

Public Prosecutor v Seng Inn Thye
[2003] SGHC 88

Case Number : CC 12/2003
Decision Date : 14 April 2003
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Benjamin Yim and Marjory Yeoh (Attorney-General's Chambers) for the Public Prosecutor; Ang Sin Teck (Ang Sin Teck & Co) (assigned by CLAS) for the Accused
Parties : Public Prosecutor — Seng Inn Thye

Criminal Procedure and Sentencing – Sentencing – Principles – Accused went to confront victim carrying a fruit knife – Suffering from mental illness at the time and was taunted by victim – Whether the assault was pre-meditated.

Criminal Procedure and Sentencing – Sentencing – Principles – Victim stabbed 14 times – Only one wound was potentially fatal – Relevance of this in view of the circumstances of the assault – Appropriate sentence in view of all the circumstances of the case – Relevant factors for consideration.

1 The accused aged 40 pleaded guilty to a charge of attempted murder. On 16 August 2002 he went to the office of Euro-Asia Garment Manufacturers where his ex-wife Leong Mei Chan worked. He had with him a fruit knife at the time. A heated quarrel witnessed by Leong's colleague, Teo Li Yen, ensued in the course of which the accused was taunted by Leong and during which she was heard to say, "if you want to kill me, you can kill me" and "come, come" (the record referred to by Mr Ang, counsel for the accused, reflected a comma between the words "come, come" but from the circumstances, the exclamation mark would have been a more appropriate emphasis). Following that the accused then stabbed Leong 14 times. From the medical report of Dr Sujai Hegde, all the wounds save one were superficial.

2 The accused appeared remorseful after the event and promptly called a couple of 'help-lines' in search of help, and very quickly surrendered himself in tears to the police. He was diagnosed by Dr Tommy Tan of the Woodbridge Hospital as suffering from a 'recurrent depressive disorder' with a severe current episode. This illness, he said in his report, was characterised by a low mood, suicidal thoughts, inevitability, agitation, loss of appetite and weight. He was of the view that the accused had acted impulsively 'when taunted by [Leong]'.

3 Leong was hospitalised for eight days at the Tan Tock Seng Hospital. Although only one of the wounds was potentially life threatening, it is plain for anyone to see that one fatal wound is more than enough to kill. That Leong did not die was her good fortune, and in that sense, also the accused's, for he might otherwise have faced a capital charge.

4 In sentencing him, I took into account the severity of the assault and the pain and danger that he had put Leong through, no matter how much anguish she might have caused him during the unhappy end of their marriage. From the circumstances, I accept that he had also to struggle against his mental illness and that the assault on Leong may not have been something he would have done in a cooler hour. His hitherto unblemished record also adds to the scales in his favour.

5 Although Mr Yim described the accused's act as 'cold and calculated', I think that in the context, that may only fairly be said in relation to the planned confrontation with Leong. It was not his case that the accused had planned to stalk her with the intention of killing her. The wilfulness of

the accused's conduct must therefore be considered in the circumstances of the case.

6 Consequently, I am of the view that the appropriate sentence would be a term of imprisonment of 5 years and 4 strokes of the cane. I, therefore, sentenced him to 5 years imprisonment and 4 strokes of the cane. The term of imprisonment shall take effect from 17 August 2002.

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