

Public Prosecutor v Mohamad Najiman bin Abdull Aziz
[2011] SGHC 44

Case Number : Criminal Case No 13 of 2010
Decision Date : 25 February 2011
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Amarjit Singh and Andre Darius Jumabhoy (Deputy Public Prosecutors) for prosecution; Noor Mohamed Marican (Marican & Associates) for accused.
Parties : Public Prosecutor — Mohamad Najiman bin Abdull Aziz

Criminal Law

25 February 2011

Choo Han Teck J:

1 In cases where the accused persons have pleaded guilty, the court must not read too much into the admitted facts. It certainly ought not to take into account any evidence that had not been admitted by the accused. When adjectives and adjectival nouns such as “instigator” are used, one should take care to see that they are fairly matched by the facts admitted. However, even without the reference to “instigator” in this case, the facts show that the accused before me had a substantial role in inciting the physical attack. The fact that the accomplices obeyed him both in the launching of the attack and its cessation indicated the importance of his role in this case. Against all that, I will take into account that he did not himself land any blow on the deceased. In the circumstances, with so many persons already attacking the deceased there was no need for this accused to have added to the actual assault.

2 I am therefore of the view that the sentence of this accused should be at least be on par with what was meted out on the other main assailants; he might have received nearer the 20 years term imposed on the second accomplice, but I think it sufficient to impose 12 years imprisonment and 10 strokes of the cane and so order. The term of imprisonment shall commence with effect from 14 March 2008.

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