

Law Society of Singapore v Sarjit Singh s/o Mehar Singh
[2004] SGHC 51

Case Number : OS 1514/2003

Decision Date : 05 March 2004

Tribunal/Court : High Court

Coram : Chao Hick Tin JA; Tan Lee Meng J; Yong Pung How CJ

Counsel Name(s) : Zaheer K Merchant (Madhavan Partnership) for applicant; Respondent absent

Parties : Law Society of Singapore — Sarjit Singh s/o Mehar Singh

Legal Profession – Show cause action – Respondent convicted of criminal breach of trust in his capacity as advocate and solicitor – Weight to be given to mitigating factors – Appropriate order to be made under s 83(1) Legal Profession Act (Cap 161, 2001 Rev Ed)

5 March 2004

Yong Pung How CJ:

1 This was an application by the Law Society of Singapore ("the Law Society") under s 98(5) of the Legal Profession Act (Cap 161, 2001 Rev Ed) ("LPA") to make absolute an order to show cause. We granted the application and ordered the respondent, Sarjit Singh s/o Mehar Singh, to be struck off the roll of advocates and solicitors. We now give our reasons.

Facts

2 The facts of this case were undisputed. The respondent was called to the Bar in 1991 and was, at all material times, the sole proprietor of his firm, Sarjit Singh & Co. In October 1998, the respondent was engaged by one Muhammed bin Haji Abdul Latiff ("Latiff") to recover outstanding salary amounting to \$4,815.24 from his previous employer, Eurofibre Engineering Pte Ltd ("Eurofibre"). The respondent agreed to act for Latiff and charged him an initial downpayment of \$200 to write a letter of demand to Eurofibre.

3 Upon receiving the letter of demand, Eurofibre promptly issued a cheque for the outstanding salary to "Sarjit Singh & Co", dated 16 November 1998. The respondent did not inform Latiff that he had received the cheque. Instead, he advised Latiff that a writ of summons should be taken out against Eurofibre, since the letter of demand had not been effective. Latiff agreed, and the respondent then charged Latiff another \$500 for the issuance of the writ. The respondent subsequently faxed Latiff a copy of a writ, which had purportedly been issued, with a forged signature of the then deputy registrar of the Subordinate Courts. Latiff had difficulty contacting the respondent thereafter.

4 Latiff then proceeded to make a police report. Investigations subsequently showed that the respondent had deposited the cheque from Eurofibre into his firm's account and directed it to his own use. He was charged with one count of criminal breach of trust as an agent under s 409 of the Penal Code (Cap 224, 1985 Rev Ed). The respondent claimed trial to the charge. At trial, the respondent claimed that he had acted for Latiff in another matter and had taken the moneys from the Eurofibre case to offset the legal costs. The district judge disbelieved his defence and convicted him accordingly. The respondent was sentenced to seven months' imprisonment.

5 The respondent then filed a petition for criminal revision to the High Court. On 3 September 2002, the High Court dismissed his petition, and enhanced the sentence to a term of three years'

imprisonment.

Show cause proceedings

6 Relying on the conviction, the Law Society applied to make absolute the order to show cause, as required under s 94A LPA. The Law Society contended that due cause had been shown under s 83(2)(a) LPA, which reads:

Such due cause may be shown by proof that an advocate and solicitor has been convicted of a criminal offence, implying a defect of character which makes him unfit for his profession.

At the first hearing on 30 January 2004, the respondent wrote a letter to the court requesting for an adjournment of the hearing until such time as he was released from prison, as he felt he would not be able to effectively present his arguments if he were in prison garb. We were of the view that his present circumstances did not prevent him from making viable submissions. Nevertheless, we granted an adjournment of one month. The respondent failed to attend on this second date, and requested that this court carry on in his absence, if they were not minded to adjourn the hearing until his release. We decided to proceed with the hearing.

7 Under s 83(6) LPA, this court must accept the respondent's conviction as final and conclusive: *Law Society of Singapore v Narmal Singh* [1996] 2 SLR 184, *Re Mohamed Jiffry Muljee* [1994] 3 SLR 520. Given that the offence in question was one of dishonesty committed in his capacity as advocate and solicitor, that was sufficient, in itself, for this court to determine that due cause had been shown: *Law Society of Singapore v Loh Wai Mun Daniel* [2004] SGHC 36.

Appropriate order to be made under s 83(1) LPA

8 We then considered the appropriate order to be made under s 83(1) LPA. The respondent was not present to submit on any mitigating factors. Regardless, we found that any mitigating circumstances, even if present, would have been of little avail. In a case involving an advocate and solicitor of proven dishonesty, the weight to be attached to a plea of mitigation is virtually negligible and a striking off would be a matter of course: *Law Society of Singapore v Tham Yu Xian Rick* [1999] 4 SLR 168, *Re Knight Glenn Jeyasingam* [1994] 3 SLR 531.

9 On the undisputed facts, we did not hesitate to find that the only appropriate order in this case was to strike the respondent off the roll. The respondent had acted in an abhorrent manner, setting out to cheat those whom he was meant to serve. The respondent not only concealed from his client the fact that he had received moneys in settlement of the letter of demand, but had also falsified documents to further deceive his client and cover his tracks.

10 In our opinion, the respondent had shown himself to be wholly bereft of integrity and utterly unfit for his profession. It was imperative that the respondent be struck off the roll to protect both the public and the good name of the profession. We further ordered that the respondent bear the costs of these proceedings.

Order accordingly.