

Shi Rongping v Public Prosecutor
[2010] SGHC 61

Case Number : Magistrate's Appeal No 323 of 2009 (DAC No 53858 of 2009)
Decision Date : 23 February 2010
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Christine Sekhon (Liberty Law Practice LLP) for the appellant. David Khoo (Deputy Public Prosecutor) for the respondent.
Parties : Shi Rongping — Public Prosecutor

Criminal Law

23 February 2010

Choo Han Teck J:

1 The appellant is a China national. She is 36 years old. She met her husband, a Singaporean, in China in 2006 and they married the following year, on June 2007. She is a housewife. Her husband works in an oil refinery in Pulau Bukom.

2 On 20 October 2009 the appellant pleaded guilty to an offence punishable under s 57(1)(k) of the Immigration Act (Cap 133, 2008 Rev Ed). The punishment for this offence may be a fine up to \$4,000 or imprisonment up to a year or both fine and imprisonment. The court below sentenced her to four weeks' imprisonment.

3 The nature of her offence was that she made a false declaration on 3 September 2007 in her application for permanent residence where she stated that her highest academic qualification was "Senior High" from the "Ruixi Middle School, Cheng Mai, Hainan, China". The charge stated that the false declaration was made in an "attempt to obtain an entry permit granting [the appellant] permanent residence" in Singapore.

4 The falsehood as stipulated in the admitted statement of facts consisted of the fact that the appellant produced a forged certificate to the effect that she graduated with the qualification of "senior high". In the grounds of decision the court below stated that "[the appellant] had never attended the said school". The appellant showed that the school subsequently confirmed that she did attend the school but only until 1989 and not 1990. The significance was that she would have had her senior high certificate had she graduated in 1990. Counsel for the appellant submitted that the forged certificate was produced by the appellant's brother after the school had initially refused to give him a certificate to replace the appellant's lost junior school certificate.

5 The appellant was also a first offender and was here not for the purpose of employment, but to live as a housewife to a Singapore citizen. She had spent five days in remand. On these facts, I was of the view that *Abu Syeed Chowdhury v PP* [2002] 1 SLR(R) 182 was not an appropriate comparison. There, the offender made a false declaration by stating that he graduated from the University of Dhaka when he did not attend the university at all. He made the false declaration in the several renewals of his employment pass. He was also convicted on three charges under s 57(1)(k) with two others taken into account.

6 On the facts of the present case, I was of the view that four weeks imprisonment was too harsh and I therefore set aside the sentence and imposed a fine of \$3,000 instead.

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