Purwanti Parji v Public Prosecutor
[2005] SGCA 9

Case Number : Cr App 17/2004

Decision Date : 15 February 2005

Tribunal/Court : Court of Appeal

Coram : Chao Hick Tin JA; Kan Ting Chiu J; Yong Pung How CJ

Counsel Name(s) : Subhas Anandan (Harry Elias Partnership) and Md Nasser bin Md Ismail (Md Nasser Ismail and Co) for the appellant; Bala Reddy and Seah Kim Ming Glenn (Deputy Public Prosecutors) for the respondent

Parties : Purwanti Parji — Public Prosecutor

Criminal Procedure and Sentencing – Sentencing – Principles – Aggravating factors – Appellant's premeditated attack of elderly victim at time when high incidence of such offences being committed – Whether sufficient grounds for imposition of sentence of life imprisonment

Criminal Procedure and Sentencing – Sentencing – Principles – Mitigating factors – Appellant young offender at time of offence and without criminal antecedents – Whether sufficient grounds for reduced sentence of imprisonment

15 February 2005

Yong Pung How CJ (delivering the judgment of the court):

1 The appellant, Purwanti Parji, was charged with culpable homicide not amounting to murder punishable under s 304(a) of the Penal Code (Cap 224, 1985 Rev Ed). At the trial below, she pleaded guilty to the charge. The trial judge accepted her plea, duly convicted her of the charge, and sentenced her to life imprisonment. The appellant appealed against the sentence. Having dismissed the appeal, we now set out our reasons.

The facts

2 The deceased was a 57-year-old female, Har Chit Heang. The appellant is an Indonesian national. At the time of the offence, she was 17 years and 10 months old. She was employed as a domestic worker by the deceased's daughter-in-law, Mok Wai Cheng ("Mok"). The appellant stayed with Mok, her husband and their baby daughter at their Woodlands flat during weekends. On weekdays, she stayed with the deceased, together with the deceased's husband and younger son, in a house at Tai Keng ("the Tai Keng house").

First information report

3 On 4 August 2003 at about 11.37am, the police received a call from the appellant, who reported, "[J]ust now my auntie [the deceased] give the baby and she go upstairs … since 1030hrs … she says she want to do something … she don't want to open the door … I don't know what she is doing … I cannot see her".

The crime scene

4 When the police and paramedics arrived at the Tai Keng house, they were met by the appellant carrying a baby. No one else was present in the house. The appellant then led them to a second-floor bedroom. The door was locked from the inside. Upon a forced entry, the deceased was found lying face-up and motionless on the bed. She had a knife in her left hand, and her right wrist

had some cuts that bled lightly. The blood around the cuts had dried. There were fingernail abrasions on the deceased's neck, and her right eye was also bruised. The deceased was pronounced dead by the paramedics at 12.13pm.

5 There were no visible signs of forced entry into the house nor was there any indication that a burglary had taken place. No suicide note was found. Further enquiries with neighbours did not reveal the presence of any suspicious persons in the vicinity of the house at the material time. The police officers noted that the appellant had neatly cut fingernails.

6 The appellant was subsequently arrested at 9.55pm on the same day at the Tai Keng house, and underwent a medical examination at KK Women's and Children's Hospital at about 11.58pm. Some superficial abrasions were noted over her right index and right middle fingers.

Post-mortem examination

7 An autopsy was performed on 5 August 2003 at about 9.35am by Dr George Paul, a forensic pathologist, at the Singapore General Hospital mortuary. Dr Paul found multiple abrasions on the deceased's chin region and her neck. There was also extensive bleeding in the underlying neck muscles. In addition, the hyoid bone and thyroid cartilage were fractured. There was a further haemorrhage under the scalp in the right temporal region, bruises on both eyelids, and extensive subconjunctival haemorrhage in both eyes.

8 According to Dr Paul, the abrasions were "consistent with those inflicted by fingertips and nails, from gripping the neck region and were sufficient, by causing damage to the neck structures within, to cause death in the ordinary course of nature by strangulation". Dr Paul opined that the abrasions, the bleeding in the underlying neck muscles, and the fractures of the hyoid bone and thyroid cartilage, suggested that the deceased was manually strangled. In the circumstances, he certified the cause of death as strangulation. He further opined that the scalp bruising appeared to be from impact with some linear blunt object.

The morning of 4 August 2003

9 When interviewed at the Criminal Investigation Department, the appellant admitted to strangling the deceased on the morning of 4 August 2003.

10 Investigations revealed that on the morning of 4 August 2003, the deceased, her husband, her younger son, her elder son and daughter-in-law (Mok) and their baby, as well as the appellant, were all at the Tai Keng house. Subsequently, everyone left the house, except the deceased, the baby and the appellant.

11 In the midst of doing household chores, and while the deceased was asleep with the baby in a second-floor bedroom, the appellant contemplated killing the deceased. She was angry with the deceased for scolding her earlier in the morning. The appellant then went to the bedroom twice, and wanted to strangle the deceased. However, she did not do so on both occasions. Instead, she went to the kitchen where she saw a knife. She took it and then returned to the bedroom.

12 Back in the bedroom, the deceased was still asleep. The appellant decided against using the knife. Instead, she sat on the deceased's chest and began to strangle her using her hands. During the strangulation, the appellant also pressed on the deceased's eyes. The deceased later fell off the bed, and hit her head against the bedside table. Thereafter, she did not offer any more resistance. The appellant then carried the deceased back onto the bed. She used the knife to cut the deceased's

right wrist, and placed the knife in the deceased's left hand to make it look like the deceased had committed suicide.

13 The appellant then noticed that she had left her nail marks on the deceased's neck. She carried the baby out of the bedroom, and closed the door. She found a nail-clipper in another room and cut all her fingernails. After feeding the baby, she called the police to provide the first information report in [3] above. The accused then went to the neighbours, telling them that the deceased had not come out from her bedroom, after intimating she was going to hurt herself and locking herself in the room.

The decision below

14 The trial judge noted that there were peculiar public interest considerations in this case (see [2004] SGHC 224). The employer-domestic worker relationship had become a regular feature of our society, and it was therefore in the public interest to uphold it. In the present case, the appellant and deceased shared a relationship that was corollary to the employer-domestic worker relationship – the appellant was a foreign domestic worker serving the deceased, who was a family member of the household who employed the appellant.

15 With regard to the killing, the trial judge was of the view that it was motivated by ill feelings and resentment towards the deceased that had festered in the appellant because of her brittle and immature temperament. The trial judge felt that this was not a case where the appellant had lost her self-control, and had merely responded spontaneously or instinctively to some grave and sudden provocation by the deceased. The trial judge also emphasised that the appellant had systematically sought to dissociate herself from the homicide. In the circumstances, the trial judge felt that there was a considerable degree of premeditation on the appellant's part.

16 The trial judge acknowledged that the appellant was a young offender, being barely 18 years old when she committed the offence. However, he felt that a sentence of ten years' imprisonment would be wholly inappropriate and inadequate in the circumstances, and was of the view that the appropriate punishment should be a life imprisonment sentence to meet the ends of justice.

The appeal

17 Counsel for the appellant contended that the sentence of life imprisonment was manifestly excessive, and urged this court to reduce the sentence to ten years' imprisonment. On the other hand, the Prosecution submitted that the sentence of life imprisonment imposed was warranted in the circumstances, and that a sentence of ten years' imprisonment would be manifestly inadequate. The submissions that both parties had advanced can be conveniently categorised under the following heads:

(a) The law on sentencing an offender to life imprisonment, in particular, a young offender;

(b) The aggravating factors;

(c) The mitigating factors; and

(d) Sentencing precedents.

We discuss each head in turn.

The law

18 Section 304(a) of the Penal Code provides that whoever commits culpable homicide not amounting to murder shall be punished with imprisonment for life, or imprisonment for a term which may extend to ten years, and shall also be liable to fine or to caning, if the act by which death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death.

19 In *Neo Man Lee v PP* [1991] SLR 146 ("*Neo Man Lee*"), a case cited by both counsel for the appellant and the Prosecution, the then Singapore Court of Criminal Appeal had broadly endorsed at 148, [7] three conditions laid down by the English Court of Appeal in *R v Hodgson* (1968) 52 Cr App R 113 ("*Hodgson*"), which would justify imposing a sentence of life imprisonment, namely:

> (a) The offence or offences are in themselves grave enough to require a very long sentence;
>
> (b) It appears from the nature of the offences or from the defendant's history that he is a person of unstable character likely to commit such offences in the future; and
>
> (c) If the offences are committed, the consequences to others may be specially injurious, as in the case of sexual offences or crimes of violence.

For convenience, we will refer to the conditions as the *Hodgson* conditions. We note that the *Hodgson* conditions remain applicable post-*Abdul Nasir bin Amer Hamsah v PP* [1997] 3 SLR 643, where this court decided that life imprisonment meant imprisonment for the remainder of the prisoner's natural life: see *Kwok Teng Soon v PP* (Criminal Appeal No 22 of 2001), affirming the decision of the lower court reported in *PP v Kwok Teng Soon* [2001] 4 SLR 516.

20 Counsel for the appellant conceded that condition (a) is satisfied. With regard to condition (c), counsel conceded that the injuries inflicted by the respondent were of a violent nature. It follows that the consequences to others would be specially injurious, as can be seen in this case where a life was taken, if the appellant were to inflict such injuries again in the future. Thus put, condition (c) is also satisfied.

21 The bone of contention lay in condition (b). Counsel for the appellant submitted that this condition was not satisfied. To this end, counsel argued that firstly, there was no likelihood of the appellant committing similar offences in the future. This was because the appellant would be immediately repatriated to Indonesia upon her release from imprisonment, and that she would never be allowed to return to Singapore. With respect, we did not find that submission assuring. Given that the appellant badly needed to stay employed, she might well assume a different identity, and seek to re-enter Singapore as a domestic worker. To our minds, this was not at all far-fetched. We needed only to remind ourselves that the mother of Huang Na, the nine-year-old girl who was brutally murdered in Singapore, was recently reported to have re-entered Singapore using a different name, despite having been repatriated for immigration offences.

22 Secondly, counsel for the appellant further argued that mental impairment was a necessary ingredient in establishing instability under condition (b), and since the appellant did not suffer from any mental illnesses, the condition was also not satisfied. With respect, counsel had adopted an unduly restrictive interpretation of condition (b). Counsel pointed out that local cases have generally accepted that a mentally-impaired offender would be of unstable character for the purposes of this condition. However, this did not necessarily imply that mental impairment was the *only* way to

establish unstable character. Indeed, in *PP v Ng Kwok Soon* [2002] 3 SLR 199, the Singapore High Court noted at [38] that the accused in that case "was far removed from the likes of *Neo Man Lee* who were unfortunate to have problems in their heads", and had expressed at [33] that:

> [T]he guidelines in *Neo Man Lee v PP* relating to accused persons of unstable character did not mean that persons not suffering from mental disorder should not be sentenced to imprisonment for life. One must still examine the acts constituting the offence, the motives behind them and their consequences.

Admittedly, the *Hodgson* conditions were first adopted locally in *Neo Man Lee*, which involved a mentally-impaired offender. However, that should be relegated to an unfortunate coincidence and nothing more. We should also add that there was nothing in the *Hodgson* judgment to suggest that the English Court of Appeal was concerned with dealing with mentally-impaired offenders. Indeed, the facts of *Hodgson* did not reveal that the accused in that case was mentally impaired.

23 With regard to the present case, we were of the view that the appellant is of unstable character although not mentally impaired. The appellant did not attack and kill the deceased because she had laboured under a loss of self-control, and had consequently acted spontaneously or instinctively in response to some grave and sudden provocation by the deceased. Instead, the killing was motivated by ill feelings and resentment that had festered because of her brittle and immature temperament. We sympathised with the appellant's childhood, or the lack thereof, which might well have shaped the very temperament that had led to this regrettable episode. However, we were more concerned that such a disposition had since been deeply rooted in her, and it was unlikely that it could be tempered in the short run. Without long-term rehabilitation to correct such a short fuse, we were of the view that the appellant is unstable and is likely to become sufficiently incensed to kill yet another person, who has the misfortune of crossing her path in the future. To our minds, condition (b) is therefore satisfied in the circumstances.

24 We should also add that no matter how entrenched the *Hodgson* conditions might have become in our sentencing jurisprudence, they are but mere guidelines. As such, their status should not be overstated. We were fortified in our view by the fact that the guidelines were only *broadly* endorsed in *Neo Man Lee*.

25 However, even if the *Hodgson* conditions were satisfied, the court must exercise caution before committing a young offender to life imprisonment, especially since life imprisonment now means imprisonment for the rest of the prisoner's natural life. In *PP v Tan Kei Loon Allan* [1999] 2 SLR 288 ("*Tan Kei Loon Allan*"), to which both counsel for the appellant and the Prosecution referred, this court had expressed at [37] that:

> [W]e are of the view that the courts must now exercise caution before committing a young offender to life imprisonment. Contrary to traditional reasoning, in similar cases involving a youthful offender on the one hand and an older offender in the other, the youthful offender sentenced to life imprisonment would now be subject to a longer period of incarceration than an older offender, assuming they both lived to the same age.

This court then directed at [40] that:

> In a situation in which the court is desirous of a sentence greater than ten years, but feels that a sentence of life imprisonment is excessive, we have no choice but to come down, however reluctantly, on the side of leniency. Otherwise, the punishment imposed would significantly exceed the offender's culpability. It would, in our view, be wrong to adopt an approach in which

the court would prefer an excessive sentence to an inadequate one.

26 The Prosecution rightly pointed out that *Tan Kei Loon Allan* does not stand for the proposition that the courts should not, as a general rule, commit a young offender to life imprisonment. Instead, it only exhorted that caution should be exercised before deciding to do so. During the appeal, counsel for the appellant agreed with this interpretation of *Tan Kei Loon Allan*. We noted that in the present case, the appellant is a young offender, being only 17 years old at the time of the offence. However, the presence of aggravating factors, and the fact that the value of the mitigating factors is either limited, or is outweighed by the public interest of upholding the employer-domestic worker relationship, justified putting the appellant away for a longer period of time. In the circumstances, this is a case where a sentence of ten years' imprisonment would be wholly inappropriate and inadequate, and where a sentence of life imprisonment would not be excessive. As such, imposing a life imprisonment sentence would not go against the grain of *Tan Kei Loon Allan* as counsel contended. We now turn to discuss the aggravating factors in this case.

Aggravating factors

Premeditation

27 It is well established that where an act is done after deliberation and with premeditation, as opposed to the situation where it is done on the spur of the moment and "in hot blood", that is an aggravating and not a mitigating circumstance: *PP v Tan Fook Sum* [1999] 2 SLR 523 ("*Tan Fook Sum*").

28 The appellant exhibited that she had put in some thought and planning in her crime. The trial judge found that she had waited until the deceased took a nap before attacking her. After strangling the deceased, the appellant had the presence of mind to do several things to dissociate herself systematically from the homicide. Firstly, she staged the scene to make it look as if the deceased had committed suicide. Secondly, she cut her fingernails because she noticed that her nail marks were on the victim. Thirdly, she conveyed the false impression to the police and the neighbours that the deceased had intimated that she was going to hurt herself and had locked herself in the bedroom. In all, the appellant's pre-killing and post-killing behaviour was atypical of someone who had killed on the spur of the moment and in "hot blood".

29 In their written submissions, counsel for the appellant submitted that the trial judge had placed too high an estimate with regard to the appellant's planning of the crime, and that the level of meticulous planning had been overstated. By these submissions, counsel did not seem to deny that there was at least *some* planning involved on the part of the appellant. No grand plan was hatched in advance, but there was at least *some* plan. In fact, counsel conceded during the appeal that there was premeditation on the appellant's part.

Vulnerable victim

30 The law recognises the need to protect certain groups of vulnerable and defenceless persons, such as the handicapped, incapacitated, children and the elderly. An offender who commits an offence against such persons ought to be more severely dealt with by the court: *PP v Raffi bin Jelan* [2004] SGHC 120 at [20].

31 In the present case, the deceased was arguably an elderly victim, being 57 years old at the time of the attack. If not by virtue of age, the deceased was also vulnerable and defenceless in the circumstances in that the appellant caught her by surprise by sitting on her chest and strangling her

while she was asleep. It did not matter that the deceased subsequently woke up and put up a struggle. She had already been disadvantaged by the element of surprise.

Prevalence of offence

32 Prevalence of an offence is a relevant consideration that the court may take into account for sentencing: *Ooi Joo Keong v PP* [1997] 2 SLR 68 at [6]. Where an offence is prevalent, a more severe sentence may be meted out to mark the court's disapproval and to acknowledge the seriousness of the offence: *Tan Fook Sum* at [20].

33 We noted that in recent times, there is a worrying trend of domestic workers inflicting violence on their employers and/or family members. Before us, counsel for the appellant submitted that with the new labour policies in place, specifically the age restrictions on foreign domestic workers, we would not see any more of these senseless outrage by young and impulsive teenage domestic workers. However, we were not convinced that abusive and violent domestic-worker behaviour would necessarily die a natural death. Firstly, there are still teenage domestic workers who are already in Singapore prior to the passing of the new age restrictions. Secondly, not all domestic workers who had inflicted violence were teenagers. For example, in *PP v Sundarti Supriyanto* [2004] 4 SLR 622, a case which we would discuss later, the accused, who was also a foreign domestic worker, was already 21 years old when she killed her employer. We, therefore, felt a need to impose a heavier sentence to attempt to curb this new wave of socially disruptive behaviour. Counsel submitted that there were mitigating factors in this case, particularly the appellant's young age and her lack of antecedents, to which we now turn.

Mitigating factors

Young age

34 Counsel for the appellant contended that the trial judge did not place sufficient weight on the appellant's young age. The appellant was only 17 years old at the time when she committed the offence. In *PP v Mok Ping Wuen Maurice* [1999] 1 SLR 138, the Singapore High Court expressed at [21] that:

> Rehabilitation is the dominant consideration where the offender is 21 years and below. Young offenders are in their formative years and chances of reforming them into law-abiding adults are better. The corrupt influence of a prison environment and the bad effects of labelling and stigmatisation may not be desirable for young offenders. Compassion is often shown to young offenders on the assumption that the young 'don't know any better' and they may not have had enough experience to realise the full consequences of their actions on themselves and on others. Teens may also be slightly less responsible than older offenders, being more impressionable, more easily led and less controlled in their behaviour. *However, there is no doubt that some young people can be calculating in their offences. Hence the court will need to assess the facts in every case* [emphasis added].

A general rule that can be gleaned from the *dicta* is that rehabilitation ought to be the dominant consideration in the court's mind when dealing with young offenders who are 21 years old and below. However, the court can depart from this rule when dealing with atypical young offenders, for example, those who are calculating in their offences.

35 In the present case, the appellant had clearly shown that she was calculating in her offence, from when to execute her attack on the deceased, to what to do thereafter to dissociate herself

from the whole unfortunate episode. As such, we were of the view that the appellant's young age was of limited mitigating value, if at all, in this particular case, lest age be seen to be a licence for the young and calculating to commit serious crimes.

First-time offender

36 Counsel for the appellant also contended that the trial judge did not place sufficient weight on the appellant's lack of antecedents. In their written submissions, counsel cited various s 304(a) cases to show that a life imprisonment sentence was normally not imposed on an offender, who had, *inter alia*, no violent antecedents. We noted that in two of the cited cases, namely *PP v Chaw Aiang Wah* [2004] SGHC 164 and *PP v Ng Hua Chye* [2002] 4 SLR 412, caning was meted out to the offenders in addition to imprisonment terms imposed. To the extent that the appellant in the present case is a female and is not liable for caning, these cases have limited comparative value.

37 We should also add that although past sentencing cases are helpful, they are but mere guidelines, and every case that comes before the courts must be looked at on its own unique facts, each particular offender in his own circumstances: *Soong Hee Sin v PP* [2001] 2 SLR 253 at [12]. The present case involved violence in the unique context of an employer-domestic worker relationship. To the extent that the cases that counsel cited involved violence in other various contexts, they are not very helpful.

38 In any event, the absence of antecedents, like all other mitigating factors put forth by counsel on behalf of their clients, is something to be taken into account by the court, and weighed in the balance against other factors, the first and foremost of which, in the balancing process, is the public interest: *Sim Gek Yong v PP* [1995] 1 SLR 537 at 541, [9].

39 In *PP v Mohd Azmi bin Ja'afar* [2003] 2 MLJ 189, the Malaysian High Court expressed that it was definitely not in the public interest to be lenient and merciful when the accused committed a most serious offence, although the accused was a first-time offender. In the present case, it was difficult to dispute that the appellant had committed such an offence, having intentionally caused someone's death. Furthermore, the appellant and the deceased shared a relationship corollary to the employer-domestic worker relationship, to which we now turn.

The employer-domestic worker relationship

40 The trial judge expounded on the uniqueness of the employer-domestic worker relationship at some length. We do not wish to belabour the point, except to say that public interest demands, because of our peculiar reliance on foreign domestic workers, that both employers (and their family members) and domestic workers alike must be able to enjoy peace of mind being served and serving, as the case may be, in the safe confines of a domestic setting for the duration of their relationship. Being a dissatisfied party to this relationship does not give that party the prerogative to resort to inflicting violence against the other party.

41 Our courts have constantly endeavoured to protect domestic workers from abusive employers, and severe deterrent sentences have been meted out to employers who abuse them. Conversely, the court should also protect employers and their family members from domestic workers who turn violent on them. Accordingly, deterrent sentences should also be meted out to such domestic workers. Only then can it be said that this relationship of mutual expectations, trust, and reliance is upheld, and that the public interest is served.

42 As such, domestic workers should be forewarned against taking the law into their own hands,

by availing themselves to self-help retaliatory violence against abusive employers. This is regardless of the severity of the abuse, excepting instances contemplated by the Penal Code. Instead, they should, to the extent that it is possible and practical to do so, endeavour to seek redress for their grievances through proper and legitimate channels. For example, they can try communicating their difficulties and distress to relatives, friends, neighbours, doctors (when they attend mandatory medical examinations) or the police, if not their own employers and maid agencies.

43 There is no reason for the domestic worker to resort to violence when she has the time and opportunity to seek help from such proper and legitimate channels. In such cases, the domestic worker has to demonstrate that she has made some effort to turn to such channels as avenues of first resort to seek redress for their grievances in trying situations. Although the fear of being sent back home is an understandable concern, this is not an excuse for foreign domestic workers to suffer in silence, and then take matters into their own hands when they can bear it no longer. It does not, however, mean that it will be all right for these workers to resort to violence when they have duly sought recourse to these channels, and these channels fail to redress their grievances. Ultimately, the question of whether or not they are justified or excused in inflicting violence falls to be determined by what is provided for in written law, in this case, the Penal Code. Having said that, this does not preclude the court from taking into account the fact that the domestic worker has, at least, tried to seek redress for his or her grievance through a proper and legitimate channel when considering sentence.

44 In the present case, the appellant clearly had recourse to her own employer, who was the deceased's daughter-in-law, during the weekends. No evidence whatsoever was tendered to show that the appellant actually complained to her employer about the deceased's behaviour and attitude towards her. By calling the police and going to the neighbours for help after the strangulation episode, albeit to create false impressions, the appellant also demonstrated that she knew how, and from where, to seek help. In other words, she knew how to communicate her difficulties or distress to the world at large, if indeed she suffered any abuse.

45 With regard to how the appellant was treated, the trial judge found no cogent concrete evidence of physical abuse prior to the homicide. At best, the deceased had been at times unnecessarily severe with the appellant. Understandably, the appellant might have felt aggrieved and frustrated by such treatment. However, this did not warrant killing the deceased. This is not to say that had the abuse been severe, it would have been all right for her to resort to self-help violence in retaliation to the abuse. As we already mentioned, whether one's violent conduct is justified or excused depends on whether he can bring his circumstances within what is contemplated by the written law, in this case the Penal Code. However, the court, when considering sentence, can take into account the extent of the abuse suffered by the domestic worker.

Sentencing precedents

46 The Prosecution cited a slew of cases from the United States, Canada and New Zealand. During the appeal, the Prosecution clarified that it did so to demonstrate that the age factor alone had not defeated courts in other comparative jurisdictions from imposing life imprisonment terms. The Prosecution acknowledged that we are dealing with a unique situation in this case, which features quite different public policy considerations. The Prosecution then rightly focused its attention on *PP v Sundarti Supriyanto (No 2)* [2004] SGHC 244 ("*Sundarti*"). Counsel for the appellant also acknowledged that that was an appropriate case for us to consider.

47 In *Sundarti*, the accused, a 23-year-old Indonesian who worked as a domestic worker in Singapore, was charged with the murder of her employer. The accused was 21 years old at the time

of the offence. After inflicting extensive injuries and a fatal stab wound on her employer, she left the crime scene to purchase petrol, and returned to set the scene on fire. She claimed trial, whereupon her counsel succeeded in raising the special exception of provocation to murder. The trial judge found the accused guilty of a lesser charge of culpable homicide not amounting to murder punishable under s 304(a) of the Penal Code. In sentencing the accused to life imprisonment, the trial judge expressed at [8] that:

> [T]he nature of the offence for which the accused was convicted – let alone the charges taken into consideration – called for a higher tariff, and certainly a sentence of ten years would be manifestly inadequate. In this respect, I took into account the nature of the injuries inflicted on the deceased by the accused and the manner in which she had tried to mask the offence with a view to escaping the process of law and justice.

48 Counsel for the appellant attempted to distinguish *Sundarti* from the present case by arguing that in the former, other charges were also taken into consideration for sentencing. However, as we understood the *dicta* cited in the preceding paragraph, the trial judge clearly felt that the nature of the killing alone called for a higher tariff. Counsel also argued that whilst the accused in *Sundarti* claimed trial, the appellant in the present case pleaded guilty, thus sparing the family members from the trauma of testifying in court. Be that as it may, in certain cases, the circumstances may be such that any mitigating effect afforded by a guilty plea is heavily or even completely outweighed by the need for a deterrent sentence: *Sim Gek Yong v PP* ([38] *supra*) at 540, [7]. We have already stated earlier that in upholding the employer-domestic worker relationship, deterrent sentences need to be meted out to violent domestic workers, as is the case for abusive employers.

49 In our view, the present case was sufficiently analogous to *Sundarti*, and thus did not warrant a deviation from the life imprisonment sentence that was imposed in that case. Both cases involved violence in the specific context of an employer-domestic worker relationship; the domestic workers in both cases had been convicted of culpable homicide not amounting to murder punishable under s 304(a) of the Penal Code; both workers had inflicted extensive and fatal injuries on their victims; finally, both had tried to mask the offence they had committed with a view to escaping the process of law and justice. In their written submissions, counsel for the appellant highlighted that the appellant had staged the crime scene to make it look like a suicide so that she could continue to work in Singapore, and presumably not because she wanted to escape the process of law and justice. However, that was a tenuous argument. We were not at all convinced that the appellant did not realise that in order for her to continue to work in Singapore after committing an offence, she must, necessarily, be able to escape the process of law and justice.

Conclusion

50 Having careful regard to the facts and circumstances of the case, the aggravating as well as the mitigating factors, we were of the view that there was no basis for us to interfere with the sentence that the trial judge had imposed. Accordingly, we dismissed the appeal, and affirmed the sentence of life imprisonment imposed on the appellant.

Appeal dismissed.

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