

Public Prosecutor v Salehudden bin Ibrahim
[2002] SGHC 180

Case Number : CC 46/2002
Decision Date : 14 August 2002
Tribunal/Court : High Court
Coram : Choo Han Teck JC
Counsel Name(s) : Imran Abdul Hamid and Hwong Meng Jet (Deputy Public Prosecutor) for the prosecution; Subhas Anandan and Anand Nalachandran [Harry Elias Partnership] for the accused
Parties : Public Prosecutor — Salehudden bin Ibrahim

Judgment

GROUNDS OF DECISION

1. The accused is a 22 year old male who was a friend of the deceased. The deceased had celebrated his 25th birthday shortly before his death. The accused was charged under s 304(a) of the Penal Code, Ch 224 for causing that death. He pleaded guilty and admitted to the facts set out in the Statement of Facts. He admitted that he had stabbed the deceased three times with a knife. One of the wounds was a stab wound to the lower chest and, unfortunately, the knife penetrated the liver of the deceased. This proved to be the fatal wound. The deceased died when resuscitation efforts at the hospital failed. It was accepted that the injury to the liver caused the deceased to bleed to death.
2. In mitigation, Mr. Subhas suggested that the accused had been misled into lending \$250 to the deceased believing that he would be repaid shortly. However, the deceased began to avoid the accused after that and he (the accused) only managed to make contact with him after calling the parents of the deceased.
3. The main point in mitigation, however, was that consequent upon an ensuing quarrel, the accused went to meet the deceased at the request of the latter. Counsel said that the accused had been drinking at that time and arrived 30 minutes late for the meeting with the deceased.
4. According to counsel, the deceased was behaving aggressively towards the accused and it was the deceased who produced a knife and attacked the accused. The accused wrestled the knife from the deceased and continued the fight, in the course of which, the deceased was stabbed. Counsel said that the deceased would not give up despite his injuries so the accused ran away from him.
5. Mr. Imran, the DPP, pointed out that there is no direct evidence to support the accused's mitigation that it was the deceased who attacked him first, and that the knife belonged to the deceased. There was no medical evidence to support the accused's story that he, too, was injured in the fight. It is also a relevant fact that the offence was committed on 8 November 2001 but the accused was not apprehended until 3 January 2002.
6. In these circumstances, I would not place too much weight on the facts alleged by the accused through his counsel. However, I will note that, on the other hand, there is no evidence to contradict the accused's mitigation. Nonetheless, a small distinction can be made between his case and those cases in which there were clear evidence that the accused (in those other cases) was the

obvious assailant, and for which the courts had meted out ten years imprisonment terms.

7. On the other hand, the circumstances described in mitigation in this case may be different from that in *Public Prosecutor v Khalied Silven s/o Veerappan* (Criminal Case No. 32 of 2002). Therefore, I do not think that a sentence of six years or less would be appropriate in this case.

8. For the reasons above, I sentenced the accused to eight years imprisonment and 12 strokes of the cane.

Sgd:

Choo Han Teck

Judicial Commissioner

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