

Public Prosecutor v Syed Hamid bin A Kadir Alhamid
[2002] SGHC 127

Case Number : CC 28/2002
Decision Date : 14 June 2002
Tribunal/Court : High Court
Coram : Choo Han Teck JC
Counsel Name(s) : Amarjit Singh and Paul Chia [Attorney-General's Chambers] for the prosecution;
Accused in person
Parties : Public Prosecutor — Syed Hamid bin A Kadir Alhamid

GROUND OF DECISION

1. The accused is a 40 year old man who lived with his 77 year old mother in a flat at Bedok South Road. The accused pleaded guilty to a charge under s 436 of the Penal Code, Ch 224, for causing mischief by setting his flat ablaze. The body of his mother was found burnt in the flat but the autopsy report indicated that she had died before the fire was started. That probably explains why she did not respond to the accused's noisy attempts to get her to open the door for him, and it was this lack of response that irritated him to start the fire.

2. The prosecution had urged this court to impose an order for preventive detention on the accused. I had accordingly called for a preventive detention report and have now before me a report dated 7 June 2002 which sets out the brief personal history of the accused and his mental state. He is reported to have no major psychological disorders apart from his dependence on drugs. Although he tried to hurt himself once, he has otherwise no suicidal tendencies. It was also reported that he has a "strong anti-social peer association" and appears to be dependent on alcohol as well. The report concluded that the accused is suitable for Preventive Detention.

3. The prosecution had also adduced a long list of antecedents of the accused and this ought to be taken into consideration. The list of previous convictions relate to offences for which he was sentenced to short terms of imprisonment between eight weeks and six months mostly for theft. The exception of a 12 month sentence was imposed in 1982. This case before me was the first time the accused had been convicted of the offence of causing mischief.

4. Taking all these matters into account, I am of the view that an order for preventive detention should not be made. It is too great a jump from six month sentences to the minimum of seven to 20 years under a preventive detention order.

5. Another factor I am obliged to consider is that the charge upon which he pleaded guilty is one of causing of mischief with the seriousness of the offence presenting itself in two aspects. First, he had caused substantial damage to property and secondly, he had endangered life had his mother not been dead at the time the fire started. These are matters which aggravate the nature of his mischief, but in my view the appropriate sentence would be a term of imprisonment of four years with effect from today.