

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Magistrate's Arrest Case No 905747 of 2024

Public Prosecutor

Against

Abdul Sarhan bin Abdul Roni

ORAL JUDGMENT (SENTENCING REMARKS)

Public Prosecutor
v
Abdul Sarhan bin Abdul Roni

Magistrate's Arrest Case No 905747 of 2024

District Judge Jill Tan

6 September 2024

District Judge Jill Tan:

1 I have noted your guilty plea, your criminal record, and your mitigation. I have also noted the prosecutor's submissions on sentence. These are the brief reasons for my decision, which will be supplemented if necessary.

Sentencing guidance

2 The prosecution relies on the Guidelines for Scams-Related Offences ("Guidelines") issued by the Sentencing Advisory Panel on 21 August 2024. The relevant paragraphs (at [34] to [38]) concern the unlawful disclosure of another person's Singpass credentials. While the offence referred to in the Guidelines is under s 8B of the Computer Misuse Act 1993 ("CMA"), the punishment is the same as that for the offence you are facing (under s 8 of the CMA). I thus agree with the prosecution that these Guidelines may apply in your case.

3 I also agree that in view of the recent prevalence of online scams, the abuse of Singpass and internet banking access information must be looked upon sternly. Offenders who provide scammers with such information and grant them

access to the banking system to perpetrate these scams must have deterrent sentences imposed on them so that this gateway can be narrowed, if not closed.

4 The recommended starting sentence for an archetypal case where a first-time offender is convicted after trial for disclosing another person's Singpass credentials without that person's consent is 12 months' imprisonment.

5 The Guidelines provide (at [28] to [29]) that upward adjustments should be made for the offence-specific sentencing factors in the following situations:

- (a) Where the offender was motivated to commit the offence for personal gain, even if he did not receive the gain.
- (b) Where the offender disclosed the Singpass credentials knowing that it would be used to commit a predicate offence.
- (c) Where that predicate offence is then committed.
- (d) Where the disclosure of the Singpass credentials has led to the opening of bank accounts.
- (e) Where significant funds (\$100,000 or more) had flowed through the bank accounts created with the disclosed Singpass credentials. In such a case, an uplift of at least 25% of the starting sentence should be considered even if the offender does not know of the extent of funds that flowed through these accounts.
- (f) Where actual harm or loss occurs, an appropriate uplift should be made.
- (g) If the funds flowing through the bank accounts are linked to a victim of scam who is vulnerable (eg, victims above 65 years of age). In

such a case, an uplift of at least 25% of the starting sentence should be made even if vulnerable persons were not specifically targeted and even if the offender did not know that vulnerable persons would be affected.

Application of Guidelines

6 In your case, the appropriate starting sentence is 12 months' imprisonment. I note that **all** the aggravating factors listed in the Guidelines apply in your case.

Prosecution's submission

7 The prosecution submits that an uplift of at least 1½ months' imprisonment should be imposed for each aggravating factor that applies, and that further uplifts in excess of 25% of your starting sentence should be imposed due to the amount of money transferred and the fact that it was a vulnerable victim who lost his money. This may result in an enhanced sentence that is more than two times higher than the starting point sentence, before your offender-specific factors are considered.

My decision

8 My view is that despite the need for a deterrent sentence in this case, the court must be cautious in imposing the various uplifts, to ensure that the final sentence is not excessive in proportion to the offence. My view therefore is that a slight downward moderation of each uplift may be considered, so that their cumulative effect is not crushing.

Offence-specific factors

9 Thus, my views on each of the aggravating factors is as follows.

- (a) First I note these five points:
- (i) You were motivated by gain;
 - (ii) You disclosed your wife's Singpass knowing that it would be used to facilitate the commission of scams;
 - (iii) A Standard Chartered Bank ("SCB") account was then opened using this Singpass information;
 - (iv) A predicate offence was committed as this SCB account was used as the conduit through which stolen funds were transferred; and
 - (v) Loss has occurred because the stolen money has not been recovered.

My view is that there should minimally be an uplift in your sentence of 1 to 1½ months for each of these factors. This would bring the uplift to between 5 and 7½ months' imprisonment.

(b) Second, significant funds amounting to over \$397,000, belonging to one victim, flowed through the SCB account. Even if you may not have known the extent of the funds that flowed through the account, this was a direct result of your action. To account for this, my view is that an uplift of minimally 25% to 33%, or 3 to 4 months' imprisonment, is appropriate.

(c) Third, the victim who lost the \$397,000 was a vulnerable victim, aged 76 at the time. This means that a further uplift is needed, of minimally 25%, or 3 months' imprisonment.

10 This would mean that the uplifts can potentially take your provisional sentence to more than 26 months' imprisonment in a claim trial scenario, before the offender-specific factors are considered. As your fundamental act was to disclose Singpass information to scammers and you were not the one who perpetrated the scam or stole the money, the more than doubling of your sentence is, in my view, excessive. I thus take the lower end from the above ranges, which would result in a provisional sentence of 23 months' imprisonment, before considering the offender-specific factors.

Offender-specific factors

11 Adjusting for offender-specific factors, I note that you have been convicted twice before for offences under the CMA, albeit under a different section (s 3 of the CMA). Nevertheless, these concerned the commission of credit card fraud and relinquishing bank account information to unknown persons to facilitate scams. You really should have known better this time, and I agree with the prosecution that a further uplift in your sentence is warranted for specific deterrence. Given that your provisional sentence is already at 23 months' imprisonment, my view is that an uplift of about 3 months' imprisonment, which amounts to just over 10%, is sufficient. This would bring your sentence to 26 months' imprisonment.

12 Finally, I note that you are pleading guilty early, for which you would be eligible for the 30% sentencing discount.

Conclusion

13 In the final analysis, this would bring your sentence to just over 18 months' imprisonment. It is a heavy sentence considering your primary act, but given the various considerations as mentioned earlier, especially the need for

general and specific deterrence to be factored into your sentence, my view is that it is appropriate in these circumstances.

14 You are therefore sentenced to 18 months' imprisonment, with effect from today.



Jill Tan

District Judge

Benjamin Low (Attorney-General's Chambers) for the Public
Prosecutor;
Accused-in-person.
