially' in the Homicide Act 1957, s. 2(1)(b) — per Lord Hughes in Golds [2016] UKSC 61, at [27] and [38]).

When a statutory provision is dealing with a technical subject and can only be understood with the assistance of an expert, the words used must be given their ordinary and natural meaning

to a person qualified to understand them, and evidence as to that meaning may be received from an appropriate expert (Couzens [1992] Crim LR 822).

Construction of a document that has legal effect, i.e. which creates or records legal relations, is a question of law for the judge. Documents such as Acts of Parliament and other legislative instruments and documents made by private parties to record contracts or dispose of property plainly have legal effect. However, a judge should only construe a document that has legal effect if that effect is relevant to an issue in the case. When a question arises as to the meaning of a document which is not a question about its legal effect but simply about its linguistic meaning or how that meaning was in fact understood (or intended to be understood), that is a question of fact for the jury (Hayes [2025] UKSC 29). Thus, as to the construction of a defence statement that has been put in evidence, the meaning as understood or intended by the accused and the person reading it, as opposed to its legal effect, is a question of fact for the jury (Perry [2025] UKSC 17). The City Code on Takeovers and Mergers sufficiently resembles legislation as to require construction of its provisions by a judge (Spens [1991] 4 All ER 421). If legislation contains straightforward words which can be given their ordinary meaning, there will be nothing requiring judicial interpretation as to their meaning and effect (Pouladian-Kari [2013] EWCA Crim 158).

4. In the present matter, the question which was put to witness Rajaram is not being sought to elicit an opinion from the witness but a visual fact. This Court notes that witness who has been working in an executive capacity at the Ministry of Labour can assist the Court on this *statutory provision* which is *dealing with a technical subject*. The motion of the prosecution is therefore set aside.



A. Joypaul

Intermediate Court Magistrate

Financial Crimes Division

28.7.26.