

Public Prosecutor v Teo Chwee Kow
[2007] SGHC 163

Case Number : CC 24/2007
Decision Date : 27 September 2007
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Francis Ng and Stanley Kok Pin Chin (Deputy Public Prosecutors) for Prosecution;
Subhas Anandan and Sunil Sudheesan (KhattarWong) for accused
Parties : Public Prosecutor — Teo Chwee Kow

Criminal Procedure and Sentencing – Mitigation – Accused pleading guilty to charge of culpable homicide not amounting to murder – Accused's only antecedent took place in 1979 – Accused starting quarrel but not inflicting the first blow – Accused turning 50 years old in six months – Appropriate sentence to be imposed

27 September 2007

Choo Han Teck J:

1 The accused pleaded guilty to a charge of culpable homicide not amounting to murder, an offence punishable under s 304(a) of the Penal Code (Cap 224, 1985 Rev Ed). The offence took place 20 years ago when he was 29 years old. He fled to Thailand after he committed the offence and was subsequently incarcerated in a Thai prison until his release in July last year. He was remanded in Singapore on 29 December 2006.

2 The offence in question took place on 27 March 1987 in the early hours between 2.20am and 3.35am. An Indonesian man by the name of Edy Tan was drinking with three of his friends at the lane behind Amoy Street. The accused rode his bicycle past the four men and then went back and asked Edy Tan why he had stared at the accused. A quarrel ensued and soon there was a fight. It was not disputed that Edy Tan was a much heavier man than the accused, but he did not start the quarrel leading to the fight, and neither was he armed. There was no suggestion that his three friends were involved in the fight.

3 Although the accused had an antecedent for causing grievous hurt, it was an offence that took place in 1979. He was imprisoned for a day and fined \$500 for that offence. It was not known why he was imprisoned in Thailand but that was not relevant for the purpose of sentencing in this present case especially when no details of that situation was made known to this Court.

4 Mr Subhas Anandan, counsel for the accused, pleaded in mitigation that the accused might have started the quarrel but he did not inflict the first blow. He said that Edy Tan was the aggressor in that sense. He also urged the court to note that there was only a single fatal slash wound although there were five other knife injuries. Mr Anandan also urged me not to impose caning on account of the fact that the accused will be 50 years old next March, which is barely six months away. DPP Francis Ng submitted that a term of eight to ten years imprisonment as well as an order for caning would be appropriate.

5 On the agreed facts and after consideration of counsels' submissions, I am of the view that a term of imprisonment of nine years would be appropriate and I so ordered. The sentence was to take

effect from 29 December 2006 when the accused was remanded after his extradition.

Copyright © Government of Singapore.