

Public Prosecutor v G
[2003] SGHC 63

Case Number : CC 14/2003
Decision Date : 24 March 2003
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Janet Wang and Derek Kang (Attorney-General's Chambers) for the Public Prosecutor; Accused in person
Parties : Public Prosecutor — G

Criminal Procedure and Sentencing – Sentencing – Whether outstanding charges could be taken into account for purpose of sentencing.

1 The accused is a 36 year old man who was charged with two offences of rape under s 376(2)(a) of the Penal Code, Ch 224 and one offence of outraging modesty under s 354A(1) of the Penal Code. The first charge concerned an 18 year old girl who was also a niece of the accused. The offence was committed on 1 July 2002 between 9am and 9.45am in the flat belonging to the girl's mother. The charge of outraging modesty also concerned this same girl and was also committed during the same morning.

2 The second charge of rape also concerned an 18 year old girl who is acquainted with the accused. The offence took place in a field near a school on 19 February 2002 between 1am and 1.30am.

3 The accused pleaded guilty to all three offences. He also had a number of previous convictions including one public gaming, two robbery charges, one for theft, and two for possession of controlled drugs. One of the robbery offences was for armed robbery and the other for robbery with hurt.

4 In the present charges, a knife was used to intimidate the second victim. In both cases, the victims were put in fear of personal safety but were not seriously harmed although the statement of facts showed that some force was used to restrain the victims. The accused initially disputed the part of the statement of facts that he had used a pillow to "suffocate" the first girl (his niece). However, he subsequently withdrew his objection.

5 The accused stated from the dock that he has some outstanding charges including charges relating to robbery which he would like the court to take into account for the purposes of sentencing. The learned DPP confirmed that there are a number of charges that are still pending against the accused but are not subject of the preliminary inquiry that brought the accused before this court. In the circumstances, I am unable to take those offences into account for the purposes of sentencing the accused on the charges before me.

6 In view of the seriousness of the offences, his previous antecedents, the circumstances relating to the present offences I sentenced the accused to 12 years imprisonment and 12 strokes of the cane in respect of each of the two rape charges and two years imprisonment and two strokes of the cane in respect of the third charge. Taking a global view of the overall punishment I ordered that the terms of imprisonment in respect of the two rape charges to run concurrently and the imprisonment in respect of the third charge to run consecutively to the first two sentences.