

Public Prosecutor v Vitria Depsi Wahyuni
[2012] SGHC 49

Case Number : Criminal Case No 2 of 2012
Decision Date : 07 March 2012
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Marie Christina Koh and Dennis Tan (Attorney-General's Chambers) for the public prosecutor; Mohd Muzammil Bin Mohd (Muzammil & Company) for the accused.
Parties : Public Prosecutor — Vitria Depsi Wahyuni

Criminal Law

7 March 2012

Choo Han Teck J:

1 The Deputy Public Prosecutor (“DPP”) submitted that the appropriate sentence in this case should be at least 20 years imprisonment. She submitted that the offence here was “done after deliberation and with premeditation as opposed to the situation where it is done on the spur of the moment ‘in hot blood’”. It was further submitted that the manner in which death was caused and the injuries inflicted in the course of the homicide evinced a “cruel streak” on the part of the accused. The learned DPP also submitted that the accused killed the 87-year old woman who was supposed to be in her charge. The accused also took steps to conceal the offence. Finally, it was submitted that in the past, the punishment for an offence under s 304(a) was imprisonment for a term not exceeding 10 years or with life imprisonment. Section 304(a) has since been amended by increasing the punishment of imprisonment from a maximum of 10 years or life to 20 years or life. The learned DPP thus submitted that given the factors set out in her written submission on sentence, the accused ought to be sentenced to 20 years imprisonment. The statements of the daughter and granddaughter of the deceased were admitted for the court’s consideration. The granddaughter stated that the deceased expected high standards in house-keeping but had always ensured that the maids she employed were well fed. She stated that the deceased “had a good heart but could be impatient at times. Her natural tone of voice was loud, probably also as she was a little hard of hearing”. The daughter stated that she had observed that her mother and the accused had a good working relationship. The daughter was “heartbroken” to see the injuries on her mother.

2 Mr Muzammil, counsel for the accused informed the court in mitigation that the accused was only 16 years old at the time of the offence. Her father had obtained a passport with a false name, having falsely declared her age to be 23. He did this to enable his daughter to leave Indonesia for work. Mr Muzammil said that the accused came from an impoverished family. Her father needed money for medicine for his lung ailment. He died last May of tuberculosis. Though only 16 years of age, the accused was already a divorcee and a mother.

3 The accused was paid a monthly salary of \$350, but all the money she earned for the first 8½ months had to be used to pay her debts, including the fees of the two maid agencies. Counsel submitted that the accused was a young girl who spent her life in rural country and was thus under great stress in her new urban environment. It was made more stressful because the employer was not happy with her work and scolded her frequently, often using insulting language. The accused killed her

employer within a week of commencing work.

4 Counsel produced three psychiatric reports on the accused which showed that she was of low maturity and intelligence. The report of Dr Parvathy Pathy, Senior Consultant Child Psychiatrist from the Institute of Mental Health & Woodbridge Hospital, dated 2 June 2011 stated –

...

30. The accused appears to have suffered a few brief psychotic episodes since January 2011. These episodes are probably due to the stress of awaiting trial and the accused's frustrations about the uncertainties of her trial outcome. Currently, the anti-psychotic medications have stabilised her mentally, although she still has residual hallucinations. It is important that the accused continues her psychiatric treatment whilst she is awaiting trial and even after her sentence has been passed.

31. The accused is a simple girl who had led a rather sheltered life in a poor village. She had lived a relatively slow and relaxed lifestyle back home. Although she helped her mother with the household chores, it was at a relatively slower pace without as many demands as in the deceased's house. The accused reported experiencing an impatient, demanding and difficult to please employer who allegedly regularly scolded and criticised her for minor lapses in her performance. She felt very hurt by the deceased's frequent allegedly hurtful words. The accused often felt unsure of the deceased's expectations of her as a maid, as whatever she did appeared to be wrong in the lady's eyes. This led to tension and conflict between the two parties and resentment and anger within the accused, culminating in the alleged act. The accused had no one to turn to and ventilate her frustrations.

32. The youth of the accused, with its increased tendency for poor impulse control, low frustration tolerance and immature and poor problem solving skills, is another factor that probably tipped the balance, culminating in the tragic act. The accused's relatively lower level of intelligence, (full scale score of 63, as reported by our clinical psychologist in the previous psychiatric report dated 12.2.10) which can also lead to poor problem solving skills, is an added factor that led her to choose an inappropriate and tragic solution to her difficulties with her employer.

5 Taking all the circumstances into consideration, I am of the view that although the law has now increased one part of the punishment from 10 years to 20 years imprisonment, it does not follow that the sentence for an offence under s 304(a) must necessarily be increased. It may in the appropriate case, but in my view, I do not think that this case merits a higher sentence than the case of *Public Prosecutor v Juminem and another* [2005] 4 SLR(R) 536, even though that case was under the pre-amendment s 304(a). I therefore sentence the accused to 10 years imprisonment with effect from 28 November 2009.

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