

Public Prosecutor v Ng Kwok Soon  
[2001] SGHC 339

**Case Number** : CC 58/2001  
**Decision Date** : 16 November 2001  
**Tribunal/Court** : High Court  
**Coram** : Tay Yong Kwang JC  
**Counsel Name(s)** : Amarjit Singh and Thong Chee Kun (Attorney General's Chambers) for the public prosecutor; Christine Sekhon (Peter Low Tang & Belinda Ang) (briefed) for the accused  
**Parties** : Public Prosecutor — Ng Kwok Soon

*Criminal Procedure and Sentencing – Sentencing – Attempted murder – Accused causing 'grievous hurt' by pouring in flammable liquid on victim and setting her alight – Accused suffering from depression at time of offence but not amounting to mental disorder – Whether 'Neo Man Lee' guidelines applicable – Whether sentence of life imprisonment appropriate – Whether caning permissible – s 231(c) Criminal Procedure Code (Cap 68) – s 307(1) Penal Code (Cap 224)*

*Criminal Procedure and Sentencing – Sentencing – Criminal breach of trust – Accused embezzling moneys – Accused making full restitution – s 408 Penal Code (Cap 224)*

*Words and Phrases – 'Hurt' – 'Grievous hurt' – ss 307(1), 320(f) & 320(h) Penal Code (Cap 224)*

## Judgment

### GROUND OF DECISION

1 The Accused, who turned 50 on 15 January this year, pleaded guilty to the following charge of attempted murder under Section 307(1) of the Penal Code:

"That you, **NG KWOK SOON**

**1<sup>ST</sup> CHARGE** on the 21<sup>st</sup> day of May 2001, at or about 10.30 a.m., at Interior Fabrics Pte Ltd, Tanglin Shopping Centre, #03-07, Singapore, did cause grievous hurt to one Neo Aee Kee, f/41 years, to wit, by pouring inflammable liquid on the said Neo Aee Kees head, face and body and setting her on fire, with such intention and under circumstances that if, by these acts, you had caused death, you would have been guilty of murder and by such acts, you had caused grievous hurt to the said Neo Aee Kee and you have thereby committed an offence under section 307(1) of the Penal Code, Chapter 224."

In addition, he pleaded guilty to one Charge of criminal breach of trust by a servant under Section 408 of the Penal Code in respect of \$3,297. He also admitted one other charge under Section 408 of the Penal Code involving \$2,750.65 and consented that this be taken into consideration for the purpose of sentence.

2 Section 307 of the Penal Code is in these terms:

"**307.** (1) Whoever does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine; and if hurt is caused to any person by

such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned and shall also be liable to caning.

(2) When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death."

"Hurt" i.e. "bodily pain, disease or infirmity" (as defined in 319 of the Penal Code) is sufficient to attract life imprisonment and caning. Section 408 provides for mandatory imprisonment of up to 7 years and a discretionary fine. I sentenced the Accused to life imprisonment on the First Charge, deemed to have commenced on 21 May 2001, and to 6 months imprisonment on the Second Charge, both sentences to run concurrently.

## THE FACTS

3 The Prosecutions Statement of Facts set out the circumstances surrounding the two Charges proceeded with:

### **"Facts Leading to the 1<sup>st</sup> Charge (Section 307 of the Penal Code)"**

The victim is Neo Aee Kee, Stella, female/41 years old. She is an administration clerk working for M/s Interior Fabrics Pte Ltd, located at Tanglin Shopping Centre #03-07, Singapore. The company was incorporated in 1999.

2 The accused is Ng Kwok Soon, male/50 years old, residing at Blk 80, Chay Yan St #03-08, Singapore. He is one of the three directors of Interior Fabrics Pte Ltd.

3 The witnesses are:

(i) Kong Chee Seng, male/44 years old. He is the victims husband and another one of the directors of Interior Fabrics Pte Ltd.

(ii) Chan Ee Me, female/47 years old. She is a stall helper employed by M/s Tanglin Delight located at #03-45 Tanglin Shopping Centre, which unit faces M/s Interior Fabrics Pte Ltd.

### **First Information Report & Police Response**

4 On 21 May 2001 at about 10.30 a.m., the accused made a 999 call and reported that "There is a fire and one lady got burnt. I am the culprit who burnt her".

5 Police officers were immediately despatched to the scene. On arrival at the 3<sup>rd</sup> floor of Tanglin Shopping Centre, the police officers saw the victim seated on a sofa inside shop unit #03-07 (Interior Fabric Pte Ltd). They noticed that she had sustained burns on her head, face and both her hands. Upon interviewing her, the victim told the police that her injuries were inflicted by the accused. The accused was then standing outside the shop unit. When the police officers

walked towards him, he admitted he had set the victim on fire. He also informed them that he had made the 999 call and reported the incident.

6 The accused was then placed under arrest and conveyed to Tanglin Police Division. The victim was conveyed to Singapore General Hospital (SGH) for medical treatment by ambulance.

### **Events leading up to the Commission of the Offence**

7 Investigations revealed that the accused and the victim were colleagues in M/s Interior Fabrics Pte Ltd. The victim, who was the wife of Kong Chee Seng (one of the directors) was employed as the administration clerk and managed the administration and financial work of the company.

8 A few months after the company was set up, the accused and the victim had some disagreements over the debts owed to the company by the accuseds customers and the general operations of the company. As a result their working relationship deteriorated.

9 On 21 May 2001 at about 7.30 a.m., before leaving for work, the accused took two empty glass bottles. He later filled them up with methanol spirit, a flammable liquid. He had purchased the methanol spirit from a hardware shop sometime earlier.

10 At about 9.10 a.m., the accused was already in their shop office when the victim and her husband, Kong Chee Seng, arrived. Moments later, the victim raised her voice and demanded that she wanted to have a meeting immediately to discuss the matter of the debts owed to the company. In the course of the meeting, the victim asked the accused to explain why he had not been able to collect outstanding debts from his clients, some dating as far back as June 2000. Not receiving a satisfactory reply, the victim demanded that the accused write a letter of explanation for his inability to collect the debts. Thereafter the meeting concluded. About 20 minutes later, the victims husband left the office for an appointment.

11 A while later, while the victim was seated at her table doing some paperwork, the accused got up from his chair and took the two bottles containing the methanol spirit. He quietly opened the caps of the two bottles and walked towards the back of the victim. Then, standing close behind the victim, the accused called out to the victim by her name.

12 When the victim turned around to face him, the accused immediately poured one of the bottles of methanol spirit onto her head. He then quickly lighted a tissue paper and threw it on the victims head. As the victim screamed in pain, the accused took the second bottle and poured the contents onto her body. A short while later, one Chan Ee Me, who was working at a snack bar, M/s Tanglin Delight, located directly opposite Interior Fabric Pte Ltd, saw the victim crawl out of the office with her body ablaze. The accused was seen walking behind the victim. The victim saw a basin of water inside the snack bar and poured it over her face to douse the flames. Chan Ee Me too helped the victim by putting out the fire with a piece of cloth.

## **Medical Examination of the Victim**

13 In a medical report dated 6 June 2001 (please refer to medical report at Annex A), Dr Mark Thong of Singapore General Hospital stated that the victim sustained burns over 35% of her total body surface. She underwent an operation for excision and skin grafting of neck, chest and both upper and lower limbs on 23 May 2001. He also added that the victims injuries required her to be intubated and artificially ventilated. The victim was very ill and unstable. She also developed septicaemia and hypotension requiring inotropic support and close fluid monitoring.

14 In another report dated 29 October 2001 (please refer to medical report MR/06510/2001 at Annex B), Dr Tan Kok Chai, Senior Consultant Plastic Surgeon and Head of Department of Plastic Surgery at Singapore General Hospital highlighted that the victim had undergone further operations for excision and skin grafting on 25 May 2001, 28 May 2001, 30 May 2001, 1 June 2001 and 4 June 2001 before being discharged on 7 September 2001. The victim was readmitted on 15 October 2001 to release contractures of neck and axillae before being discharged again on 26 October 2001. Dr Tan is of the opinion that the victim will require further surgery and follow-up.

15 In yet a further report dated 5 November 2001 (please refer to medical report MR/06510/2001 at Annex C), Dr Tan elaborated that the victim had sustained serious life threatening burn injuries that required prolonged intubation and ventilation. She was listed as critically ill for more than 4 weeks. She also requires secondary corrections of contractures of necks, face and arms. Dr Tan highlighted that the victims scarring of burning areas will be permanent.

## **Facts leading to the 2<sup>nd</sup> Charge (Section 408 of the Penal Code)**

16 The complainant is Kong Chee Seng, male/44 years old. He is a director of Interior Fabrics Pte Ltd.

17 The witness is Madam Elvi Yanti Sie, female/37 yrs, an Indonesian national residing at River Place #07-28, Havelock Road, Singapore.

18 On 31 May 2001 at about 5.23 pm, the complainant lodged a police report at Tanglin Police Division to report that the accused had taken his companys (M/s Interior Fabrics Pte Ltd) money.

19 Investigations revealed that sometime in June 2000, Madam Elvi Yantie Sie contacted the accused, who is a director of M/s Interior Fabrics Pte Ltd, for the purpose of furnishing her residence with curtains in the living room, dining room and the bedrooms. The accused charged her a sum of S\$5,997. Madam Elvi Yantie Sie gave the accused a cash deposit amounting to S\$2,700 which the accused subsequently handed over to the company. Madam Elvi Yantie Sie agreed to pay the balance amount of S\$3,297 to the accused upon completion of the work.

20 In August 2000, on completion of the work, Madam Elvi Yantie Sie paid the remaining sum of S\$3,297 in cash to the accused. The accused collected the

payment but did not hand it over to the company. The accused admitted that he had spent the sum of S\$3,297 on himself. He is accordingly charged."

4 12 photographs of Madam Neo Aee Kee taken by her husband at their home in October 2001 were also tendered in Court.

#### The Prosecutions Submissions on Sentence

5 The Accused had no criminal record prior to this incident.

6 The Prosecution asked that a sentence be passed which would adequately reflect the Accuseds evil act and the victims suffering. It was a brutal attack which was not the result of what the victim said or did in the morning of 21 May 2001. It was also planned. That was evident in the Accused bringing the two empty bottles to the office that morning, filling them up with the flammable liquid and waiting until after the victims husband had left for an appointment before striking.

7 The Accused was deaf to the victims screams. He mercilessly poured the other bottles contents on her to intensify her pain and suffering, showing his clear intention of sending her to the grave.

8 The Accused did not have any past history of psychiatric illness. Two days after the attack, he was assessed at the Woodbridge Hospital and found to be depressed and on the verge of tears at certain times but could give a coherent and relevant account of the events of 21 May 2001. He was started on antidepressant medication and his mood improved over the next two weeks. He was cooperative and consistent in his account of his behaviour and also expressed remorse for his action. His depression did not amount to unsound mind at the time of the offence as he knew what he was doing and that it was against the law. He was also found fit to stand trial.

9 The victim was now extremely fragile and a pale shadow of her former self. She was listed as critically ill for more than four weeks. She had undergone six operations so far and would require further surgery and follow-up.

10 The Prosecution highlighted four cases of convictions under Section 307(1) of the Penal Code (at first instance or on appeal). In three cases, the sentences ranged from 8 years imprisonment and 6 strokes of the cane to 10 years imprisonment and 12 strokes. In the one instance where life imprisonment was imposed, that sentence was academic in that the accused there was also sentenced to death for murder in a related charge.

#### THE MITIGATION PLEA

11 The Accused is single. He lived alone in a rented room in a HDB flat. His father died of cancer in 1964. He is the youngest child out of the eight children in his family and was therefore particularly close to his late mother whose death in 1973 affected him greatly. Even now, he still dreamt about her. He would visit her grave without fail on the first and fifteenth days of each lunar month and also on her birth and death anniversaries.

12 After achieving two passes in the GCE O level exams, he performed National Service and later worked in several different jobs before settling in the carpet/fabric trade in which he worked for more than 15 years. After running his own business for about a year and failing, he became an employee again.

13 While he was a showroom manager at Interior Showplace Pte Ltd in July/August 1999, he met the victims brother who was very pleased with his performance. The victims brother then proposed setting up a company dealing in curtains and fabrics, Interior Fabrics Pte Ltd. There were three directors and shareholders the Accused, the wife of the victims brother and the husband of the victim.

14 The Accused devoted a lot of time to community work and received good testimonials from people he worked with who found him to be helpful, happy, ready to help and unaggressive.

15 The Accused had understood that he would be in charge of the business and that the victim and her husband would be answerable to him. After the victim and her husband had picked up knowledge and experience in the business, the victim started behaving as if she was in control of the company, often invoking her brothers name to pressurize the Accused into giving way to her. The victim also refused to bear responsibility for her mistakes. All these made the Accused very upset and disillusioned.

16 In one quarrel over a quotation that the victim wished to be written in a certain way, the Accused refused to sign it as he did not think it had been done properly. The victim then swore at the Accused using vulgarities on his beloved late mother. That shocked and distressed the Accused completely.

17 About one month before the incident on 21 May 2001, the Accused became depressed and upset. He began to feel a great aversion to the office and tried to stay away as much as possible. The victim would however check on him by calling him frequently on his handphone. She criticized his inability to obtain sales and payment, even unilaterally deducting uncollected debts from his salary. She also accused him of taking her wallet which she had left in the office.

18 At night, the Accused began to hear his own inner voice telling him to bring the victim to see his late mother to apologise to her for the vulgarities uttered against her. He could not sleep well and felt very troubled. He considered and began looking for another job.

19 He also had constant thoughts of ending his own life. About a week before the incident, as he was walking along Orchard Road, he suddenly felt like doing so and started walking ten steps away from the pavement, hoping to be run down by traffic. However, he snapped out of it abruptly, realizing that he would get the driver of the car into trouble.

20 On Saturday 19 May 2001, the victim called the Accused to ask why he had not reported for work when he was attending to a customer elsewhere. She then told the Accused to go to the office to sign some documents on Monday 21 May 2001, refusing to explain what the documents were.

21 That night (19 May 2001), the Accused could not sleep. The inner voice was urging him to do something quickly and bring the victim to see his late mother to apologise to her. He could think of no suitable way to accomplish this except to burn the victim. He knew that there was methylated spirit in the office which had been purchased earlier for cleaning the furniture.

22 The following night, he had no peace as the inner voice urged him to bring the victim quickly as he did not have much time left.

23 On the morning of 21 May 2001, he left early for the office carrying two empty bottles with him. The inner voice was still telling him to carry out the act. In the office, he poured the methylated spirit which was in a big bottle into the two smaller bottles he had brought along so that it would be easier to pour the liquid on the victim. He then walked to the next building and threw the big bottle away in

a dustbin. He then returned to the office to read the newspapers.

24 Shortly thereafter, the victim and her husband arrived at the office. In a loud commanding voice, the victim demanded an immediate meeting to discuss certain outstanding debts owed to the company. The Accused reprimanded the victim for raising her voice, with the victim's husband supporting him. The victim then demanded explanations from the Accused on some old debts which he had not been able to collect and threw him some accounting documents and asked him to sign them. Both the Accused and the victim's husband signed. She then demanded a letter from the Accused explaining his inability to collect the outstanding debts. The meeting ended and the victim's husband left the office.

25 The victim shoved two letterheads at the Accused and ordered him to write letters to two customers regarding the outstanding payments. She also told him to resign if he was not happy. She rang a customer, handed him the telephone and made him ask for the director to enquire about an outstanding payment. She also made him ring another customer about payment to the company.

26 It was this taunting and nagging that got the Accused so upset and angry that he, as if in a trance, did what he did to her. After that, he suddenly realized how serious it was. He then sat down, took out his handphone and called the police. He also called his sister to tell her what had happened, that it was because of the victim cursing and scolding their mother using vulgarities. He waited for the police and surrendered himself when they arrived.

27 Defence Counsel tendered a medical report dated 9 November 2001 prepared by Dr Kok Lee Peng, a Consultant Psychiatrist practising at Gleneagles Medical Centre, who examined the Accused on 4 and 13 July 2001 and 9 November 2001. Dr Kok reported ("Stella" refers to the victim):

#### **"Diagnosis: Major Depressive Episode**

A Major Depressive Episode is a mood disorder, that in Mr Ng's case was characterised by a low, depressed mood, feeling of fatigue and lethargy, poor concentration, insomnia, suicidal thoughts and hearing voices talking to him, telling him to bring Stella to see his mother.

#### **Progress**

Mr Ng was reviewed by me again on 9 Nov 2001. He appeared well, was not depressed or suicidal, said that he was sleeping well and his appetite was fairly good. He did not have depressive thoughts, had achieved great peace of mind with the help of Christianity, and found solace in praying 5 times daily. He expressed remorse for what he had done, and wished he could apologise to Stella. Mr Ng said that he came to realise his blessings of his faith and family support, and in future, if he were to face any difficulties, he would resort to prayer, and would seek the advice of his family, instead of keeping things to himself.

Mr Ng said that he was still taking medications regularly, and had stopped hearing the voices since a month ago.

#### **Opinion**

I am of the opinion that on 21 May 2001 at the time of the alleged offence for

which he has been charged under Sec 307(1) of the Penal Code, Mr Ng Kwok Soon was suffering from a Major Depressive Episode. This mental illness did not however render him to be of such unsoundness of mind that he did not know what he was doing or that it was wrong or contrary to law. As a result of the Major Depressive Episode, Mr Ng heard imaginary voices talking to him, telling him to bring Stella to see his mother so as to apologise to her; he interpreted this to mean that Stella had to die and then would apologise to his mother in the afterworld.

This Major Depressive Episode started around April 2001. Mr Ng was depressed and troubled by insomnia, had constant suicidal thoughts, attempted suicide by walking recklessly on the road, heard voices talking to him and thought ceaselessly about bringing Stella to see his mother. On the morning of 21 May 2001, he was apparently further aggravated by Stella's remarks. He said that he would not have carried out the act that day if he had not been upset, but unfortunately, what Stella apparently said made him feel angry and aggrieved, and he carried out the act.

Since then Mr Ng has been on treatment for his mental illness, and the voices have stopped a month ago. He has shown remorse for what he has done, has changed his religious belief from Buddhism to Christianity and spends his time in prayer.

Mr Ng has responded well to treatment and the voices have stopped since a month ago after he has been on treatment for about 5 months. He should be treated with the antidepressants for at least a year, after which the medications can be slowly reduced and stopped if symptoms of the Major Depressive Episode do not recur. The prognosis in his case is likely to be good, as the stress of the unhappy and difficult relationship with Stella will not recur, and also because he has very good family support and understands now the importance of confiding in his family members if he has any problems in future, and very importantly because he has found solace and strength in his new faith ie Christianity and is able to accept whatever fate will mete out to him, as he believes that is God's will. He is very remorseful for what he has done and is unlikely to commit such an act in future.

At the time of the other 2 offences of criminal breach of trust in August 2000 and Dec 2000, Mr Ng was not suffering from any mental disorder.

Currently he is not of unsound mind and is fit to stand trial."

28 Defence Counsel also referred to a letter dated 10 October 2001 by Dr Chong Siow Ann, a Consultant Psychiatrist in Woodbridge Hospital, who was requested to comment on an earlier report by Dr Kok Lee Peng. Dr Chong said:

"The history that was documented by Dr Kok is consistent with the account that the accused had given during his remand period in Woodbridge Hospital. My diagnosis of his condition was that he was suffering from depression. In particular, the presence of depressed mood, markedly diminished interests, sleep disturbances, fatigue, loss of concentration and suicidal ideation would qualified his condition to be a major depressive episode. However, I am not convinced



that his "inner voice" which he said to have experienced was a form of auditory hallucination. In view of this, and the absence of other psychotic symptoms like delusion, disorganisation of thinking/behaviour, I do not think that the accused had psychotic depression.

Although his depression might induce a state of "abnormality of mind", it did not seem to be of that degree as to substantially impair his responsibility for his action."

29 The Accused was deeply remorseful for his actions in putting the victim in so much pain and agony. He came to his senses almost immediately, called the police, surrendered himself and made a completely clean breast of things in his statement to the police the next day. He expressed the same remorse in his cautioned statement under Section 122(6) of the Criminal Procedure Code made on 11 June 2001.

30 Based on the above and the Accuseds progress and prognosis for his condition, it was submitted that "he clearly falls within the limb of Section 307(1) that provides for imprisonment for a term which may extend to 10 years" and that "life imprisonment should not even be considered in this case since the three conditions laid down in the Court of Criminal Appeal case of *Neo Man Lee v PP* [1991] 2 MLJ 369 are not satisfied".

31 Where the Charges under Section 408 of the Penal Code were concerned, the Accused had made full restitution of the amounts embezzled. Defence Counsel asked that the imprisonment term for the Second Charge be ordered to run concurrently with that for the Charge under Section 307(1) of the Penal Code.

#### THE DECISION OF THE COURT

32 As indicated earlier, where "hurt" (see Section 319 of the Penal Code) is caused in attempted murder, the higher tier of punishment may be invoked and that includes life imprisonment and caning. In this case, the First Charge went further and specified that "grievous hurt" had been caused. That was justifiable as the injuries in question would come within the definitions in Section 320(f) and (h) of the Penal Code. By virtue of Section 231(c) of the Criminal Procedure Code, no caning could be ordered as the Accused was more than 50 years of age.

33 Cases like *Neo Man Lee v PP* [1991] 2 MLJ 369, *PP v Ong Wee Teck* [2001] 3 SLR 479, *PP v Dolah bin Omar* [2001] 4 SLR 302 and *PP v Kwok Teng Soon* (CC No. 46 of 2001) all concerned accused persons who were suffering some form of mental illness and who had committed culpable homicide under Section 304(a) of the Penal Code. The accused persons in those cases were all sentenced to imprisonment for life. However, the guidelines in *Neo Man Lee v PP* relating to accused persons of unstable character did not mean that persons not suffering from mental disorder should not be sentenced to imprisonment for life. One must still examine the acts constituting the offence, the motives behind them and their consequences.

34 It appeared to me that the Accused here was nothing less than a cold-blooded would-be murderer. He had obviously made up his mind to do the dastardly acts when he was leaving his home for the office in the early morning of 21 May 2001. He brought two smaller bottles along so that it would be easier for him to pour the flammable liquid onto the victim.

35 His acts were not the uncontrolled reaction of a person who had been suddenly assaulted verbally

or physically. He was cunning and calculative. He waited for the victims husband to leave the scene. He opened the caps of the two bottles containing his medium of destruction quietly and approached the victim in stealth. Why did he call her by name? Obviously it was to cause her to turn around so that he could incinerate her face and destroy her looks permanently.

36 How did he manage to pour one bottle of flammable liquid on the victims head, light a piece of tissue and throw it on her so quickly that she had no time to react? Plainly, he had got all his tools ready before he decided to pounce, again showing that all his actions were deliberate and premeditated.

37 He was not content to see the victim ablaze with the first bottle of liquid. He literally added fuel to the fire, as if determined that the flames of his hatred should miss no part of her body. He was then seen walking in apparent nonchalance behind the terrified victim who was crawling out of the office writhing in fiery agony.

38 I agree that the present Accused was far removed from the likes of *Neo Man Lee* who were unfortunate to have problems in their heads. Here, the problem of the Accused was in his heart, clearly a very sadistic and cruel one, fired not by love for his deceased mother but scorched by hatred for the victim.

39 Where the consequences of his wicked acts were concerned, if a picture paints a thousand words, the 12 recent photographs of the victim would constitute a veritable encyclopaedia of unspeakable sorrow and inexplicable horror.

40 Defence Counsel pointed out to me that in two other cases of fiery assaults dealt with in the Subordinate Courts, the perpetrators of the crimes received 6 years imprisonment and 12 strokes (*PP v See Chai Seng*, DAC 43392 of 2000) and 3 years imprisonment (*PP v Tan Kim Hock William*, MA 38/93/01) respectively. In the last mentioned decision, the original sentence of 8 months imprisonment was enhanced to 3 years imprisonment by the High Court on appeal by the Public Prosecutor. Both cases involved offences punishable under Section 326 of the Penal Code, i.e. voluntarily causing grievous hurt by dangerous weapons or means. The punishments provided in Section 326 of the Penal Code are exactly the same as those stipulated in Section 307(1) of the Penal Code.

41 While it is correct that Section 326 of the Penal Code also provides for life imprisonment, one must not forget that the punishments meted out in those cases were circumscribed by the sentencing powers of the Subordinate Courts. The Subordinate Courts cannot pass a sentence of life imprisonment. A District Court may not ordinarily impose imprisonment terms exceeding 7 years (Section 11(3) of the Criminal Procedure Code). In any event, what a particular sentence ought to be in a particular case is determined by its facts.

42 On the facts of this case, I had no doubt that the appropriate sentence was one of life imprisonment and I so sentenced the Accused. The Accuseds clean record, his plea of guilt and his cooperation with the police would have earned him some merit if I could impose caning as well (and I most certainly would have done so) but, as I have stated, the Accused was not liable to be caned due to his age.

43 Where the Second Charge was concerned, bearing in mind the charge taken into consideration, the amounts involved and the fact that full restitution had been made, a term of 6 months imprisonment would be appropriate. Because of the life imprisonment imposed, this sentence of 6 months became quite academic as life imprisonment meant incarceration for the remaining natural life

of the prisoner subject to the possibility of parole after 20 years pursuant to rule 119A of the Prisons Regulations. I therefore ordered it to run concurrently with the life imprisonment sentence deemed to have commenced on 21 May 2001, the date of arrest. If I had decided to impose a term other than life imprisonment in respect of the First Charge, I would have ordered the 6 months imprisonment sentence to run consecutively with that sentence as the two offences in question were totally unrelated in time and in nature.

Sgd:

TAY YONG KWANG  
JUDICIAL COMMISSIONER

Copyright © Government of Singapore.