

**18 SEPTEMBER 2015
MEDIA STATEMENT**

**PP v LIM CHOON TECK
PROSECUTION'S APPEAL AGAINST MANIFESTLY EXCESSIVE SENTENCE**

1. This appeal was heard and allowed by the High Court today. It was an unusual appeal. It was the Public Prosecutor's appeal against a sentence that the Public Prosecutor considered to be manifestly excessive. The offender, Lim Choon Teck ("Lim"), was sentenced to 8 weeks' imprisonment for committing a rash act to endanger the personal safety of others. As a result of the appeal, this sentence was reduced to 3 weeks' imprisonment.

2. The Prosecution submitted that Lim's offence plainly warranted a custodial sentence and had suggested to the sentencing court that a 2 to 4 weeks' imprisonment term would be appropriate. Given the increasing prevalence of cyclists who cycle on pavements meant for pedestrians (including the elderly, the young, and pregnant women) without proper regard for the safety of pedestrians who are entitled to the right-of-way and safety on pavements, it is in the public interest for custodial sentences to be imposed in appropriate cases.

3. However, the length of the sentence meted out should be commensurate with the offender's culpability and the harm caused. The Public Prosecutor oversees the administration of criminal justice and has no interest in securing excessive sentences when the facts do not warrant such sentences. This is a crucial aspect of the Public Prosecutor's role in protecting the public interest – to secure a fair, proportionate sentence that is neither manifestly inadequate nor manifestly excessive.

4. The Prosecution therefore filed an appeal against the State Court decision on the ground that the imposed sentence of 8 weeks' imprisonment – a third of the maximum prescribed imprisonment sentence – was manifestly disproportionate, given Lim's culpability and the fact that he had pleaded guilty to a reduced charge at the first reasonable opportunity. In sentencing Lim, the District Judge had erred in, for example, placing excessive weight on irrelevant considerations, and misapprehending the evidence that was before the court.

5. Lim was unrepresented when he pleaded guilty to the charge and did not submit a mitigation plea. As Lim did not have the benefit of legal advice or counsel, the Public Prosecutor, after considering all relevant factors, pursued this appeal *in the public interest* to ensure that Lim is fairly punished.

6. Said Attorney-General V K Rajah SC: “It is a crucial aspect of the administration of criminal justice in Singapore that all offenders are *appropriately* punished – neither in a manifestly inadequate nor in a manifestly excessive manner – to ensure justice is done. All stakeholders in our criminal justice system, including the Attorney-General’s Chambers, shoulder this heavy responsibility to ensure fairness and proportionality in the punishment meted out.”

7. This case is also the first prosecution of a cyclist using a pavement meant for pedestrians. A firm stance will be taken against users of personal mobility devices (some of which are motorised and even illegally modified to be more powerful) on pavements, resulting in injury or damage. Cyclists and others who use mechanical or motorised means of transport on pavements ought to appreciate that if they cause injury and damage, they could be prosecuted. In appropriate cases, custodial sentences will be sought.

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