

Ang Hui Hoon Candace Reis v Public Prosecutor
[2009] SGHC 226

Case Number : MA 146/2009, DAC 7404/2009, 7405/2009
Decision Date : 02 October 2009
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Roy Yeo Kan Kiang (Sterling Law Corporation) for the appellant; Edwin San (Deputy Public Prosecutor) for the respondent
Parties : Ang Hui Hoon Candace Reis — Public Prosecutor
Criminal Procedure and Sentencing – Mitigation

2 October 2009

Choo Han Teck J:

1 This is an appeal against the learned District Judge's ("DJ") decision of 16 July 2009 whereby the appellant, who had pleaded guilty to two charges of forgery for the purpose of cheating under s 468 of the Penal Code (Cap 224, 1985 Rev Ed), was sentenced to 12 months' imprisonment on each charge. The sentences were ordered to run concurrently. The DJ noted that the facts are sufficiently unique and warrant a lenient sentence but he might have felt constrained in deciding what the appropriate lenient sentence should be. I am of the view that the sentence of 12 months imprisonment was manifestly excessive and that an appropriate sentence should be two months imprisonment for each charge.

2 The offences were committed in March and April 2007. The appellant is the wife of the complainant, Lim Chin Foong. She had misappropriated funds from the complainant's joint fixed deposit accounts with his mother by forging the complainant's signature on bank documents. Four other charges relating to the forgery of the complainant's signature on three insurance policy surrender requests and a letter in respect of a fixed deposit account were taken into consideration for the purposes of sentencing. The total amount misappropriated by the appellant came to S\$152,453.22. The appellant used the money to settle personal debts and other expenses.

3 The appellant has no previous convictions for any offence. She claimed, and the learned DJ acknowledged, that some of the misappropriated monies went into meeting expenses jointly incurred by the complainant and the appellant.

4 The appellant had pleaded guilty and confessed her intention to deceive the banks. When confronted by the complainant prior to his making a police report, she had confessed and offered to compensate him although she was unable to do so immediately. The appellant eventually entered into an agreement with both the complainant and the complainant's mother in which she agreed to forgo her right to claim maintenance for their one-year old child if she was not required to make restitution. The learned DJ was of the view that the complainant's mother was the real victim in this case as the monies represented her life savings and the agreement reached would be of poor comfort to her. While that may be true, the settlement agreement that the mother consented to was not utterly without comfort to her. It would not be productive to speculate the precise nature of this comfort save to note that, the mother's loss was not, in itself, sufficient to impose a custodial sentence of 12 months on the facts of this unusual case. For that reason, the sentence here would not be a

general precedent.

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