

Public Prosecutor v Mohammad Johan bin Rashid
[2011] SGHC 70

Case Number : Criminal Case No 5 of 2011
Decision Date : 28 March 2011
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : David Khoo, Magdalene Huang and Andre Darius Jumabhoy (Deputy Public Prosecutors) for the prosecution; Thangavelu (Advocates Legal Chambers LLP) and Josephus Tan (Patrick Tan LLC) for the accused
Parties : Public Prosecutor — Mohammad Johan bin Rashid

Criminal Law

28 March 2011

Choo Han Teck J:

1 In cases such as this, as with most if not all serious criminal offences, the conduct in question cannot be condoned. The only factor that prevents a long deterrent sentence on the accused is that in this case, as in *PP v Sarle Steepan s/o Kolundu* [2009] 4 SLR(R) 1143 and *PP v AFR* [2010] SGHC 230, the act was not pre-meditated and arose from a total failure to control one's anger.

2 Nonetheless, the seriousness of the case, and the grief and pain that had been caused to the deceased and his family are major factors in the determination of a fair and appropriate sentence: neither excessively harsh, nor lacking the retributive features in the punishment of serious crimes.

3 I agree with the DPP that in such cases there is little to be said by way of mitigation. The longer and harder one tries to mitigate, the further he runs the risk of diluting his assertion of remorse, for in such cases, explanations and excuses pale against the consequences of the act. The less said the better.

4 In my view, a fair and appropriate sentence on you would be a term of imprisonment of 16 years with effect from 25 November 2009 and for you to receive eight strokes of the cane.

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