

Tan Chin Heng v Public Prosecutor
[2011] SGHC 8

Case Number : Magistrate's Appeal No 400 of 2010 (DAC 30823 of 2010)
Decision Date : 11 January 2011
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Appellant in-person; Toh Shin Hao (Deputy Public Prosecutor) for the respondent.
Parties : Tan Chin Heng — Public Prosecutor

Criminal Procedure and Sentencing

11 January 2011

Choo Han Teck J:

1 This was an appeal by the same appellant in Magistrate's Appeal No 310 of 2010 which was heard preceding/before this. This appeal concerned a different case from that in Magistrate's Appeal No 310 of 2010. It was committed on 5 April 2010 whereas the offences in the Magistrate's Appeal No 310 of 2010 were committed on 11 May 2007. In this case, the appellant pleaded guilty to a charge of theft of personal belongings of a woman. He had taken the handbag of the complainant in this case and drove off with it after a dispute with her. He took the valuables from the handbag including her cellphone and \$200 cash. He then returned the handbag with the complainant's work permit by leaving it at the KTV lounge where the complainant worked. The maximum punishment for the offence under appeal was three years imprisonment or fine or both. The trial judge sentenced the appellant to 30 months imprisonment.

2 The record of this appellant showed that between 1992 and February 2009 he had been convicted for various offences including cheating and theft. The appellant committed the present offence about two months after he was released from prison on a conviction for a cheating offence. The appellant pleaded for a lighter sentence on the ground that he wanted to "turn over a new leaf", that is to say that he will reform. This is a plea that a trial court may take into consideration especially for a first time offender, or perhaps even a single repeat offender if the court thinks that the circumstances merit it. However, in a case such as this, the only matter to be taken lightly is the appellant's promise of "turning over a new leaf". Given the appellant's record, the court below was entitled to be sceptical about such promises. The sentence imposed was not manifestly excessive and the appeal was therefore dismissed.

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