

Public Prosecutor v Katun Bee Bte S Ibrahim  
[2004] SGHC 46

**Case Number** : CC 25/2003  
**Decision Date** : 02 March 2004  
**Tribunal/Court** : High Court  
**Coram** : Woo Bih Li J  
**Counsel Name(s)** : Nor'ashikin Bte Samdin and Ho Su-Lyn (Deputy Public Prosecutors) for prosecution; Paul (Paul Tan and Partners) (assigned) for accused  
**Parties** : Public Prosecutor — Katun Bee Bte S Ibrahim

*Criminal Law – Offences – Culpable homicide – Penal Code (Cap 224, 1985 Rev Ed) s 304(b).*

2 March 2004

**Woo Bih Li J:**

**Introduction**

1 The Accused Katun Bee bte S Ibrahim ("the Accused") was charged with the offence of culpable homicide not amounting to murder under s 304(b) of the Penal Code (Cap 224, 1985 Rev Ed). The charge was that on 13 January 2003 between 1.00am and 10.44am she had caused the death of one G Subramaniam ("Subramaniam") by stabbing him in the abdomen with a knife. The Accused claimed trial and after hearing the evidence and submissions, I convicted her on the charge and sentenced her to imprisonment for three years and six months from the date of her arrest ie 13 January 2003. I now set out my reasons.

**Background**

2 At the time of the alleged offence the Accused was 56 years of age and Subramaniam was 60 years of age. Prior to knowing Subramaniam, the Accused had had relationships with two other men from which she gave birth to five children. These men left her and she eventually entered into a relationship with Subramaniam though she did not have any children from this relationship. As at 13 January 2003, the Accused had known Subramaniam for more than ten years and they had cohabited at Block 12 Bedok South Avenue 2 #04-614 ("the Premises"). Subramaniam was the registered lessee of the Premises.

**Evidence for the Prosecution**

**6.45pm of 12 January 2003**

3 At about 6.45pm of Sunday 12 January 2003, three police officers at Bedok Neighbourhood Police Post heard shouting outside the post. When they went out, they saw the Accused pushing Subramaniam. He fell against a glass door. After the couple were separated, they were brought into the post. Subramaniam smelt of alcohol and was unsteady in gait. The Accused continued to shout at him and was aggressive towards him by pushing and charging at him. She also scolded the police officers for interfering. The police officers tried to restrain the Accused but as she was struggling she had to be handcuffed. A short while later, the Accused started to cry and asked for mercy.

4 Subramaniam pleaded with the police officers not to arrest the Accused. He said that this was her usual behaviour when she drank and she would soon calm down. The police officers learnt

from the couple that she had disapproved of Subramaniam's excessive drinking. The couple were advised by a fourth police officer to resolve their dispute amicably. The couple agreed and the handcuffs were removed from the Accused. The couple left the post hugging each other and crying.

#### **Between 8.00pm to 9.00pm of 12 January 2003**

5 Later, at about 8.19pm of the same day, two police officers received a message about an old man having breathing difficulties at the void deck of Block 12 Bedok South Road. When they arrived there at about 8.25pm, they found the Accused seated on a grass verge by the side of a walkway. A paramedic was already attending to her. He had examined her and told the police officers that he did not find any visible injury on the Accused. The Accused smelt strongly of alcohol. She said she had been drinking with friends and was waiting for a taxi to go to her daughter's flat at Block 240 Tampines Central. The Accused grabbed the hand of one of the police officers, Muhd Hasbi bin Jamil tightly, and said she did not want to go home. She appeared afraid but the police officer did not ask her whether she was afraid or why. The police officer was surprised at her strength when she grabbed hold of his hand. While sitting down, her body swayed from side to side.[\[1\]](#)

6 At about 8.55pm the Accused stood up and boarded a taxi. She was walking quite steadily then.[\[2\]](#)

#### **Between 9.00pm to about midnight of 12 January 2003**

7 Mohamad Shyam bin Hassan ("Shyam") said he received a call from a male caller on his handphone about the Accused between 10.00pm to 11.00pm of 12 January 2003. He is her son-in-law. He was told that the Accused was at Block 237 Tampines Street 21 which was a few blocks from his flat at Block 204 Tampines Street 21 #05-1215. The Accused had said she had lost her way and asked the caller to call Shyam's number. Shyam then went to meet the Accused and found her alone at a bus-stop near Block 237. She was wearing a black *baju kurung* but was not wearing a *tudung*. Her hair was unkempt and she was wearing only one sandal. He was shocked to see her in that state.[\[3\]](#) She smelt of alcohol and appeared tipsy. She was unsteady in gait and spoke to him in an angry tone.[\[4\]](#) Shyam did not think she was afraid of something then.[\[5\]](#) Shyam asked the Accused to go with him but she refused, saying that she wanted to return to the Premises. As she was beginning to create a scene, he hailed a taxi and brought her to his home. There she began to raise her voice, insisting that she wanted to go home and collect her passport. Shyam then called one of the Accused's sons, Jamil bin Abdullah ("Jamil"), on Shyam's handphone, telling Jamil that the Accused was drunk and creating trouble. Jamil then spoke to his sister ie Shyam's wife, on the telephone and then to the Accused who was speaking very loudly. Shyam then took the handphone from the Accused and told Jamil he would call him back as he was afraid the value of his top-up card might expire. Shyam then called Jamil from a public telephone and Jamil suggested that Shyam call the police to escort the Accused home as he was not able to do so. Shyam then called the police and sought their assistance, telling them that the Accused was drunk and creating trouble at his home. The police arrived about ten minutes later and he led them to his home. By then, his wife told him that the Accused was sleeping. The police then left. However, 10 to 15 minutes later, the Accused got up again and began shouting again insisting that she wanted to return home. After changing his clothes, Shyam brought the Accused downstairs and hailed a taxi. The Accused was able to walk steadily then.[\[6\]](#) He then helped the Accused into the taxi and asked the driver to send her to the Premises and gave him \$7 which was all the money he had. This was about 12.00am or 1.00am.[\[7\]](#)

8 As for Subramaniam, Shyam said he was a good man when he was not drunk. However, whenever he got drunk, he would scold the Accused and him (Shyam). He had seen Subramaniam throwing articles onto the floor and the Accused pacifying him previously. At those times, she was

not frightened of Subramaniam.<sup>[8]</sup>

9 Shyam's wife Noor Azalinda bte Abdullah ("Noor Azalinda") also gave evidence. She corroborated his evidence as to what transpired on the night of 12 January 2003. She was of the view that when the Accused had referred to her passport, she meant to refer to her identity card. She added that she had scolded the Accused for causing trouble.<sup>[9]</sup> That was the first time she was aware of the Accused being drunk.<sup>[10]</sup>

10 During cross-examination, she said the Accused had told her that she had had a fight with Subramaniam.<sup>[11]</sup> Noor Azalinda was aware of an incident when Subramaniam had threatened the Accused with a knife and an incident when Subramaniam invited two male Indians to beat up her younger brother Mohamad Zukhee ("Zukhee").<sup>[12]</sup> In re-examination, Noor Azalinda said that there were two occasions when Subramaniam had threatened the Accused with a knife.<sup>[13]</sup> However, she eventually admitted that she had never seen Subramaniam threaten the Accused with a knife.<sup>[14]</sup> She had also never seen Subramaniam hit anyone.<sup>[15]</sup> She also admitted in re-examination that she did not see Zukhee being beaten up by two Indian men.<sup>[16]</sup>

11 It was also Noor Azalinda's evidence that when Subramaniam got drunk and abusive, the Accused would scold him and tell him to keep quiet. However, the Accused was not frightened then. She was used to his behaviour.<sup>[17]</sup>

***From about midnight of 12 January 2003 to the next morning***

12 At around 11.00pm of 12 January 2003, some neighbours of the Accused and Subramaniam were sitting at a staircase landing at the fourth floor of the Premises. Their evidence was that Subramaniam was also sitting at the landing drinking beer. At about 12 midnight, the Accused came out of the lift and took a bottle of beer away from Subramaniam and told him to go home.

13 One of these neighbours, Chia Sock Thuan, said she heard shouting from a female voice inside the Premises but did not hear Subramaniam's voice. About five minutes later, she returned to her own flat and the next morning, she learnt that Subramaniam had died.

14 Another neighbour, Lim Bee Hiang, who was also at the staircase landing then, had spoken to Subramaniam at the landing. He looked sad and said he had quarrelled with his wife (meaning the Accused) and chased her away.<sup>[18]</sup> After the Accused had grabbed a beer bottle from Subramaniam and went into the Premises, she came out and asked him if he wanted to return home. When he did not respond she shouted "*Butoh*" at him. It was then that Subramaniam was advised by the neighbours to return home.

15 After Subramaniam returned to the Premises, Lim Bee Hiang heard the Accused shouting inside the Premises. This was past 1.00am.<sup>[19]</sup> She also heard the sound of banging against a wall, as though a head was banged against the wall,<sup>[20]</sup> and glass breaking. She did not hear Subramaniam's voice. She woke a neighbour, Goh Kim Eng, who had been sleeping at the landing, but Goh told her that it was normal for the couple to fight. The next morning Lim Bee Hiang saw Subramaniam lying outside the Premises. The police arrived subsequently.

16 The third neighbour, Goh Kim Eng, a *karung guni* man, meaning a rag and bone man, was also at the landing then. He said that when he was awoken that night, he heard a woman and Subramaniam shouting from inside the Premises. As it was not uncommon for them to quarrel, he went back to sleep. The next morning he was told that Subramaniam was lying along the corridor outside the Premises. The police arrived subsequently. He said Subramaniam had not displayed any violent or

aggressive tendency before.<sup>[21]</sup> He denied that he had had a fight with Subramaniam before.<sup>[22]</sup> He agreed that whenever Subramaniam was drunk, he would shout and create a disturbance.<sup>[23]</sup>

17 Evidence was also given by neighbours living next door to the Premises.

18 Paridah bte Mahfudz ("Paridah") was living at #04-610 with two of her daughters. After shopping and going to her eldest daughter's premises, she returned home with two of her daughters at about 11.00pm of 12 January 2003. They saw Subramaniam and others at the staircase landing on the fourth floor. He greeted them and appeared to be drunk. They went to their flat and she locked the gate thereof but kept the wooden door open. After her prayers, her youngest daughter Hazwina told her that Subramaniam had greeted her from outside their flat and she had advised him to go home. Paridah then closed their door and went to sleep while her daughters watched television. Shortly thereafter, Paridah heard both Subramaniam and the Accused arguing. This was common. She heard the Accused complain that Subramaniam was always drinking. They shouted and stopped and then continued their quarrel. At about 1.00am, the situation became quieter and she went to sleep. The next morning, she saw a pair of legs outside her flat and after looking closely, she found Subramaniam lying in the common corridor. One of her daughters called the police.

19 Paridah said Subramaniam had been a habitual drinker and there would be quarrels and fights when he was drunk. When Subramaniam got drunk, he would find fault and get into a fight.<sup>[24]</sup> The quarrels became more frequent in the later part of December 2002. Sometime in 2002, the Accused had told her to call the police as Subramaniam had threatened to beat the Accused.<sup>[25]</sup> The Accused had also in the past told her that Subramaniam had beaten her and/or chased her out of the Premises.<sup>[26]</sup> However, she never witnessed Subramaniam beating the Accused.<sup>[27]</sup> Paridah was of the view that on the night in question, Subramaniam was the aggressor as he used more abusive language and was shouting more loudly.<sup>[28]</sup> However, it was the Accused's voice shouting which she heard first.<sup>[29]</sup> Subramaniam had in the past been abusive to Paridah when he was drunk and Paridah did feel afraid but not to the extent that she felt her life was in danger.<sup>[30]</sup> On the other hand, the Accused was generally quiet.<sup>[31]</sup>

20 Hernilia bte Amir Hamzah ("Hernilia") is the elder of the two daughters staying with Paridah. She said that at about 1.00am she heard a commotion next door, meaning the Premises. It sounded like the couple next door were quarrelling. She heard the sound of glass breaking. The commotion went on until after 3.00am. When she went to bed at about 4.00am, the commotion had stopped. She was the one who called the police the next day after she saw Subramaniam lying in the common corridor with blood on his shirt.

21 Hernilia said that in the past, Subramaniam would use vulgar words especially on her mother and sister.<sup>[32]</sup> However, she never felt threatened by his behaviour.<sup>[33]</sup> On one occasion she saw the Accused crying when the Accused had complained to her mother that Subramaniam had beaten her.<sup>[34]</sup> On the other hand, Hernilia had also in the past heard the Accused use vulgar words against Subramaniam.<sup>[35]</sup>

22 There is one other point I should mention. Defence counsel Mr Paul submitted that Hernilia had also heard Subramaniam threatening the Accused on the night in question with words like, "I'll kill you", "You go and die". I was of the view that while Hernilia did say she had heard such words, it was in the context of a general question posed by Mr Paul. He had asked Hernilia whether she had ever heard Subramaniam threatening the Accused and asked how she was threatened. Hernilia's answer was that he had used words to threaten the Accused.<sup>[36]</sup> Consequently, when the Prosecution asked Hernilia what words of threat she had heard, Hernilia said they were words like "I'll kill you", "You go and die".<sup>[37]</sup> In my view Mr Paul had not established that these words were said by Subramaniam on

the night in question.

23 Hazwina is the youngest daughter of Paridah. She also gave similar evidence to that of Hernilia although she said it was about 12.15am when she heard Subramaniam using vulgar language in the Premises and then the Accused scolding him. According to her, both their voices were equally loud.[38] She heard the sound of things knocking against the common wall (between the Premises and her flat) like one person being pushed against a wall.[39] She even heard sounds outside the door of her flat and realised the couple were outside. She heard a sound like a chair being knocked down.[40]

24 In the past, she had seen Subramaniam behaving in a rowdy manner and raising his voice at people indiscriminately when drunk[41] but had never seen the Accused behaving in a rowdy manner.[42] She had not seen Subramaniam beat anyone or threaten to kill anyone.[43] It was also not common to hear someone being pushed against the wall when the couple fought or to hear the sound of breaking glass.[44]

### ***Evidence as to what transpired on 13 January 2003 and 14 January 2003 after the stabbing incident***

25 The Prosecution also adduced evidence as to what transpired on 13 and on 14 January 2003 after the stabbing incident.

26 Between 3.00am to 4.00am of 13 January 2003, the Accused approached a group of friends at the void deck of Block 245 Tampines Street 21. She was wearing a brown *baju kurung* without a *tudung*. Her hair was unkempt and she appeared distraught. She asked for directions to Block 242. One Khairul Irham bin Salman ("Khairul") was among the friends. He took pity on her and accompanied her to Block 242. When both of them reached that block, the Accused said that that was not the block she wanted to go to. Khairul then called the police.

27 The evidence of the two police officers who responded to the call was that the Accused did not have any visible injury. They managed to obtain her residential address but she did not want to return to the Premises at Block 12 Bedok South Road. Instead, she asked them to send her to her son's flat at Block 100 Bedok North Road although she did not know the unit number of his flat. They did so and whilst in their patrol car, they noticed she had a strong smell of alcohol. When they reached Block 100, she led them to her son's flat at unit #05-1912 and they handed her over to her son Jamil whom I have mentioned above.

28 Jamil's evidence from his conditioned statement was that at about 5.00am on 13 January 2003, two police officers brought the Accused to his home. She appeared uneasy and nervous, smelt of alcohol and appeared tipsy. She was given a cigarette to smoke. He asked her what had happened and she said she had stabbed "Uncle", meaning Subramaniam. She repeated this about two to three times. As she appeared tipsy he did not take her statement seriously and he advised her to rest. She fell asleep on the sofa in his living room.

29 At about 6.45am Jamil left for work. The Accused was still sleeping. At about 10.00am, Jamil called home and spoke to the Accused. He again asked her what had happened. This time she sounded normal and sober. She repeated that she had stabbed Subramaniam and said she had earlier quarrelled with him but did not say what the dispute was about. He told her to visit Subramaniam before hanging up.

30 At about 11.00am, Jamil received a call from one of his sons Hasnan who informed him that

he had seen many police cars at the block of the Premises. Hasnan informed him that Subramaniam might be dead. Jamil rushed to the block of the Premises and when he arrived there he was interviewed by the police. At about 1.00pm he accompanied the police to the next block *ie* Block 13 as the police had received information that the Accused was there. The Accused was seen at the third floor lift landing of Block 13. She appeared to be in a daze. He then accompanied her into a police car parked downstairs. I now quote para 8 of his conditioned statement:

Inside the car, on our way to CID, I asked my mother what had happened. She told me that she had quarrelled with 'Uncle' and that they had thrown bottles at each other. After 'Uncle' assaulted her on the head, *she took a knife* and chilli powder from the kitchen. She threw the chilli powder at him, then stabbed him. At the time, she did not think that he was seriously injured, and she left the place to avoid him. When I asked her where the knife was, she was unable to tell me. [emphasis added]

31 Jamil's conditioned statement ended by his stating that the Accused and Subramaniam had frequent quarrels and she often complained to him that Subramaniam would assault her when he was drunk. He had advised Subramaniam not to behave in that way.

32 However when Jamil gave oral evidence, his evidence was different from his conditioned statement in some material aspects. He claimed that when the Accused initially told him, in the morning of 13 January 2003, about the stabbing, it was to say that Subramaniam had wanted to stab her.[\[45\]](#) He then said that when he called from his office on 13 January 2003, she had told him that Subramaniam had threatened her with a knife and she unintentionally stabbed him.[\[46\]](#)

33 Jamil said that he thought he had mentioned these points to the police.[\[47\]](#) He claimed that he realised his conditioned statement had mistakes after he had signed it on 19 May 2003. He had realised this on the same day. He did not inform the recording officer or the interpreter about the mistakes because he was afraid the police would take action against him. He further claimed that the Accused and he had been threatened by the police. In his case, he was told to tell the truth otherwise he could be in trouble. He thought that if he did not comply, he would be slapped. He was waiting for the opportunity to tell the truth in court.[\[48\]](#)

34 He then said that when he went to see the investigating officer ("IO") *ie* Station Inspector Ravindra Subramaniam sometime between 13 January 2003 and 19 May 2003 he had already realised he had made a mistake in an earlier statement to another officer, Assistant Superintendent Abdul Halim bin Osman ("ASP Halim"). He wanted to clarify that earlier statement but the IO became angry with him and so he kept quiet. Therefore, even before he signed his conditioned statement on 19 May 2003, he knew he had made a mistake.[\[49\]](#) He claimed that as regards his conditioned statement he was told by the IO that the IO could change the statement to say that he (Jamil) was the one who killed Subramaniam if he was telling lies. He was also scolded on 19 May 2003 although he did not know why.[\[50\]](#)

35 Eventually, Jamil said that he had made three mistakes in his conditioned statement in that he had omitted to mention that the Accused had said the following:

- (a) it was Subramaniam who had taken a knife from the kitchen of the Premises;
- (b) it was Subramaniam who had tried to stab the Accused with the knife; and
- (c) the Accused had unintentionally stabbed Subramaniam.

36 Jamil also said that he had seen Subramaniam assault the Accused once, and then he said twice, in the Premises.[\[51\]](#)

37 Jamil also said that when Subramaniam was sober he was very pleasant and even apologised and kissed his hand for his misconduct. The couple were good to each other and the Accused had cared for Subramaniam.[\[52\]](#)

38 The statement given by Jamil to ASP Halim was not eventually tendered in court.

39 Evidence was also given by Jamil's wife Kamallijah who was also present in the morning at around 5.00am of 13 January 2003. In her conditioned statement, she said:

[The Accused] had said in Malay "*Mak dah rodok*". I understand that to mean that she [the Accused] had stabbed someone. When we asked her who she had stabbed, she replied, "uncle".

40 However, in oral evidence, Kamallijah said that what the Accused had actually said was that she had accidentally stabbed uncle *ie* "*Mak tercucuk*".[\[53\]](#) She was not sure who used the word "*rodok*" and then she said she did not understand the meaning of "*rodok*".[\[54\]](#) Kamallijah said that at the time she signed her conditioned statement she was having a migraine attack and she was on medication.[\[55\]](#) She gets migraine attacks three or four times a week when she hears anything distressing.[\[56\]](#) She also said she was feeling a slight headache while giving oral evidence but was able to recall the words she had actually used for her conditioned statement.[\[57\]](#)

41 The Prosecution then produced a statement which Kamallijah had earlier given to ASP Halim before she signed her conditioned statement. The earlier statement[\[58\]](#) was given on 14 January 2003 *ie* one day after the Accused was arrested. That statement contained the same assertion in her conditioned statement about the Accused saying "*Mak dah rodok*". However, Kamallijah said that her earlier statement was similarly incorrect.

42 Kamallijah could not say what made her realise she had made the mistake after her earlier statement had been given.[\[59\]](#) She also said that at the time of this earlier statement she was having a migraine attack,[\[60\]](#) and she went on to say that when her earlier statement was read back to her she thought that "*rodok*" and "*cucuk*" would mean the same thing but the actual word used by the Accused was "*tercucuk*". She did not tell ASP Halim that the Accused had said "*tercucuk*" because of her headache and she felt giddy and nauseous.[\[61\]](#) She was panicky as it was the first time she was making a statement to the police.[\[62\]](#) However, she did not tell ASP Halim that she was not feeling well.[\[63\]](#) Kamallijah also said that she was the one who used the word "*rodok*" in the earlier statement[\[64\]](#) although she was not very sure what it meant.[\[65\]](#)

43 Kamallijah further said that when she said that the Accused sometimes drank liquor at home in her earlier statement and conditioned statement, this too was wrong as she had not seen the Accused drink alcohol.[\[66\]](#)

44 Jamil's two sons Mohamad Raffi ("Raffi") and Muhammad Hasnan ("Hasnan") also gave evidence for the Prosecution. Raffi is the elder of the two sons. As at 13 January 2003, he was serving his national service in the Singapore Police Force. The material parts of his conditioned statement state:

I am currently serving my national service in the Singapore Police Force. ... I also have a grandmother who lives at Blk 12 Bedok South Ave 2 at the 4<sup>th</sup> floor. ... I was aware that she was living with an Indian man called Subramaniam who had also come to our house on a few occasions



with my grandmother. Whenever he came, he was always drunk.

2 ...

3 On 13 January 2003 at about 4.50 am, my mother woke me up and informed that the police were at our door. I saw my grandmother with 2 policemen at our door. My father and my younger brother were already there. ... My grandmother came in and sat on the sofa in the living room. I did not notice any bloodstains on her clothing. When my father asked her what had happened, she kept quiet. She then called me by my nickname "Apit", and said "Tolong nenek", meaning, "Help Grandmother". She repeated that a few times. When I asked her, "Help what?", she replied "Nenek, dah cucuk", meaning "Grandmother had stabbed". I then asked who she had stabbed, and she replied, "Cucuk Tuk", meaning she had stabbed Grandfather, meaning Subramaniam.

4 ...

5 ...

6 At about 2.40 pm, I led Assistant Superintendent of Police (ASP) Halim Bin Osman and ASP Soh Kien Peng to my flat where I had written in my pocket book what my grandmother had told me about her stabbing my grandfather. I handed my pocket book to ASP Halim. I now produce the said entry in my pocket book. ...

45 The material part of the entry in Raffi's notebook stated:

... After the policeman left, my father ask my grandmother what happen. My grandmother sat at the sofa in front of me. She ask me to help her, then I said "Help what". She then repeated again. After that I said again, "Help what". She said that she had stabbed someone. Then I said that who. She said my grandfather. She then slept.

46 It transpired that at 12.50pm of 13 January 2003, Raffi had earlier written a statement in ASP Halim's field book[\[67\]](#) which was similar to what he (Raffi) subsequently recorded in his own pocket book. One difference I should mention is that Raffi had stated in ASP Halim's field book that he could not believe what his grandmother had said about the stabbing because he thought she was joking.

47 In oral evidence, Raffi said that the Accused was talking like a drunkard and dragged her voice. She appeared frightened and was asking for help. He had difficulty in comprehending her[\[68\]](#) but he did not say that she had difficulty in answering questions posed to her by her family.[\[69\]](#)

48 He said that what she had actually said was "grandfather wanted to poke me" and something like "I had unintentionally poked".[\[70\]](#) However, these assertions were not found in the statement he had written in ASP Halim's field book or the statement he subsequently recorded in his own pocket book the same day *ie* 13 January 2003.

49 Raffi said these omissions were because he was sleepy and tired after having been woken up early in the morning of 13 January 2003 and after having played soccer at about 10.45am that day. He was also feeling panicky.[\[71\]](#)

50 Raffi was not sure whether he was still feeling sleepy and tired and panicky the next day *ie* 14 January 2003.[\[72\]](#) It transpired that he had signed a statement recorded by ASP Soh Kien Peng



that day.<sup>[73]</sup> Paragraphs 6 and 7 thereof state:

6           My grandmother sat down on the sofa at the hall and I sat in front of her. My father asked her what had happened but she just kept quiet. Then, she looked at me and called my nickname "Apit" and said "Apit, Tolong nenek." (meaning Help, grandmother). She repeated few times. I then asked her, "Tolong apa, tolong apa.". She kept repeating, "Tolong nenek". Then, she said, "Nenek, dah cocok". (Grandmother, have stabbed). I then asked her, "cochok siapa" (whom you stab?) and she replied, "cochok tuk" (meaning stab grandfather).

7           When my grandmother uttered those words, I thought she was drunk and did not pursue further. When my grandmother told me that she has stabbed my grandfather, my parents and my younger brother also heard that. We do not believe her words at that time and asked her to sleep. ...

51          According to Raffi, he remembered what the Accused had actually said when his father Jamil had told him about how the IO had threatened Jamil that the IO could change Jamil's statement. The threat was before Raffi met two Deputy Public Prosecutors ("DPPs") Ms Samdin and Ms Ho. However, he did not tell the two DPPs what the Accused had actually said because he was feeling afraid after having heard about the IO's threat and he (Raffi) was indecisive,<sup>[74]</sup> even though neither DPP had threatened him and the IO was not present at the meeting with the DPPs.<sup>[75]</sup>

52          Raffi described the Accused as not aggressive generally and he had seen her drunk only on 13 January 2003.<sup>[76]</sup> On the other hand, Subramaniam was abusive when drunk.<sup>[77]</sup>

53          In the conditioned statement of the second son of Jamil ie Hasnan, Hasnan said at paras 2 and 3:

2           On 13 January 2003 at about 5.15 am, while I was sleeping, I heard some people talking in the living room. When I went out, I saw my father and my brother standing at the door speaking to two uniformed police officers. I also noticed my grandmother standing outside with the policemen. A short while later, the two police officers left, and my grandmother came into the house.

3           I noticed that my grandmother smelt of alcohol and appeared tipsy. She usually wore her "tudung", but this time she was not wearing one. Her hair was also messy. That was the first time I had seen her in such a state. When my father went to the toilet, my brother asked my grandmother what had happened. She broke down and kept repeating, "Tolong". My brother and I kept asking her what had happened. *She told us that she had taken a knife from the kitchen.* Then, she said, "Nenek dah kasi itu uncle pisau", meaning she had given "Uncle" a knife. By "Uncle", I knew she was referring to Subramaniam, the Indian man with whom she had been living for the past few years. She also said that she was afraid, but when I asked her why, she kept quiet. She asked for a cigarette. After smoking it, she fell asleep. After that, my father, brother and I also went to sleep.

[emphasis added]

54          His conditioned statement went on to say that at about 10.00am he woke up and saw the Accused drinking coffee in the living room. After 11.00am, she asked him to accompany her to the Premises. They took a taxi to the Premises which was at Block 12, Bedok South Avenue 2 and alighted at Block 13. The Accused said she did not want to go up to the Premises and asked Hasnan to do so. When Hasnan reached the fourth floor (of Block 12) he was shocked to see many uniformed

policemen at the lift landing. He then saw Subramaniam's body lying along the common corridor outside the Premises. When one of the police officers asked him where the Accused was he initially denied knowledge of her whereabouts in order to protect her. However his brother arrived soon thereafter and told the police what had happened earlier the same day and Hasnan learned that the police had detained the Accused. On the advice of Raffi, Hasnan also told the police what the Accused had said earlier the same day.

55 In oral examination-in-chief, Hasnan also said that when he woke up at about 10.00am of 13 January 2003, he had sought confirmation from the Accused about her having stabbed Subramaniam. He did so as at that time she was not drunk any more. She replied that she did stab Subramaniam. He also asked her what had happened to the knife and she said she had thrown it away but did not mention where.[\[78\]](#)

56 In cross-examination, Hasnan said that he recalled the Accused saying that (a) she had accidentally stabbed Subramaniam and (b) it was Subramaniam who had taken the knife. He added that the Accused said that there was a struggle between Subramaniam and her and the knife fell.[\[79\]](#) However, he also said that she said she managed to get hold of the knife in the midst of the struggle and stabbed Subramaniam.[\[80\]](#)

57 Hasnan suggested that these points were not found in his conditioned statement because he was drowsy at about 5.00am of 13 January 2003 and he has a short memory. Also, after he saw Subramaniam lying along the corridor outside the Premises, he was in a state of shock.[\[81\]](#)

58 In re-examination, Hasnan said he had forgotten to mention during examination-in-chief that the Accused had said it was Subramaniam who had taken the knife from the kitchen of the Premises and she had accidentally stabbed him. It was only during cross-examination, when Mr Paul had reminded him what his brother had said in evidence that Hasnan remembered.[\[82\]](#) However, Hasnan then said he was not sure whether he told the police about Subramaniam having taken the knife from the kitchen[\[83\]](#) although he said that he did tell a Malay police officer when he was outside the Premises on 13 January 2003 that the Accused had told him that she had accidentally stabbed Subramaniam.[\[84\]](#) He did not know the name of that police officer. He said that when he was being questioned by the police then it was in question and answer form and he was in pain as his hand had been hurt by a parang attack before.[\[85\]](#)

59 Station Inspector Mohd Ariffin bin Mohd Noor ("Insp Ariffin") gave evidence. He said that at about 12.00pm of 13 January 2003 when he returned to the fourth floor of Block 12, Bedok South Avenue 2, after conducting enquiries, he saw and recognised Hasnan from another case he had investigated into. Hasnan informed him that the Accused had said she had stabbed Subramaniam. However, Insp Ariffin did not record this down.

60 A statement that Hasnan gave to the police on 13 January 2003 at 5.45pm at Police Cantonment Complex was produced, admitted and marked as P89 without objection. The two allegations *ie* that the Accused had said that it was Subramaniam who had taken the knife from the kitchen and that she had accidentally stabbed him were not mentioned in this statement. On the contrary, this statement, like his conditioned statement, stated that the Accused had said that she took the knife from the kitchen and "*Nenek dah kasi itu uncle pisau*" literally meaning she had "given" Subramaniam the knife. This meant she had stabbed him. There was an interpreter for the 13 January 2003 statement. Hasnan said he omitted to mention the two allegations because he had forgotten to do so [\[86\]](#) and that he could not recall the exact words the Accused had said to him.[\[87\]](#)

61 Hasnan said he had never seen the Accused drunk before 13 January 2003.[\[88\]](#) On the other

hand, Subramaniam could be in an abusive and destructive state when drunk. At times when the Accused tried to restrain him, he would fling things at her or destroy them such that the Accused would hide such items including a knife.[\[89\]](#)

### ***Other evidence for the Prosecution***

62 The forensic pathologist was Dr Teo Eng Swee. His evidence was that Subramaniam had died from haemorrhage due to the stab wound of the abdomen. The wound measured 3.4cm long and was 0.7cm at its widest. The left end of the wound was sharply angled, while the right end of the wound was blunted. He described the wound as a clean one meaning the wound was not caused by an object other than a blade such as a jagged piece of metal and meaning also that there was no evidence of several thrusts associated with that wound.[\[90\]](#) Subramaniam's height was 157cm and his weight was 44kg. He was of small build.[\[91\]](#)

63 His examination revealed a superficial laceration on the inside of Subramaniam's lower lip. This was a fresh injury, probably a few hours old from the time he first examined the body at 2.00pm of 13 January 2003. He did not think it was likely that it was caused by a slap as far back as about 6.45pm the day before.[\[92\]](#)

64 The autopsy was performed on 14 January 2003 from 9.30am to 12.30pm. The internal examination revealed four bruises. Two were on the right side of the top front part of the head and a third was on the left side of the front part of the head. The fourth bruise was at the left back part of the head behind the left ear.[\[93\]](#)

65 The fourth bruise was probably caused by a fall to the ground. The first three bruises were likely to have been caused by blunt force *ie* probably three distinct forces. These could be due to part of the head hitting a wall or a blunt object hitting the head. The force involved would probably have been mild because there was no associated injury of the brain.[\[94\]](#)

66 Dr Teo was not able to establish the location where the stabbing took place.

67 He also found what smelt like curry powder to him (which was established by other evidence to be chilli powder) on the clothes, face and upper limbs of Subramaniam's body. The powder on the face was mainly around the eyes and cheeks.[\[95\]](#) He was able to see some on the pupil of an eye from Photo P35.

68 Dr Christopher Syn, an analyst with the Health Sciences Authority, also gave evidence. He had prepared a report on various exhibits one of which was a piece of tissue with some blood stains on it. The tissue could be seen from Photo P18. It was found on the floor of the dining section of the Premises.[\[96\]](#) The DNA profile of the blood on the tissue was that of the Accused. He said when he had examined the tissue, the blood stains were dry.[\[97\]](#) It was not possible for him to tell the age of the bloodstains.[\[98\]](#)

69 The evidence of the medical officer who had examined the Accused on 13 January 2003 for a pre-statement examination was that there was no visible injury on her. The evidence of the medical officer who had examined the Accused for the post-statement examination was that the Accused was well. No cut on her right finger or right hand was noticed.[\[99\]](#)

70 The Prosecution also adduced evidence from a consultant psychiatrist with Woodbridge Hospital, Dr Tommy Tan. He examined and interviewed the Accused on three occasions on 7, 14 and 21 March 2003. In his opinion, the Accused had depressive symptoms following the death of

Subramaniam. She did not have a mental disorder and she knew what she was doing at the time of the alleged offence.

71 The Accused had told him that it was Subramaniam who had taken the knife and she had thrown chilli powder when he was holding the knife. Both had punched each other and she fell down. She wanted to take the knife from Subramaniam and accidentally stabbed him.[\[100\]](#) She also told him that Subramaniam had hit her many times in the past when he was drunk.[\[101\]](#)

72 Dr Tan did not think the Accused was trying to hide anything when she related the incident to him.[\[102\]](#)

73 ASP Halim also gave evidence. At 12.50pm of 13 January 2003, he had obtained a statement from Raffi who appeared normal.[\[103\]](#) This statement was written by Raffi himself in ASP Halim's field investigation book. As I have mentioned above, the statement which Raffi had written in ASP Halim's field book was similar to the one Raffi subsequently recorded in his own pocket book except that in the former, Raffi had also stated that he could not believe what the Accused had said because he had thought she was joking.

74 ASP Halim had also obtained a statement from the Accused at 1.17pm of 13 January 2003. It states:

Yesterday at about 10 pm, Subramaniam picked the knife from the kitchen and tried to thrust the knife at me. I then took a packet of chilli powder and threw the powder at him. I had a quarrelled [*sic*] with him as he had a drink and got drunk. I remembered that we had a scuffled [*sic*] with him. He had a knife at his right hand. He then fell. I then left for my son's place. I do not know what happened to him. I did not call for police.

75 Thirdly, he also obtained a statement from Kamallijah on 14 January 2003 at 2.25pm. In that statement, Kamallijah had said that the Accused had told her and Jamil and her two sons that she had stabbed someone and the person she had stabbed was Subramaniam. The Malay words used by Kamallijah as recorded in her statement was "*Mak dah rodok*". ASP Halim maintained that the word "*rodok*" meaning "stabbed" was used by Kamallijah. She had some difficulty pronouncing the "r" but confirmed it was "*rodok*".[\[104\]](#) Kamallijah did not mention she was unwell when her statement was recorded.

76 I now come to the evidence of the IO. After receiving a call from the duty office of the Criminal Investigation Department, he arrived at about 12.20pm of 13 January 2003 at the scene outside the Premises. He found Subramaniam lying along the common corridor with a visible wound on his abdomen. There were dried blood stains on his shirt and on the floor. There was also blood splattered on the wall above Subramaniam's body. There was a red powdery substance on his shirt and pants.

77 The Premises is a one-room Housing and Development Board flat. On entering it, the IO observed signs of an obvious struggle. Shards of broken glass were found on the floor near a display cabinet in the living section of the flat. The glass appeared to be from the display cabinet. There was a red powdery substance near the dining table and an open packet of substance half-full, which looked like chilli powder, was found under the dining table. A chair was found lying on its side. There was no sign of a struggle in the kitchen.

78 Dried blood stains were found on the floor near a bed. There was also a tissue paper with blood stains. This was the subject of Dr Syn's evidence as I have mentioned above.

79 In a handbag found in the possession of the Accused was a Swiss Army knife which the Accused said belonged to her but the IO did not suggest that this was the weapon used in the stabbing.

80 On 23 January 2003, he took two statements from the Accused, one in the morning and one in the afternoon. He took two more statements from her in the morning and in the afternoon of 24 January 2003.

81 The IO said that the Accused did not say she was unfit to carry on with the recording of her statements nor did she break down and cry during the recording of her statements.[\[105\]](#) He took a long time to record her statements because she was sketchy about events and kept on talking about other matters unrelated to the case.[\[106\]](#) He denied he had aimed a kick or threatened to kick the Accused at any time during the recording of her statements.[\[107\]](#)

82 On 27 January 2003, the Accused led the IO and his team to the Premises and showed them the kitchen rack where Subramaniam had taken the knife from. The Accused indicated that Subramaniam had taken the knife from a red and white bowl.[\[108\]](#) The IO did not seize any of the knives at the rack as there was no blood on them.[\[109\]](#) The murder weapon was never recovered.[\[110\]](#)

83 The IO also said that the Accused did not say that she had been injured in a scuffle at the material time and had wiped her blood on a piece of tissue.[\[111\]](#)

84 The IO denied he had any bias against the Accused.[\[112\]](#)

85 He also denied that he had shown any anger or had threatened Jamil in any of the three meetings he had had with Jamil.[\[113\]](#)

86 As for Kamallijah, the IO said that she did not appear to be unwell nor did she tell him she was unwell so as to be unfit to sign her statement.[\[114\]](#) This was also the case in respect of Raffi and Hasnan.[\[115\]](#)

87 The IO also obtained various first information reports lodged against Subramaniam in the past, as requested by the Defence. However, these reports did not provide much assistance. For example, in a report of a message received on 26 October 1996, the message was, "Send the police here. The man is armed with a knife". However, the report also indicated that when the police arrived at the scene, the Accused had informed the police that no knife was involved and she was just worried that things would turn out badly.[\[116\]](#)

88 Mdm Masdiana bte Ramli was the interpreter who assisted in the recording of these four statements from the Accused. She said the Accused did break down and cry several times during the recording of her statements. The Accused was emotional or remorseful.[\[117\]](#) Whenever the Accused broke down and cried, she and the IO would wait until the Accused was ready to continue with her statement.[\[118\]](#) Mdm Masdiana also denied that the IO had threatened to kick the Accused.[\[119\]](#)

### ***Evidence for the Defence***

89 The Accused was the main witness for the Defence. The Accused had been staying with Subramaniam at the Premises for about 16 to 20 years before Subramaniam's death.[\[120\]](#) There were no children from this relationship. The Accused worked as a washerwoman: washing buses, dishes at a school canteen and clothes for people.[\[121\]](#) Subramaniam worked as some sort of delivery boy

sending cement and paint[122] but the evidence was not clear as to whether he was still working immediately before his death.

90 When Subramaniam was not drunk, he kept to himself.[123] When he was drunk, he was abusive. He had pawned the Accused's jewellery to obtain money for drinks[124] and would also throw away the food she had cooked. The Accused said that when Subramaniam was drunk he would at times drive the two children who were at one time staying at the Premises out of the Premises.[125] She alleged that Subramaniam had assaulted one of her children Mohamed Zukhee many times.[126] However, Mohamed Zukhee was not called to corroborate this or any other evidence.

91 The Accused also suggested that neighbours had seen Subramaniam assaulting her before 13 January 2003 when he was drunk, but eventually accepted that none of them had witnessed an assault on her. However, she said that they would see her injuries after the assault.[127]

92 The Accused also said that Subramaniam had on many occasions threatened her with a knife when drunk, but she managed to persuade him to hand over the knife. She did not report every such incident to the police but on 25 October 1996 she did. However, when the police arrived she informed the police that no assault had taken place and no knife was involved.[128] The Accused said that when Subramaniam threatened her with a knife in the past, she was afraid of him but did not move out to stay with one of her children as he would then go to that child's home to cause trouble. On the other hand, she also accepted that she was not afraid of Subramaniam even when he was drunk.[129]

93 On Sunday 12 January 2003, the Accused had asked Subramaniam to have his breakfast but he refused. At about 12.00pm, one of Subramaniam's friends came to the Premises. She cooked rice while the two men drank gin and whiskey with water added. Later, Subramaniam saw his friend off and returned with two big bottles of Carlsberg beer. Subramaniam finished one bottle and was talking about his late wife. He turned on the radio loudly. The Accused went out to buy fish curry and when she returned to the fourth floor, she saw Subramaniam with a *karung guni* man both drinking beer. She took a Carlsberg bottle away and asked Subramaniam to go home. She said she took the beer bottle away because the *karang guni* man had assaulted Subramaniam many times before. This was around 7.00pm. Subramaniam went home and turned the radio on loudly. He refused to have any food. Instead, he went out to buy some more beer after the Accused told him she had no more money. The Accused went after him as she wanted to stop him from borrowing money to buy the beer or buying beer on credit.

94 When they reached the Bedok Neighbourhood Police Post, she pushed him. Her evidence as to what happened at the police post vacillated. She said she was not aggressive towards Subramaniam but also said the police had handcuffed her to prevent her from quarrelling with him. Then she said they were not quarrelling there.[130] Also, although Dr Tommy Tan testified that the Accused had told him she had slapped Subramaniam outside the police post, the Accused said she told him she had simply pushed Subramaniam's face and shut his mouth.[131]

95 After the incident at the police post, the Accused went home while Subramaniam went to buy beer. Thereafter he returned home with two big bottles of Carlsberg beer. He abused the Accused verbally and refused to eat any food. This was around 9.00pm. The Accused also did not take any food and decided to join Subramaniam in the drinking. The Accused said that she then went off to go to her daughter's home but as she did not bring any small change to telephone her daughter she returned to the Premises. She did not seem to remember that in fact she did go to her daughter's home, ie the home of Noor Azalinda and Shyam, and was sent back to the Premises in a taxi. She

seemed to think that she had gone to her daughter's home after the stabbing incident.[\[132\]](#)

96 The Accused said that when she went to the fourth floor of her block at around midnight she again saw Subramaniam drinking with the *karung guni* man. She took a Carlsberg bottle of beer from them and brought it home. Subramaniam abused her for doing so and returned home.

97 The Accused said that while in the Premises she washed her face and was thinking of using a towel hanging on a bamboo pole at the kitchen when she saw Subramaniam take a knife from a bowl in one of the lower shelves in the kitchen. He was abusing her and said words like "You better go and die". He then took two glasses on a table and smashed them.[\[133\]](#) However, the bowl identified by the Accused as being the bowl from which Subramaniam had taken the knife was not the same bowl as the one the IO said she had identified to him.[\[134\]](#)

98 Although the Accused had said she had seen Subramaniam take a knife from a bowl, she accepted subsequently that in view of their respective positions, his body would have been blocking her view as he had allegedly bent to take the knife.[\[135\]](#)

99 The Accused also denied that she had told Jamil, while they were together in a police car on 13 January 2003, that she had taken a knife from the kitchen.[\[136\]](#) Instead, she said that at the car park, she had informed a police officer that Subramaniam had taken the knife.[\[137\]](#) She also denied informing Hasnan, while she was in Jamil's flat at about 5.00am that day, that she had taken a knife.[\[138\]](#)

100 The Accused elaborated that when Subramaniam went to a table, which was in the dining section of the Premises, he had flung a glass at a glass display cabinet and damaged it.[\[139\]](#) However, in one of her statements to the IO of 23 January 2003, she had said the glass panel was not broken when she left the Premises after the stabbing incident and she did not know how it was broken.

101 The Accused said that after Subramaniam had thrown the glass she picked up a packet of chilli powder, approached him and pushed him even though he was armed with a knife. She said she did ask him for the knife but he refused to hand it over.[\[140\]](#)

102 The Accused said that Subramaniam pushed her towards the main door of the Premises but she could not escape as his leg was blocking it.[\[141\]](#)

103 The Accused also said she was frightened of Subramaniam and she did scream for help.[\[142\]](#) She threw the chilli powder at his face and he raised his hands to his eyes. Then her evidence vacillated as to whether he did rub his eyes or not. Initially during the trial she said he did not[\[143\]](#) and then she said he did but not very vigorously.[\[144\]](#) She said she did not notice whether there was chilli powder on his face[\[145\]](#) but in one of her statements to the IO of 23 January 2003, she had mentioned that the chilli powder had fallen on his face.[\[146\]](#) The Accused said she managed to push Subramaniam out of the Premises after she threw the chilli powder at him but he managed to re-enter the Premises.[\[147\]](#)

104 However, the Accused also said that as Subramaniam was rubbing his eyes, she managed to grab the knife from him and this was while he was outside the Premises.[\[148\]](#)

105 In the Accused's demonstration as to how she grabbed the knife, it appeared that she had grabbed the knife by its blade.[\[149\]](#) When clarification was sought from her on this, she said she grabbed the knife by its handle.[\[150\]](#) On the other hand, at one point she even said she could not



remember whether she had successfully grabbed the knife from him as she was quite weak and not strong.[\[151\]](#)

106 The Accused said that there was a slight injury between her thumb and index finger when she grabbed the knife from Subramaniam.[\[152\]](#) However, she did not notice the injury immediately until she had a bath two days later. During the two days before her bath, she claimed that she did not feel any pain even though she did wash her hands then. She explained that she did not feel any pain as she was not using any soap. Also the cut had dried up. That was why she did not mention the cut to either of the two medical officers who had examined her on 13 January 2003 for her pre-statement and post-statement medical examinations.[\[153\]](#)

107 The Accused's evidence as to what happened after she had grabbed the knife also vacillated. She admitted that she had stabbed Subramaniam but then said she did not remember. She also said perhaps he had stabbed himself accidentally.[\[154\]](#)

108 She further said she stabbed Subramaniam unintentionally or accidentally and she was trying to defend herself.[\[155\]](#) To her, stabbing a person accidentally and stabbing to defend herself were the same thing.[\[156\]](#)

109 The Accused also suggested that she did not even look where she had stabbed Subramaniam[\[157\]](#) but in her first statement of 23 January 2003 she said, "As he was still rubbed [*sic*] his eyes and moved forward, I grabbed the kitchen knife from his hand and immediately stabbed him on the stomach once and pulled out the knife".[\[158\]](#)

110 The Accused said that she did not know whether Subramaniam fell to the floor after he was stabbed[\[159\]](#) but in the same statement of 23 January 2003 she said, "He then fell to the floor".[\[160\]](#) She denied saying this.

111 She also said that she did not notice Subramaniam's condition as after the stabbing, she quickly went to the kitchen sink, washed her eyes, grabbed her bag and fled. She was afraid he would chase her.[\[161\]](#) However, in her first statement of 23 January 2003, she said, "As I left my house, he was lying on his side and facing the door. One of his hands was on his stomach and I heard him groaning".[\[162\]](#) She denied making these assertions.[\[163\]](#)

112 The Accused said she was so afraid of Subramaniam that she did not even put on her underwear or headscarf when she fled.[\[164\]](#) In her statement to the IO on 24 January 2003, she said, "When he fell to the floor after I had stabbed him, he appeared weak and in pain. However, from my past experience where [*sic*] we had fights, I have noticed him falling down in pain and getting up later to attack me again".[\[165\]](#)

113 The Accused said she did not know what happened to the knife.[\[166\]](#) She denied telling Hasnan that she had thrown away the knife after stabbing Subramaniam.[\[167\]](#)

114 From the undisputed evidence for the Prosecution, the Accused met Khairul Irham bin Salman after she left the Premises after the stabbing. It was he who called the police who in turn brought her to Jamil's home at about 5.00am of 13 January 2003. However, the Accused could not remember Khairul.[\[168\]](#)

115 The Accused denied that she had told Jamil, Kamallijah, Raffi and Hasnan that she had stabbed Subramaniam[\[169\]](#) but then said she could not remember what she told them.[\[170\]](#)

116 It was not disputed that Hasnan later brought the Accused to Block 13, Bedok Avenue 2 in the late morning of 13 January 2003. The Accused waited at Block 13 while Hasnan went up to the Premises at her request. The Accused's reason for not going up with Hasnan was that she wanted Hasnan to check if Subramaniam was around. If the coast was clear, she would go up, take a bath, change her clothes and then go to work.[\[171\]](#)

117 The other witness for the Defence was Inspector Ang Yeok Tee, also known as David Ang. He administered a charge of murder to the Accused for the purpose of obtaining a statement from her under s 122(6) of the Criminal Procedure Code (Cap 68, 1985 Rev Ed). The material part of the Accused's s 122(6) statement was:

I did not take the knife. He took the knife and I used chilli powder to throw it at his face ...

The Accused did not mention that she had stabbed Subramaniam in this statement nor was she asked whether she had stabbed him.

### **The arguments and my conclusion**

118 Section 304(b) of the Penal Code states:

Whoever commits culpable homicide not amounting to murder shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

119 In closing submissions, the Defence did not dispute that the Accused had stabbed Subramaniam. The Defence also did not argue that the Accused had accidentally stabbed Subramaniam. The main thrust of the defence was that she did so in self-defence as it was Subramaniam who had taken a knife from the kitchen and threatened her with it. She threw chilli powder at him and then grabbed the knife from and stabbed him out of fear for her own life. There was no suggestion by the Defence that the Accused was so drunk that she did not know what she was doing or the consequence thereof. Accordingly, it was not disputed that should I find that it was she who had taken a knife from the kitchen and had stabbed Subramaniam, then the Prosecution would have proved its case beyond a reasonable doubt.

120 From the evidence, I was of the view that it was Subramaniam who got drunk from time to time. When he was drunk, he would hurl abuses at the Accused and others and also throw items onto the floor. I was not able to make a finding on the evidence before me that, prior to 13 January 2003, Subramaniam had threatened the Accused with a knife or had assaulted her. Even if he did, she did not appear to be afraid of her life whenever he was drunk. However, the Accused was frustrated with Subramaniam because he continued to spend money which she had earned on drinking.

121 I was of the view that on 12 January 2003, the Accused was again frustrated with Subramaniam, perhaps more than usual. He had been drinking and had wanted to buy more drinks even when she had refused to let him have money to do so. Thus, at about 6.45pm when he went down from the Premises to buy beer, she had gone after him to stop him, resulting in the scene outside and inside the Bedok Neighbourhood Police Post. There was no doubt in my mind that at that time she was the aggressor as between the two of them. That is why she had to be handcuffed by the police.

122 After they left the Bedok Neighbourhood Police Post, she went home while Subramaniam went

to buy beer and thereafter he returned home. Although the Accused did not approve of the situation, she decided to join in the drinking as well because Subramaniam did not want to eat.

123 By the time the Accused went down from the Premises at about 8.00pm, she was already smelling of alcohol and talking loudly even when she eventually reached the home of Noor Azalinda and Shyam. However, she took a nap there and returned home around midnight. When she reached the lift lobby of her block, she saw Subramaniam drinking and took a bottle of beer away from him and told him to go home. Subramaniam was advised by some neighbours who were also at the landing to go home and he did.

124 Thereafter, the two were shouting at each other in the Premises and there was pushing and shoving. It was not disputed that it was she who threw chilli powder at him and that she had stabbed him with a knife. However, I had to decide who took the knife from the kitchen.

125 It was obvious to me that the statements that various family members had initially given to the police correctly recorded what the Accused had told them. However, when each of them gave oral testimony in court, each started to qualify his or her statement, as I have elaborated above, in order to protect her. In the case of Hasnan, he was obviously being prompted by defence counsel to make his qualification. The reasons given for the qualifications, for example, like Jamil having been threatened by the IO or Kamallijah having a migraine, when each of their statements was being recorded, were all fabrications to undo the damage they had unwittingly done to the case of the Accused.

126 I digress to mention that initially, Mr Paul had sought to object to the admissibility of the Accused's statement to Raffi as Raffi was still serving his national service in the Singapore Police Force on 13 January 2003 and was holding a rank below that of a sergeant. However, the statement to Raffi was made because he was and is the Accused's grandson and not because he was a police officer. In any event, Mr Paul did not pursue his objection and I did not rule on it. I would add that, in any event, even if the Accused's statement to Raffi was inadmissible, there were other family members present who heard what she had said, as I have elaborated above.

127 In my view, the Accused had said to various family members on 13 January 2003 that she had stabbed Subramaniam. She did not say to them that she had stabbed him accidentally or unintentionally or out of fear for her life or that he had taken a knife from the kitchen. Indeed, she had said to Jamil and to Hasnan separately that she had taken a knife from the kitchen, as I have elaborated above.

128 It was only when the Accused started talking to the police that she began to say that it was Subramaniam who had taken a knife from the kitchen. Even then, she avoided saying initially to the police that she had stabbed him.

129 If the Accused had had to grab the knife from Subramaniam's hand, it was unlikely that she could have done so without any injury whatsoever to her. I did not accept the Accused's belated assertion that she had suffered a cut on a hand in her struggle with Subramaniam after he had taken a knife from the kitchen. I also rejected Mr Paul's submission that the tissue with her blood demonstrated that she had suffered a cut then. The Accused herself did not assert that she had used a tissue to wipe blood off her hand or fingers that night.

130 In my view, the Accused had in her frustration with Subramaniam and in the heat of the moment and under the influence of alcohol thrown chilli powder at him and stabbed him with a knife she had taken from the kitchen.

131 Although the Accused was intoxicated, I was of the view that she knew that when she stabbed him, this act was likely to cause the wound in his abdomen which in turn was likely to cause death, although it was not her intention to kill. As I have said, the Defence did not argue otherwise, should I find that it was she who had taken the knife from the kitchen before stabbing him.

132 Indeed, the Accused must have realised after the stabbing that she had killed Subramaniam. That is why she kept asking Jamil and his family for help but did not ask them to call for a doctor or ambulance for Subramaniam. She asked for help not out of fear for her life but because she realised what she had done.

133 Accordingly, I was satisfied that the Prosecution had proven its case beyond a reasonable doubt and I convicted the Accused.

### **Sentencing**

134 The nature of the offence means that a life was taken by the Accused. She did not plead guilty and claimed trial.

135 On the other hand, the Accused is a simple person who raised her five children practically single-handedly. She had failed relationships with two men and was then involved in a relationship with Subramaniam but that too did not turn out well. It was a relationship which was frustrating to her as he was spending money on drinks, money which she had earned. He was also abusive towards her when drunk, yet she loved him notwithstanding these faults.

136 As I have mentioned above, I was of the view that the Accused had stabbed Subramaniam during a quarrel after both he and she had been drinking. Heated words were exchanged. There was pushing and shoving and all her frustrations came to a head, resulting in her throwing chilli powder at him and stabbing him.

137 The Accused will have to live with the knowledge that she killed someone she loved. I also noted that generally she is not a violent person and had no antecedents.

138 In these particular circumstances, I sentenced the Accused to three years and six months' imprisonment starting from the date of her arrest.

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[\[1\]](#)Notes of Evidence p 75

[\[2\]](#)Notes of Evidence p 69

[\[3\]](#)Notes of Evidence p 180

[\[4\]](#)Notes of Evidence p 180

[\[5\]](#)Notes of Evidence p 181

[\[6\]](#)Notes of Evidence p 182

[\[7\]](#)Notes of Evidence p 184

[\[8\]](#)Notes of Evidence pp 189–191

- [\[9\]](#) Para 3 of her conditioned statement
- [\[10\]](#) Notes of Evidence p 215
- [\[11\]](#) Notes of Evidence p 198
- [\[12\]](#) Notes of Evidence pp 202 and 205
- [\[13\]](#) Notes of Evidence p 231
- [\[14\]](#) Notes of Evidence p 234
- [\[15\]](#) Notes of Evidence p 213
- [\[16\]](#) Notes of Evidence p 242
- [\[17\]](#) Notes of Evidence pp 209 and 210
- [\[18\]](#) Notes of Evidence p 89 and para 4 of her conditioned statement
- [\[19\]](#) Notes of Evidence p 84
- [\[20\]](#) Notes of Evidence p 90
- [\[21\]](#) Notes of Evidence p 109
- [\[22\]](#) Notes of Evidence pp 111–112
- [\[23\]](#) Notes of Evidence pp 114, 115, 117, 118 and 120
- [\[24\]](#) Notes of Evidence p 163
- [\[25\]](#) Notes of Evidence p 161
- [\[26\]](#) Notes of Evidence p 164
- [\[27\]](#) Notes of Evidence pp 167 and 168
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- [\[31\]](#) Notes of Evidence p 165
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- [\[33\]](#) Notes of Evidence p 133
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[\[48\]](#)Notes of Evidence p 302

[\[49\]](#)Notes of Evidence p 309

[\[50\]](#)Notes of Evidence pp 312 and 318

[\[51\]](#)Notes of Evidence p 369

[\[52\]](#)Notes of Evidence pp 291 and 284

[\[53\]](#)Notes of Evidence p 595

[\[54\]](#)Notes of Evidence pp 591–597

[\[55\]](#)Notes of Evidence p 602

[\[56\]](#)Notes of Evidence p 603

[\[57\]](#)Notes of Evidence pp 604 and 605

[\[58\]](#)Exhibit P90

[\[59\]](#)Notes of Evidence p 616

[\[60\]](#)Notes of Evidence p 620

[\[61\]](#)Notes of Evidence p 640

[\[62\]](#)Notes of Evidence p 620

[\[63\]](#)Notes of Evidence p 654

[\[64\]](#)Notes of Evidence p 621

[\[65\]](#)Notes of Evidence p 625

[\[66\]](#)Notes of Evidence p 641

[\[67\]](#)Exhibit P67

[\[68\]](#)Notes of Evidence p 438

[\[69\]](#)Notes of Evidence p 505

[\[70\]](#)Notes of Evidence p 438

[\[71\]](#)Notes of Evidence pp 439 and 441 and see his statement of 14 January 2003

[\[72\]](#)Notes of Evidence p 491

[\[73\]](#)Exhibit P88

[\[74\]](#)Notes of Evidence pp 452, 453 and 481

[\[75\]](#)Notes of Evidence pp 480 and 481

[\[76\]](#)Notes of Evidence pp 443 and 504

[\[77\]](#)Notes of Evidence p 496

[\[78\]](#)Notes of Evidence pp 523–525

[\[79\]](#)Notes of Evidence pp 532, 533 and 535

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[\[96\]](#)See Photos P13 and P18

[\[97\]](#)Notes of Evidence p 56

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[\[100\]](#)Notes of Evidence p 892

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[\[144\]](#)Notes of Evidence pp 1290–1291 and 1296

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[\[146\]](#)See para 1.7 thereof

[\[147\]](#)Notes of Evidence p 1329

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[\[157\]](#)Notes of Evidence p 1331

[\[158\]](#)See para 1.7 thereof

[\[159\]](#)Notes of Evidence p 1307

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[\[162\]](#)See para 1.8 thereof

[\[163\]](#)Notes of Evidence p 1311

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[\[166\]](#) Notes of Evidence p 1342

[\[167\]](#) Notes of Evidence pp 1348–1350

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[\[170\]](#) Notes of Evidence p 1354

[\[171\]](#) Notes of Evidence p 1361

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