

Public Prosecutor v ABJ
[2009] SGHC 185

Case Number : CC 29/2009

Decision Date : 14 August 2009

Tribunal/Court : High Court

Coram : Choo Han Teck J

Counsel Name(s) : Gordon Oh (Deputy Public Prosecutor) for the prosecution; Accused in-person

Parties : Public Prosecutor — ABJ

Criminal Procedure and Sentencing

14 August 2009

Choo Han Teck J:

1 The accused was a 59 year old man charged with 44 charges of sexual offences. He pleaded guilty to nine and the remaining 35 were taken into account for the sentencing of the nine charges. Of the nine charges, five were charges under s 376(2) of the Penal Code (Cap 224, 1985 Rev Ed) for having sexual intercourse with the female ("complainant") over a period of time when she was 8 years old to the time she was 11 years old. One charge was under s 7 of the Children and Young Persons Act (Cap 38, 2001 Rev Ed) for penetrating the same female's vagina with a banana when she was 13 years old. One charge was under s 377 of the Penal Code (Cap 224, 1985 Rev Ed) for anal intercourse when the same female was 13 years old. Two charges were for offences under s 376A(1) (a) and s 376A(1)(b) of the Penal Code (Cap 224, 2008 Rev Ed) for penetrating the same female's vagina with his penis and a wooden stick respectively when she was 15 years old.

2 The accused and the complainant's father were mediums in a Chinese temple. They also worked as odd job labourers for a common employer. The accused came to know the complainant when she was 7 years old. By that time the accused and the complainant's family were friends and he often stayed over at the complainant's family flat at Bangkit Road from time to time. The accused had his own flat at Lower delta Road. The complainant's parents divorced in 2004 and the matrimonial flat in which the family lived was sold. The complainant moved to a flat at Gangsa Road to live with her mother. Her three siblings lived with the father elsewhere.

3 The offences against the complainant began in the Bangkit Road flat about January or February 2001 when the accused was then 51 years old. The offence under s 7 of the Children and Young Persons Act was committed in the Lower Delta Road flat sometime in June 2006 when the complainant was 13 years old. The offence under s 377 of the Penal Code for committing anal sex was committed in the Gangsa Road flat around the same time. The two offences under s 376A(1) of the Penal Code – (a) and (b) – were committed in May and February 2008 respectively.

4 The offences in question were all serious offences, and there was not much that the accused had shown by way of mitigation other than his age and the fact that he pleaded guilty. The Deputy Public Prosecutor ("DPP") set out a series of what he considered to be aggravating factors – the age of the complainant, the serial nature of the offences, breach of the trust and regard the complainant's family had for him, the offences having been committed in the sanctuary of the family's home, the number of offences committed, and also the residual harm to the complainant.

5 Taking all that the DPP had submitted in his submission on sentence, I was of the view that a total of 24 years imprisonment would be a sufficient punishment. The accused was sentenced to 16 years imprisonment for the 1st, 2nd, 8th, 13th, and 19th charges. The sentences were to run concurrently. He was sentenced to one year's imprisonment on the 28th charge, and eight years imprisonment on the 29th charge. Those two terms were to run concurrently to the 16 years imprisonment in respect of the first set of sentences. Finally, the accused was sentenced to eight years imprisonment each in respect of the 42nd and 43rd charges. The two terms were to run concurrently but consecutively to the previous sets of sentences. The terms of imprisonment were to take effect from 21 July 2008.

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