Ong Ting Ting v Public Prosecutor
[2004] SGHC 156

Case Number : MA 241/2003

Decision Date : 28 July 2004

Tribunal/Court : High Court

Coram : Yong Pung How CJ

Counsel Name(s) : Wee Pan Lee (Wee Tay and Lim) for appellant; Christopher Ong Siu Jin (Deputy Public Prosecutor) for respondent

Parties : Ong Ting Ting — Public Prosecutor

Criminal Procedure and Sentencing – Appeal – Principles applicable in appeal against findings of fact – Whether trial judge's findings against weight of evidence

Criminal Procedure and Sentencing – Mitigation – Whether lack of antecedents valid mitigating factor where offender charged with multiple offences relating to single incident

Criminal Procedure and Sentencing – Sentencing – Appeals – Maid abuse consisting of voluntarily causing hurt, criminal use of force and criminal intimidation – Whether sentence manifestly excessive

28 July 2004

Yong Pung How CJ:

1 The appellant was convicted on four charges of voluntarily causing hurt under s 323 read with s 73(2) of the Penal Code (Cap 224, 1985 Rev Ed) ("PC"), two charges of using criminal force under s 352 of the PC and one charge of criminal intimidation under the second limb of s 506 of the PC. All seven charges related to a single incident of maid abuse, and the appellant was sentenced to a total of three months and two weeks' imprisonment. She appealed against both conviction and sentence. I dismissed both appeals and I now give my reasons.

Facts

2 The appellant is a 30-year-old tuition teacher who lives at Block 392 Tampines Ave 7 #10-235 ("the flat") with her husband, Ng Sen Ho ("the appellant's husband") and her two young children. In April 2002, the appellant approached Arrow Employment Agency ("the agency") to request for a Filipino maid. The agency informed her that one Jean Ganzon ("Jean") was available, as she was a transfer maid who had recently been rejected by her previous employers. The appellant selected Jean after an interview and Jean joined the household soon after.

3 The appellant's relationship with Jean was difficult. She sent Jean to the agency for counselling at least twice as she was dissatisfied with Jean's attitude and alleged propensity to lie. During these sessions, Jean told the staff at the agency that the appellant scolded her regularly. Jean also claimed that the appellant had hit her arm and pushed her sometime in June 2002, causing her to fall.

4 The seven charges before me stemmed from a single incident on 13 July 2002, some three months after Jean started working for the appellant.

The Prosecution's case

5 The Prosecution relied primarily on Jean's testimony. At about 2.00pm on 13 July 2002, Jean was ironing clothes in the flat when the appellant suddenly entered the room and scolded her for leaving the window open. When Jean tried to explain, the appellant grew more agitated. Jean then informed her that she wanted to go to the agency to request a change in employer. When the appellant heard this, she demanded that Jean pack her belongings immediately. Before Jean could finish packing, the appellant pushed her out of the flat and told her to go to the agency.

6 Jean first went to the flat of the appellant's mother, Ng Ah Hong ("Mdm Ng"), to inform her that she was leaving. Jean was familiar with Mdm Ng as the latter visited the appellant's flat every day to help look after the appellant's young daughter. The appellant's second child had not been born at this time.

7 After visiting Mdm Ng, Jean proceeded to the agency where she spoke to two staff members, one of whom was Michelle Chin Mee Chuen ("Michelle"). Jean explained that she was frightened of the appellant and did not want to continue working for her. However, Michelle informed Jean that she could not get another transfer, as she had not finished paying her agency fees and was already a transfer maid. She warned Jean that she could be repatriated if a new employer could not be found. Jean was advised to return to the appellant's flat, which she eventually did at about 4.00pm.

8 In the corridor outside the flat, Jean met the appellant's husband who was leaving the flat with his daughter after having returned from work. Jean approached the door of the flat and rang the doorbell. When the appellant opened the door and saw Jean, she immediately grabbed her shirt and pulled her into the flat. After closing the door, she pushed Jean, who fell onto a concrete shoe rack and injured her right elbow. The appellant ordered Jean to get up. As Jean obeyed, she grabbed Jean by the shirt and brought her to the maid's room. She pushed Jean again, causing Jean to hit her head against the wall. When Jean tried to protect her head, the appellant grabbed her shoulders and hit her head against the wall three more times.

9 After this, the appellant pulled Jean to the kitchen toilet and pushed her in. Jean fell and hit her jaw against a pail. As she got up, the appellant scooped water from a pail and poured it over her. The appellant took some ice cubes from the refrigerator and placed them in Jean's bra and short pants. She also put some ice cubes in Jean's hands and ordered her to eat them. Frightened, Jean did as she was told. The appellant then brought a fan from another room and switched it on, directing it at Jean and causing her to feel cold and shiver.

10 Sometime after, the appellant told Jean to change her clothes. However, she refused to allow Jean to change out of her wet underwear. After Jean had changed, the appellant brought her to the living room and demanded that she kneel before her. While Jean was kneeling, the appellant scolded her and kicked her on her right thigh, causing her to fall over. When Jean resumed her kneeling position, the appellant kicked her again, this time on her left thigh.

11 Finally, after scolding Jean further, the appellant ordered her to stand up. She told Jean, "I am not scared to kill you. I can afford to pay you." She then instructed Jean to clean the flat and prepare to accompany the family out to dinner. The entire household later left for dinner at a restaurant in Tampines Mall. Although Jean was not restrained at the mall, she did not run away as she was holding a bag belonging to the appellant and did not want to be accused of theft.

12 The next afternoon, while the family was asleep, Jean ran away to the Embassy of the Phillipines. On the advice of the officers there, she made a police report. She was also sent for a medical examination at Alexandra Hospital. As a result, the appellant was charged with four counts of voluntarily causing hurt, two counts of using criminal force and one count of criminal intimidation. Two

of the four original charges of voluntarily causing hurt (District Arrest Cases Nos 26175 and 26176 of 2003) concerned the earlier incident in June 2002, when the appellant allegedly hit Jean's arm and pushed her. On the first day of trial, these two charges were stood down, and two fresh charges of voluntarily causing hurt (District Arrest Cases Nos 26181A and 26181B of 2003) relating to the events of 13 July 2002, were preferred.

13 The trial against the appellant therefore proceeded on the following seven charges, all of which pertained to the incident on 13 July 2002:

(a) voluntarily causing hurt to Jean by pushing her and causing her to hit her head against the wall (District Arrest Case No 26177 of 2003);

(b) using criminal force on Jean by pouring water on her and making her stand in front of a fan (District Arrest Case No 26178 of 2003);

(c) using criminal force on Jean by placing ice cubes inside her bra and short pants (District Arrest Case No 26179 of 2003);

(d) voluntarily causing hurt to Jean by kicking her (District Arrest Case No 26180 of 2003);

(e) committing criminal intimidation on Jean by saying she was not afraid to kill Jean, which was a threat to cause death (District Arrest Case No 26181 of 2003);

(f) voluntarily causing hurt to Jean by pushing her and causing her to fall and injure her elbow (DAC 26181A/2003); and

(g) voluntarily causing hurt to Jean by pushing her and causing her to fall on a pail (DAC 26181B/2003).

14 Jean also filed a civil suit against the appellant.

The defence

15 The appellant denied all of Jean's allegations. According to her, on the afternoon of 13 July 2002, she had spoken to Jean "in a normal tone" about the work that had to be done around the house. Jean then said she wanted a change of employer since the appellant was not happy with her. The appellant told Jean she could pack her bags and go straight to the agency to inform them. She maintained that she did not shout at Jean or push her out of the flat. Jean walked out on her own.

16 After Jean left, the appellant called Michelle at the agency to help counsel Jean. She also called her mother, Mdm Ng. During this conversation, Jean appeared at Mdm Ng's flat and said "Mum don't want me". The appellant told Mdm Ng not to say anything more, as she had already told Jean to go to the agency. Later in the day, at about 4.00pm, Michelle called the appellant and told her that Jean had gone to the agency to tell them that the appellant wanted a new maid. However, after counselling, Jean had been advised to return to the flat. Michelle had also warned Jean that she might be repatriated and forced into prostitution to repay her outstanding agency fees.

17 After the phone call, the appellant's daughter woke up and began crying. The appellant's husband returned home at around the same time and brought the child out of the flat to pacify her. Just after they left, Jean returned home and the appellant let her in. As she entered her room and began to unpack, the appellant asked her why she had told Mdm Ng and Michelle that the appellant

wanted a new maid, when in fact it was Jean herself who wanted a new employer. Jean refused to reply. The appellant then gave her a "light push" to elicit a response. Jean lost her balance and fell on the floor. After she fell, Jean deliberately struck her head against the wall.

18 Stunned by the turn of events, the appellant went to the living room and started to cry. Jean then came to the appellant and knelt on the floor to apologise, and hugged the appellant to console her. The appellant said everything was all right and told Jean to continue with the household chores. At about 5.00pm, the appellant's husband returned with their daughter and the whole family left with Jean for dinner.

19 After the incident, the appellant decided to look for a new maid. She fixed an appointment with a maid agent at 10.00am the very next day. On the morning of 14 July 2002, she woke up at 7.00am to prepare for the appointment. She also used her computer to browse the webpage of an employment agency that supplied Filipino maids. At this time, Jean was moving around the flat and could have seen what the appellant was doing. When the agent called the appellant at 9.30am, Jean could also have heard the details of their conversation. The appellant left the flat to meet the agent and also went to Jean's agency to look at other maids. By the time she returned to the flat, Jean was gone. The appellant speculated that Jean had run away because she realised that the appellant was going to replace her.

The decision below

20 The district judge recognised that he had to be extremely cautious in convicting the appellant based solely on Jean's allegations: *Kwan Peng Hong v PP* [2000] 4 SLR 96. After scrutinising the evidence in exhaustive detail, he concluded that Jean had been earnest and forthright in her testimony. While there were certain inconsistencies in her evidence, they were minor and inconsequential in nature. It was the broad facts, and not the little details, that mattered: *PP v Gan Lim Soon* [1993] 3 SLR 261.

21 In contrast, he found the appellant to be a guarded and manipulative witness who was not above tailoring and slanting her testimony to suit her case. She painted a rosy picture of her relationship with Jean that was incongruous with the rest of the evidence, while her own defence was riddled with material inconsistencies. The evidence of the appellant's husband was also discounted, as he appeared to be testifying pursuant to an agenda.

22 After carefully evaluating the totality of the evidence, the district judge concluded that the Prosecution had proven its case beyond a reasonable doubt. Besides the veracity of Jean's evidence, the Prosecution's case was also corroborated by the objective medical evidence. Dr Tan Ken Leon of Alexandra Hospital examined Jean on the night of 14 July 2002 and communicated with her through a Filipino nurse, who acted as the interpreter. Dr Tan found the following injuries on Jean:

(a) a 3cm haematoma at the occiput, consistent with Jean's head being hit against a hard object such as a wall;

(b) 0.5cm bruises on both knees, likely to be caused by kicks and not by kneeling; and

(c) a 3cm linear abrasion on the elbow.

23 Turning to the issue of sentencing, the district judge considered in mitigation the fact that Jean's injuries were relatively minor, and the abuse appeared to be a "one-off incident". However, there were also aggravating factors that clearly justified the imposition of a custodial sentence in this

case. The appellant's assault on Jean was wicked and persistent, resulting in no less than seven different offences being committed. After considering the relevant benchmark sentences for the various offences, and taking into account the circumstances of the case, the district judge sentenced the appellant to:

(a) one week's imprisonment on each of the four charges of voluntarily causing hurt (DACs 26177, 26180, 26181A and 26181B/2003);

(b) one week's imprisonment on each of the two charges of using criminal force (DACs 26178 and 26179/2003); and

(c) three months' imprisonment on the charge of criminal intimidation (DAC 26181/2003).

24 The sentences in DACs 26177, 26180 and 26181/2003 were ordered to run consecutively, bringing the appellant's total sentence to three months and two weeks' imprisonment.

The appeal

25 The appellant appealed against both conviction and sentence.

Appeal against conviction

26 The appellant's grounds of appeal centred entirely on the district judge's findings of fact. Essentially, she contended that the district judge had erred in:

(a) accepting the evidence of Jean;

(b) rejecting the evidence of the appellant; and

(c) failing to give sufficient weight to the evidence of the appellant's husband and Mdm Ng.

27 It is trite law that an appellate court would be slow to overturn a trial judge's findings of fact, having not had the opportunity to see and hear the witnesses: *Lim Ah Poh v PP* [1992] 1 SLR 713; *Sundara Moorthy Lankatharan v PP* [1997] 3 SLR 464. I found this principle to be especially significant in this appeal, as I was presented with directly contradictory versions of the events from the two main interested parties. As the final decision necessarily rested on the acceptance of one account over the other, I gave due regard to the fact that the district judge had the advantage of observing the demeanour of the witnesses in court when he assessed the credibility of their evidence. Given the circumstances, the appellant obviously faced an uphill task in convincing me that the district judge's findings should be set aside. With these considerations in mind, I turned to evaluate each of the appellant's grounds of appeal.

Jean's evidence

28 Counsel for the appellant pointed to a number of alleged improbabilities in Jean's testimony. First, her inability to recall the actual duration of her ordeal at the hands of the appellant. I did not find this to be persuasive. It was perfectly reasonable for a victim undergoing such abuse not to be conscious of the time. As for Jean's failure to run away in Tampines Mall on the evening of 13 July 2002, it would be unfair to speculate now, with the benefit of hindsight, what Jean should have done in that situation. Given her state of mind at that time, her explanation that she was afraid of being accused of theft was perfectly plausible.

29 Many of the appellant's arguments against Jean also challenged the most minute of details, such as whether Jean's shirt should have been torn if the appellant had pulled her into the bathroom, and whether the appellant could have knocked the ice out of the ice tray and separated them into cubes before placing them in Jean's underwear and forcing her to eat them. While the appellant obviously wished to undermine the credibility of Jean's evidence in any way she could, this line of argument bordered on the absurd. For the parties to debate over every single point that could ostensibly be challenged would do nothing more than waste valuable court time and effort. As the district judge had rightly noted, it was the material issues, and not the minor details, that were crucial. To succeed before me, the appellant had to raise significant questions to discredit Jean's otherwise compelling evidence.

30 There were undoubtedly a number of discrepancies between Jean's testimony in court, her police report and the statement of claim in her civil suit. However, they again concerned minor points such as whether Jean was pushed from the front or behind at the shoe rack and whether she had been pushed to the floor when she tried to stand up during the kneeling incident. While these discrepancies did involve part of the sequence of abuse, I found that it would be unreasonable to expect Jean to recall every single detail accurately. The district judge was perfectly entitled to disregard these minor inconsistencies, which did not detract from the value of the rest of Jean's testimony: *Chean Siong Guat v PP* [1969] 2 MLJ 63; *PP v Kalpanath Singh* [1995] 3 SLR 564. After all, the court is entitled, for good and cogent reasons, to accept one part of the testimony of a witness and to reject the other: *PP v Datuk Haji Harun bin Haji Idris (No 2)* [1977] 1 MLJ 15; *Ng Kwee Leong v PP* [1998] 3 SLR 942.

31 In any case, neither the police report nor the statement of claim was required to contain elaborate details of the abuse. The police report is simply meant to provide information of a cognisable offence to the police, so as to set the investigation in motion. The form of the report merely requires "brief details including date, time and place at which the offence occurred". It clearly does not contemplate elaborate details of the alleged offence nor the reproduction of the Prosecution's entire case: *Tan Pin Seng v PP* [1998] 1 SLR 418. Similarly, under O 18 r 7(1) of the Rules of Court (Cap 322, R 5, 1997 Rev Ed), the statement of claim in a civil action should only contain a brief statement in summary form, of the material facts of the claim. Since Jean was only required to provide a succinct outline of the events in these two documents, omissions and minor discrepancies were only natural. Most importantly, the police report and statement of claim actually substantiated her testimony in court in the most material particulars. The main aspects of the abuse and the sequence of events were broadly similar in all of Jean's accounts.

32 When it came down to the important details, Jean's testimony never wavered. In the circumstances, the district judge's finding that Jean was a truthful and credible witness was clearly borne out by the evidence. Although there were opportunities for Jean to embellish her evidence to further incriminate the appellant, she maintained with conviction the same account of events she had given throughout. For example, she could have alleged that the appellant had often physically abused her. Instead, she honestly insisted that the incident was an isolated occurrence.

33 The injuries that Jean claimed to have suffered were also largely corroborated by Dr Tan's findings of injuries to her knees and the back of her head. There were admittedly some portions of Jean's evidence that were missing from Dr Tan's medical report. In particular, there was no mention that Jean had hit her jaw after being pushed by the appellant, or that ice cubes were placed in her underwear. Instead, according to Dr Tan's report, Jean had told him that the appellant slapped her, an allegation that was never made in Jean's testimony.

34 Although these were valid points, I noted that Dr Tan had conducted his examination without

the assistance of a trained interpreter. In court, Dr Tan agreed that his record of Jean's allegations was only as accurate as the nurse's translation, and he did not rule out the possibility that Jean's complaint of hitting her jaw could have been mistakenly translated as a slap on the face. Bearing in mind the constraints faced by Dr Tan, and the skeletal contents of his report, I was of the view that these apparent inconsistencies did not detract from the overall credibility of Jean's evidence.

The appellant's defence

35 The appellant's evidence was, on the other hand, simply too far-fetched to be believed. When asked about her relationship with Jean prior to 13 July 2002, the appellant claimed that everything was going well and she even treated Jean like a younger sister. Even on the afternoon of 13 July 2002, the appellant insisted that she was not angry, only "a little unhappy". This flies in the face of the rest of the evidence. Michelle from the agency testified that the appellant had sent Jean for counselling at least twice, and both times Jean requested for a change in employer because of the appellant's regular scoldings. Her claim that she was not angry with Jean on 13 July 2002 is also contradicted by her own police statement, in which she clearly admits to being "angry" and even "furious" with Jean. The picture of domestic bliss painted by the appellant was contrived to say the least.

36 The appellant's version of events was also inherently incredible. I could not accept that Jean would deliberately hit her own head so hard against the wall that it would cause the haematoma found by Dr Tan. Moreover, the appellant's suggestion that it was all part of Jean's elaborate ploy to frame her simply did not correspond with the rest of her evidence. The appellant claimed that Jean had been happy to continue working for her and had only decided to run away on the morning of 14 July 2002, after discovering that the appellant was looking for a new maid. It made no sense for Jean to deliberately injure herself on 13 July 2002 to frame the appellant if she only decided to leave the appellant's employment the next day.

37 Further, the appellant's claim that Jean's injury was deliberately self-inflicted was obviously crucial to her defence. Yet, there was no mention of this anywhere in the appellant's police statement. When confronted with this glaring discrepancy, the appellant tried to shift the blame onto Inspector Johnny Chiang ("Insp Chiang") who recorded the statement. She admitted that her statement was given voluntarily, without any threat, inducement or promise. However, she claimed that the discrepancies were a result of Insp Chiang's bias against her. Yet, the appellant could offer no reason to explain Insp Chiang's alleged prejudice against her.

38 The contents of her police statement also indicated that it was fairly and accurately recorded. Although there were portions of the statement which were incriminating when compared with her testimony in court, much of it was also exculpatory. The appellant was given ample opportunity to read through the statement and make any amendments she wished. Although she chose to give her evidence in court with the aid of a Mandarin interpreter, she was a tuition teacher who taught English, among other subjects. She was clearly aware of the accusations she was facing, and also capable of reading and understanding the implications of her statement. I found it inconceivable that she would have signed the statement if it did indeed omit to mention a critical fact to her defence.

The evidence of the appellant's husband and Mdm Ng

39 The appellant also urged me to place greater weight on the evidence of her husband as well as her mother, Mdm Ng. With regard to the appellant's husband, I found it obvious that he was tailoring his evidence to protect his wife. Whenever he was questioned on issues that could possibly

incriminate her, such as whether she had told him that she had assaulted Jean, he professed either indifference or forgetfulness. Yet, his memory became remarkably clear when it came to other aspects of his testimony that supported the appellant's version of events.

40 Moreover, his testimony in court contained several material discrepancies from his police statement. He also attributed these to the fault of Insp Chiang. I found that his allegations against Insp Chiang were, like the appellant's, completely unsubstantiated. He must have known that his statement would be used by the police in their investigation of his wife for maid abuse. Given the gravity of the situation, I could not accept that he would have signed the statement if it did not accurately reflect what he told Insp Chiang.

41 In so far as Mdm Ng's evidence was concerned, it was simply irrelevant to the charges against the appellant. All Mdm Ng could say was that Jean had gone to her flat to inform her that the appellant no longer wanted to keep her as a maid. She was never in a position to provide any further evidence on the alleged abuse and she certainly could not substantiate the appellant's defence in any material way.

Conclusion

42 In the circumstances, I found that there was no merit whatsoever in the appeal against conviction. Jean's evidence of the abuse was clear and consistent in the most material particulars, while the appellant's defence was woefully unconvincing.

Appeal against sentence

43 Having found that the appellant was correctly convicted of the charges, I turned to examine the appeal against the sentence imposed by the district judge. The appellant's main submission before me amounted to a bare statement that the sentence was manifestly excessive.

44 The district judge had held that the only real mitigating factors here were Jean's relatively minor injuries and the lack of any established pattern of abuse. Relying on my decision in *Chen Weixiong Jerriek v PP* [2003] 2 SLR 334 ("*Chen Weixiong*"), he reasoned that the appellant's lack of antecedents could not be considered a mitigating factor as she was convicted of no less than seven offences.

45 In *Chen Weixiong*, I had refused to consider the accused's lack of prior convictions as a serious mitigating factor as he was convicted of seven different charges of robbery and voluntarily causing hurt. However, the facts in *Chen Weixiong* are materially different from those in the present appeal. In *Chen Weixiong*, the seven offences committed by the accused took place over several days. No less than 38 other charges were also taken into consideration for the purposes of sentencing which indicated that the only reason the appellant had no prior convictions was because the law had not yet caught up with him for his past misdeeds. In the present case, all seven charges against the appellant related to a single incident and there were no other charges taken into consideration. The exceptional aggravating circumstances in *Chen Weixiong* were clearly not present and I found that the district judge ought to have considered the appellant's lack of antecedents as an additional mitigating factor.

46 This did not necessarily mean that the appeal against sentence would succeed as a matter of course. The mitigating factors had to be balanced against the aggravating factors. Our courts have consistently taken a harsh stand on cases of maid abuse. I observed in *PP v Chong Siew Chin* [2002] 1 SLR 117 at [40] and [43]:

> [M]aids require additional protection because of their special circumstances. …
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> …
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> Maid abuse usually takes place in the privacy of the home where offences are hard to detect. … [A] deterrent sentence should be imposed to arrest the rising trend of such offences. In addition, I noted that such disgraceful conduct lowers Singapore's international reputation and damages bilateral relations with neighbouring countries.

47 A maid's abased social status does not mean that she is any less of a human being and any less protected by the law: *Farida Begam d/o Mohd Artham v PP* [2001] 4 SLR 610. It is certainly not a licence for employers to vent their frustration and anger on her: *Ho Yean Theng Jill v PP* [2004] 1 SLR 254. Taken together, the appellant's offences constituted a protracted and persistent sequence of cruel abuse. Not only did the appellant inflict physical injuries on Jean, she also subjected her to humiliating and degrading punishment. A custodial sentence was clearly warranted on the facts.

48 The sentencing norm for similar cases involving maid abuse where no serious physical injury was caused, is one to six weeks' imprisonment. In *PP v Chong Siew Chin* (*supra* at [46]), the accused was sentenced to six weeks' imprisonment for each of the three charges of voluntarily causing hurt for slapping her maid three times. In *PP v Faridah bte Abdul Fatah* Magistrate's Appeal No 225 of 2000 (unreported), the accused was sentenced to three weeks' imprisonment for placing clothes pegs on her maid's ears and pulling them off one by one. In *Ng Chai Imm Evelyn v PP* [2001] SGMC 37, the accused pleaded guilty to two charges of kicking her maid's buttocks and grabbing her neck and pushing her. The accused was sentenced to one week's imprisonment and three weeks' imprisonment on each of the charges respectively.

49 In light of these cases, the appellant could hardly argue that her sentence of one week's imprisonment on the charges of voluntarily causing hurt and using criminal force were manifestly excessive. In fact, her sentence fell at the lowest end of the sentencing range. Nonetheless, I chose not to disturb the sentence on these charges since the district judge had failed to give sufficient weight to the appellant's lack of antecedents as a mitigating factor.

50 As for the remaining charge of criminal intimidation, the appellant had made a threat to cause death, which fell under the second limb of s 506 of the PC. The maximum punishment is seven years' imprisonment or a fine or both. The district judge had sentenced the appellant to three months' imprisonment, following my decision in *Woon Salvacion Dalayon v PP* [2003] 1 SLR 129. The facts of the case were broadly similar to those in the present appeal. In that case, the accused was convicted of threatening to kill three maids who were recruited by her employment agency, and sentenced to six months' imprisonment. I lowered this sentence to three months' imprisonment after taking into account the fact that the threat was made in a fit of anger, no weapons were used and the victims were not put in immediate fear of their lives. The same considerations applied to the appellant's threat here.

51 No doubt, the accused in *Woon Salvacion* had threatened three victims, whereas in the present appeal the appellant had directed her threat to Jean alone. However, I did not find this to be a sufficient justification for lowering the sentence against the appellant. In determining the appropriate sentence to be passed, I had to consider the extent to which a serious threat had been made. In determining this, both the intention of the maker of the threat as well as the fear that the victim was put in, were of great relevance: *Lee Yoke Choong v PP* [1964] 1 MLJ 138 and *PP v Luan Yuanxin* [2002] 2 SLR 98. Although the appellant, in all probability, did not seriously intend to threaten

Jean's life, I had to balance this against the extremely vulnerable position that Jean was in at the time. She was alone and defenceless, and her fear would certainly have been exacerbated by the fact that the threat was made immediately after the appellant had subjected her to a series of humiliating abuse. Bearing in mind the usual tariff for a charge under this limb of s 506 was a term of six months' imprisonment, the appellant's sentence of three months' imprisonment on this charge was clearly not manifestly excessive.

52 As the appellant was convicted and sentenced to imprisonment for seven distinct charges, the district judge was bound by s 18 of the Criminal Procedure Code (Cap 68, 1985 Rev Ed) to order the sentences for at least two of these offences to run consecutively. In this case, he ordered the sentences in three of the seven offences to run consecutively. Taking into account the appellant's lack of remorse as well as the degrading abuse that she subjected Jean to, I saw no reason to disturb this aspect of the district judge's order.

Conclusion

53 For the reasons above, the appellant's appeals against conviction and sentence were dismissed.

Appeals against conviction and sentence dismissed.

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