

Public Prosecutor v Siddharth Mujumdar
[2002] SGHC 172

Case Number : CC 44/2002
Decision Date : 05 August 2002
Tribunal/Court : High Court
Coram : Choo Han Teck JC
Counsel Name(s) : Lim Yew Jin and Eugene Lee Yee Leng [Attorney-General's Chambers] for the prosecution; Palakrishnan SC [Palakrishnan & Partners] (briefed) for the accused
Parties : Public Prosecutor — Siddharth Mujumdar

Judgment

GROUNDS OF DECISION

1. The accused is a 19-year old junior college student who pleaded guilty to four charges, two of which were under s 377 of the Penal Code, Ch 224 and two under s 354A(2)(b) of the Penal Code, Ch 224. The first charge was for fellatio against an 11-year old girl. The second charge was for using criminal force to outrage the modesty of a 9-year old girl. The third charge was for fellatio against the same 9-year old girl. The fourth charge was for using criminal force to outrage the modesty of another 11-year old girl.
2. The accused had previously been convicted on 28 January 1999 on a long list of sexual offences as well as offences relating to theft and causing hurt. He was sentenced to three years Reformative Training. He managed to obtain his O-level certificate whilst serving this sentence. He enrolled in a well-known and prestigious junior college upon his release. He was apparently well liked and his teacher reported him as a bright and articulate student.
3. In mitigation, his counsel Mr. Palakrishnan SC submitted that the cause of this obviously deviant personality of the accused can be traced to his childhood experience of finding his grandmother, with whom he was very attached, stabbed to death by robbers. He was the only child of a business executive father and a doctor mother. Mr. Palakrishnan submitted that the accused was driven to put up a bold front in the face of his emotionally weak parents. There is some support in the psychiatric report of Dr Gwee Kok Peng, dated 31 March 2002, that the accused suffers from some behavioral problems that require group and individual therapy.
4. The offences which he had committed were serious because the victims were very young and some violence was employed in the course of the crime. These offences were also committed while he was still under supervision upon his release from the Reformative Training Centre. The present offences as well as his antecedents appear to have the mark of a serial offender's stamp over them. These circumstances warrant a long deterrent sentence against him.
5. It is a pity when a bright young man spends the bloom of youth behind bars; but it will be a greater tragedy if he does not correct himself - because he may end up spending the rest of his useful life in jail.
6. Given the circumstances of the case and having regard to the submissions of Mr. Palakrishnan and DPP Lim Yew Jin, I sentenced the accused to seven years imprisonment in respect of the first charge; four years imprisonment and six strokes of the cane in respect of the second charge; seven years imprisonment in respect of the third charge; and four years imprisonment and six strokes of the cane in respect of the fourth charge.

7. I ordered that the sentences of imprisonment in respect of the first, third and fourth charges to run consecutively from 21 January 2002, and the term of imprisonment in respect of the second charge to run concurrently with them; making a total of 18 years imprisonment and a total of 12 strokes of the cane.

Sgd:

Choo Han Teck
Judicial Commissioner

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