Public Prosecutor v Tay Teik Chai Robson
[2003] SGHC 46

Case Number : CC 4/2003

Decision Date : 03 March 2003

Tribunal/Court : High Court

Coram : Choo Han Teck J

Counsel Name(s) : Tan Kiat Pheng and Wong Sook Ping (Deputy Public Prosecutors) for the Public Prosecutor; Singa Retnam (Singa Retnam, Kurup & Associates) and Chia Boon Teck (Chia Yeo & Partnership) for the Accused

Parties : Public Prosecutor — Tay Teik Chai Robson

Criminal Law – Culpable homicide not amounting to murder – Common intention – Accused did not wield the knife that killed the deceased – Role in the assault – Sentence.

1 On 17 March 2000 the body of 35-year old Leong Fook Weng, clad only in his underwear, was found in a vacant plot of land at Kheam Hock Road. He suffered multiple lacerations and abrasions to his face, arms and chest. He also had a stab wound to his neck and one in his chest. The body was discovered at 10.30am, but the pathologist, Dr. Wee Keng Poh estimated that death had occurred about 12 hours before his examination of the body at 1.50pm on 17 May. Police investigation led to the arrest of two persons. One William Ho Kah Wei, was subsequently charged under s 202 of the Penal Code for wilful failure to provide information concerning the murder of Leong Fook Weng. Robson Tay Teik Chai was charged with having a common intention with others to commit culpable homicide not amounting to murder. He pleaded guilty before me and was accordingly convicted as charged.

2 The story as appears from the Statement of Facts and the submission of counsel is as follows. The accused and four other men were having a meal at a coffeeshop at River Valley Road at 3 am of 17 May 2000. The four other men included William Ho Kah Wei. The other three were See Chee Keong, Ong Chin Huat, and Lim Teck Hin. These three men have not been charged for their role in the homicide. See Chee Keong is imprisoned in a foreign jurisdiction and the other two are still at large. In the course of the meal at River Valley Road, Lim Teck Hin complained to the others about Leong Fook Weng. There were no details of this complaint available to the court save that it concerned some money owing by Lim Teck Hin to Leong Fook Weng. Lim Teck Hin then insisted that the gang ought to teach Leong Fook Weng a lesson. The narration of the events prior to the beginning of the assault on Leong Fook Weng seem to depict scenes from a *film noir*. One is left to speculate as to the hidden meaning and intention of the actors in parts of the story that were not fully explained. But these are not crucial to the charge. See Chee Keong telephoned Leong Fook Weng at Lim Teck Hin's request and they arranged to meet at a wake. They did and Leong Fook Weng was asked to return some money to one Tay Kim Guan, said to be the head of the Lo Kuan Secret Society of which the accused Robson Tay was a member and Leong Fook Weng a former member. The others in the group were described as members of an affiliated secret society called the Sio Ang Kun. Leong Fook Weng then arranged to meet Tay Kim Guan at a petrol station at Tanjong Katong and there handed over $1,000 to Tay Kim Guan. Tay Kim Guan then told the accused and his friends that Leong Fook Weng was no longer a member of the Lo Kuan Secret Society and therefore not under his protection. On hearing that Leong Fook Weng tried to flee in a taxi but was prevented by the accused and the other members. From the moment Leong Fook Weng was seized from the taxi he was continually being assaulted. First, he was beaten up at the spot where he tried to board the taxi, and the beating continued after he was dragged into See Chee Keong's car. He was then driven to Kheam Hock Road where he was beaten again, and finally, stabbed to death.

3 The accused has a long list of previous conviction beginning from 1985. Only one, in 1997,

concerned violence. The others included being a member of a secret society, illegal money lending, cheating, and even reckless driving. In mitigation, his counsel Mr. Singa Retnam submitted that the accused had only returned from Bangkok a few hours before meeting See Chee Keong and the rest of the gang, and that he had no intention of killing Leong Fook Weng. He was not armed and was not aware at the crucial moment when Leong Fook Weng was stabbed. He was certainly not the person who wielded the weapon, and in fact, believed that no weapon was being carried by any one of the gang because he had seen Lim Teck Hin throwing a chopper away when they were still at the River Valley Road coffeeshop.

4 The punishment under s 304(a) of the Penal Code for culpable homicide not amounting to murder is imprisonment for life, or imprisonment up to ten years and also fine or caning. Various cases were cited to me by the prosecution as well as defence counsel. The sentences imposed in those cases ranged from six years imprisonment to ten years imprisonment and caning from six to 12 strokes. Naturally, no two cases are alike and therefore it will only be helpful to examine the more outstanding aspects of the offence and mitigating circumstances. In the present case, I can take into account the fact that the accused was not the one who wielded the knife, but his role in the long and brutal assault cannot be discounted and must weigh as factors against him. In the circumstances, I am of the view that a sentence of nine years imprisonment and 12 strokes of the cane would be appropriate, and I, therefore, sentenced him accordingly.

Copyright © Government of Singapore.