

Public Prosecutor v Muhammad Rismail bin Zali
[2010] SGHC 72

Case Number : Magistrate's Appeal No. 407 of 2009 (DAC No 58091 of 2009)
Decision Date : 09 March 2010
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : David Chew Siong Tai (Deputy Public Prosecutor) for the appellant; Respondent in-person.
Parties : Public Prosecutor — Muhammad Rismail bin Zali

Criminal Law

9 March 2010

Judgment reserved.

Choo Han Teck J:

1 Muhammad Rismail Bin Zali ("respondent") pleaded guilty to one charge of abetting by intentionally aiding one "Ah Tan" to facilitate an unlicensed moneylending business by opening a DBS bank account under his name and allowing the said account to be used by the said "Ah Tan", punishable under s 8(1)(b)(i) of the now repealed Moneylenders Act (Cap 188, 1985 Rev Ed) read with s 109 of the Penal Code (Cap 224, 2008 Rev Ed). The respondent consented to having another similar charge being taken into consideration.

2 On 26 November 2009, the court below sentenced the respondent to seven months imprisonment. The public prosecutor ("appellant") appealed against the sentence on the ground that it was manifestly inadequate, and requested for a sentence of reformatory training instead. The learned deputy public prosecutor submitted on behalf of the appellant that a seven month imprisonment term was too short given that the respondent was engaged in syndicated moneylending, a serious offence which was harmful to society in general.

3 The statement of facts was very brief and gave no indication that the respondent was indeed part of a larger moneylending syndicate. There was simply nothing in the statement of facts to show that the respondent had participated or intended to participate in the activities of any unlicensed moneylending syndicate. Thus, the fact that the abetted moneylending activities were syndicated in nature did not amount to an aggravating factor which would justify a longer sentence. It was not necessary for me to discuss what constituted a 'syndicate' in this case.

4 The appellant further submitted that a sentence of reformatory training, which was of a minimum duration of 18 months, would be the more appropriate sentence because it would achieve the twin effects of rehabilitation and deterrence. While the respondent had been certified to be suitable for reformatory training, I am of the view that reformatory training would not be appropriate in this case. In the exercise of its discretion to sentence the respondent, the court below seemed to have taken the respondent's youth as well as the absence of antecedents into account. The respondent would be commencing his national service after his imprisonment. That would enable him to develop more discipline and character. I am thus satisfied that the court below had taken into consideration all relevant factors in passing the sentence of imprisonment.

5 I therefore dismiss the appeal.

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