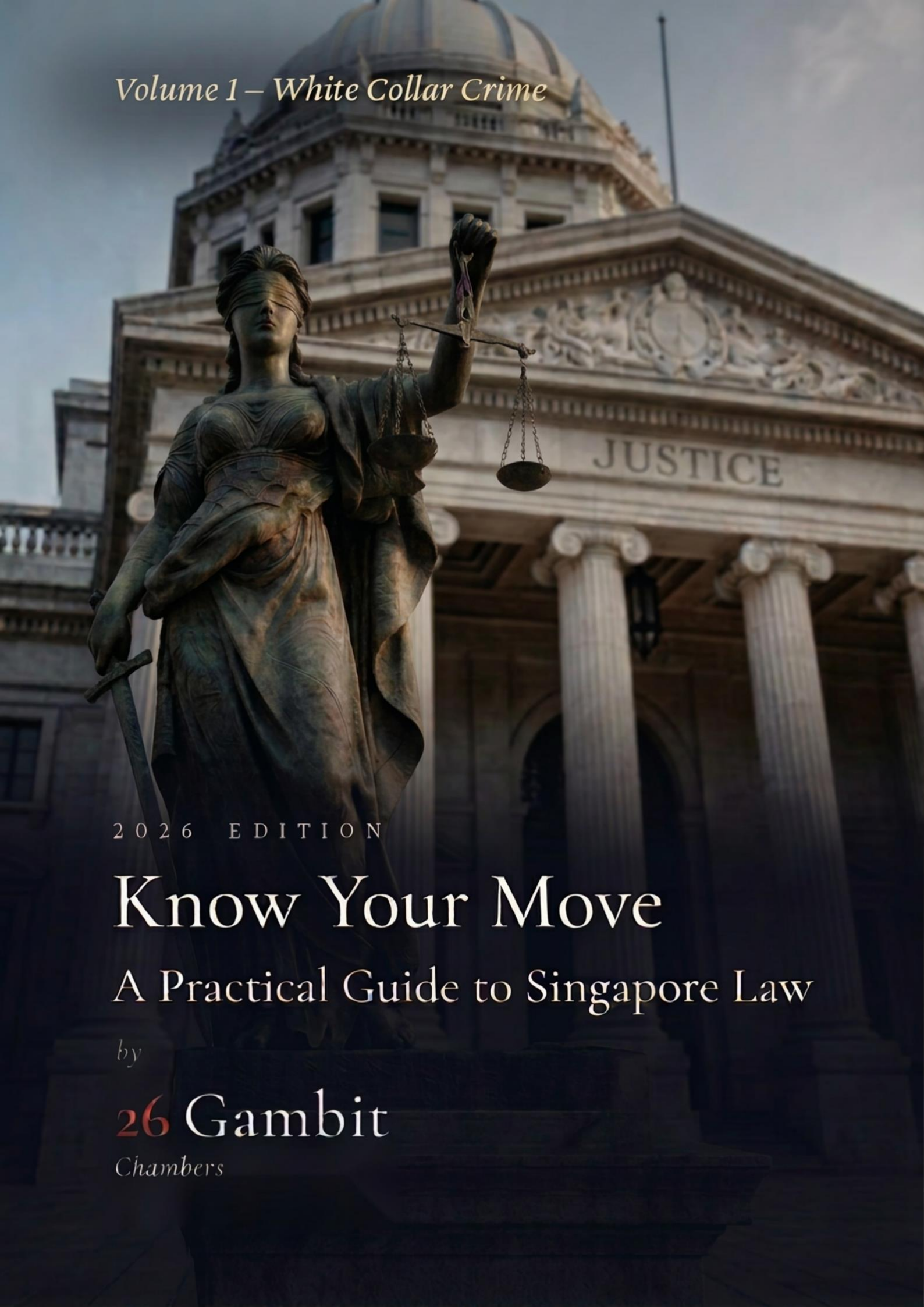


Volume 1 – White Collar Crime

2026 EDITION

Know Your Move

A Practical Guide to Singapore Law

by

26 Gambit

Chambers

Know Your Move – A Practical Guide to Singapore Law
Volume 1 – White Collar Crime
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Chapter 3: Cheating and Scam Offences

1. Chapter Orientation

(1) This chapter is arranged as follows:

(a) **The offences (Parts 2 to 6):** the types of cheating offences, their maximum punishments, recent changes to the law (including the offence of cheating by remote communication introduced in December 2025), what the Prosecution must prove, and the defences.

(b) **Amalgamated charges (Part 7):** what it means when many incidents are combined into one charge, and why it matters.

(c) **Sentence (Parts 8 to 14):** how the courts decide the sentence, including the leading case and when a person can be caned, the range of sentences seen in decided cases, fines, the factors that reduce the sentence, the effect of a plea of guilty, and how sentences for several charges are combined.

(d) **Beyond the sentence (Part 15):** compensation, civil claims and other consequences.

2. What are the cheating offences?

(2) "Cheating" is defined in section 415 of the Penal Code 1871 ("**PC**"). In essence, a person cheats if he or she deceives another person and thereby either (1) fraudulently or dishonestly induces that person to hand over property, or (2) intentionally induces that person to do, or not to do, something that causes or is likely to cause that person harm. The main offences are:

(a) **Cheating (section 417 of the PC).** This is the basic offence. It covers any cheating, whether or not property was handed over.

(b) **Cheating and thereby dishonestly inducing the delivery of property (section 420(1) of the PC).** This is the more serious offence, charged where the victim was induced to hand over property, or to make, alter or destroy a valuable security (for example, a cheque, or another document that creates, transfers or releases a legal right). Commercial frauds and scams are commonly charged under this section.

(c) **Cheating by remote communication (section 420(2) of the PC).** This offence, in force from 30 December 2025, applies where the cheating that induced the delivery of property was carried out by remote communication, which under section 416B of the PC means that the deception was conducted mainly through the Internet, a telephone or other communication device, or other electronic means. It carries mandatory caning (see Part 4 and Part 8.5).

(3) Where the accused committed many incidents of the same offence, the Prosecution may combine them into a single "**amalgamated charge**" (section 124(4) of the Criminal Procedure Code 2010 ("**CPC**")), for which the court may impose up to twice the punishment available for a single incident (see Part 7).

(4) Cheating is often charged together with forgery for the purpose of cheating (section 468 of the PC) or using as genuine a forged document or forged electronic record (section 471 of the PC) (see Chapter 6), and with money laundering of the proceeds (see Chapter 2). Members of scam syndicates may also be charged with being members of an organised criminal group under section 5 of the Organised Crime Act 2015 ("**OCA**") (see Chapter 2, Part 7).

3. What is the maximum punishment?

Offence	Section	Maximum punishment for an individual
Cheating	PC s 417	Imprisonment up to 3 years, a fine, or both
Cheating and thereby dishonestly inducing the delivery of property (or the making, altering or destroying of a valuable security)	PC s 420(1)	Imprisonment up to 10 years (imprisonment is mandatory), and a fine may be added; for offences from 30 Dec 2025, caning may also be ordered
Cheating by remote communication and thereby inducing the delivery of property	PC s 420(2) (offences from 30 Dec 2025)	Imprisonment up to 10 years **and caning of not less than 6 strokes**; imprisonment is mandatory, and a fine may be added
Many incidents of the same offence combined in one amalgamated charge	CPC s 124(4), punishable under s 124(8)(a)	Up to twice the punishment available for a single incident
Being a member of an organised criminal group linked to Singapore	OCA s 5	Fine up to $100,000, imprisonment up to 5 years, or both; for offences from 30 Dec 2025, a member who knows it is a scam group is also liable to mandatory caning of not less than 6 strokes

(5) Under section 420 of the PC, imprisonment is mandatory: the court must impose a term of imprisonment and may add a fine. Under section 417 of the PC, the court may impose imprisonment, a fine, or both.

4. Recent changes to the law

4.1 Higher maximum for section 420 (from 1 February 2008)

(6) The maximum term of imprisonment under section 420 of the PC was raised from seven to ten years by the Penal Code (Amendment) Act 2007, with effect from 1 February 2008. Sentences in older cases, decided when the maximum was seven years, must be read with that in mind.

4.2 Wider definition of cheating (Criminal Law Reform Act 2019)

(7) The present wording of section 415 of the PC was introduced by the Criminal Law Reform Act 2019, with effect from 1 January 2020. It makes clear that the deception need not have been the sole or main reason why the victim acted, and it contains Explanations dealing with companies and automated systems (see Part 5).

4.3 Caning, and cheating by remote communication (offences from 30 December 2025)

(8) Before 30 December 2025, section 420 of the PC provided only for imprisonment of up to ten years, with liability to a fine. With effect from that date, an amending Act (Act 21 of 2025) made two changes:

- (a) a person convicted under section 420(1) of the PC became liable to caning, at the court's discretion; and
- (b) it created the offence of cheating by remote communication in section 420(2), which carries mandatory caning of at least six strokes.

(9) At the time of writing, there has not been any reported decision under section 420(2).

5. What must the Prosecution prove?

(10) Each offence has its own elements. Each requires the Prosecution to prove a particular mental state as well as the conduct:

(a) **Cheating (section 417 of the PC).** The Prosecution must prove (1) that the accused deceived the victim; (2) that the victim was induced by the deception to hand over property, or to do or not do something; and (3) that the accused acted fraudulently or dishonestly (where property was handed over) or intentionally (where the victim was induced to do or not do something that caused or was likely to cause harm). The deception need not have been the sole or main reason why the victim acted.

(b) **Cheating and dishonestly inducing delivery of property (section 420(1) of the PC).** In addition to the elements of cheating, the Prosecution must prove that the victim was dishonestly induced to deliver property, or to make, alter or destroy a valuable security.

(c) **Cheating by remote communication (section 420(2) of the PC).** In addition, the Prosecution must prove that the cheating was carried out by remote communication. A person cheats by remote communication if the deception is conducted mainly by way of remote communication with the victim, which means communication through the Internet, a telephone or any other communication device, television or radio, or any other kind of electronic or other technology for facilitating communication (section 416B of the PC).

(11) Several features of these elements arise frequently in practice:

(a) **Deception by silence.** Dishonestly concealing a fact is a deception (Explanation 1 to section 415 of the PC). In a 2023 District Court case, *Public Prosecutor v Hussain Naina Mohamed* [2023] SGDC 76 ("*Hussain Naina Mohamed*"), a procurement officer who did not tell his employer that he was a partner in the vendor he recommended was convicted of cheating.

(b) **Deceiving a company.** A company can be deceived even if none of its individual officers was personally deceived, for example where an automated system is used (Explanations 4 and 5 and Illustration (k) to section 415 of the PC).

(c) **What counts as "delivery".** Delivery is given a practical meaning. In *Lim Oon Kuin v Public Prosecutor and another matter* [2026] 3 SLR 616 ("*Lim Oon Kuin*"), a 2026 decision concerning bank trade financing described further in paragraph (32), the High Court held that the crediting of financing to the company's overdrawn account was a delivery of property, rejecting an argument that it was a mere set-off.

(d) **Property obtained through a company.** A director who causes his company to obtain the property may be liable even though the money did not go into his own pocket. In *Public Prosecutor v Tan Chee Boon* [2026] SLR(StC) 120 ("*Tan Chee Boon*"), a 2024 District Court case described further in paragraph (28), false invoices were used to obtain $246,400 in government grants for a company, and its director was convicted.

6. What defences are available?

(12) The following may provide a defence, or an answer to the charge:

(a) **No dishonest intention at the time: a breach of contract is not cheating.** Explanation 2 to section 415 of the PC states that a mere breach of contract is not, of itself, proof of an original fraudulent intention. Illustration (g) to section 415 of the PC distinguishes a person who never intended to deliver the goods he was paid for (who cheats) from one who intended to deliver them at the time and later failed to do so (who is liable only for breach of contract). In the context of a business relationship, the critical question is therefore what the accused intended when the representation was made; a later failure to perform is a matter for the civil courts.

(b) **No deception, or no inducement.** The Prosecution must prove that the representation was false to the accused's knowledge, and that it induced the victim to act. Under the present law, the deception need not have been the sole or main inducement, but there must still be a link between the deception and what the victim did.

(c) **Challenging the elements.** The Prosecution must prove each element: (1) whether there was a deception at all; (2) whether the victim relied on it; (3) how much property was obtained by it, which affects both the charge and the sentence; and (4) whether the accused had the required mental state. The provision charged matters, because the maximum punishment under section 417 of the PC is three years and under section 420 is ten years, and because caning is mandatory under section 420(2).

(13) Matters which do not amount to a defence may still reduce the offender's culpability and the sentence. These are discussed in Part 12.

7. What is an amalgamated charge, and why does it matter?

(14) Where the accused is alleged to have committed many incidents of the same offence which together amount to a course of conduct, the Prosecution may combine them into one amalgamated charge under section 124(4) of the CPC.[1] The court may then impose up to twice the punishment that could have been imposed for any one of the incidents (section 124(8)(a) of the CPC).[2]

7.1 Why the higher maximum can rule out a community sentence

(15) The higher maximum can affect the type of sentence available, and not only its length:

(a) **What community sentences are.** Community sentences are orders served in the community, in place of imprisonment, a fine or caning, and are aimed mainly at rehabilitation (section 337(5) of the CPC). They include a mandatory treatment order (psychiatric treatment for an offender whose mental condition contributed to the offence), a day reporting order, a community work order, a community service order and a short detention order.

(b) **When they are not available.** A court cannot make a community order for an offence punishable with imprisonment of more than three years (section 337(1)(i) of the CPC). There is a limited exception allowing a mandatory treatment order for certain prescribed offences punishable with up to seven years (section 337(2)(c) of the CPC).

(c) **The effect of amalgamation.** Cheating under section 417 of the PC carries a maximum of three years' imprisonment, so a community sentence remains possible for a single charge. Once incidents are combined into an amalgamated charge, the maximum becomes six years, which is above the three-year limit, so a community sentence is no longer available.

(16) In a 2021 decision, *Public Prosecutor v Song Hauming Oskar and another appeal* [2021] 5 SLR 965 ("*Song Hauming*"), the offender had found the credit card of his company's chief executive in the office and used it 103 times, spending about $20,642. He faced one amalgamated charge of cheating under section 417 of the PC, and the District Court sentenced him to a short detention order and a mandatory treatment order. On appeal, the High Court held that, because the amalgamated charge carried a maximum of six years' imprisonment, neither order was available, and imposed eight months' imprisonment instead. It cautioned that the Prosecution must take care not to frame amalgamated charges in a way that inadvertently prevents a deserving offender from receiving a community sentence.

(17) How charges are framed can therefore affect the sentencing options available, and is a matter that may be raised with the Prosecution in representations. How the sentence for an amalgamated charge is decided is explained in Part 8.

8. How do the courts decide the sentence?

8.1 There is no single framework for cheating

(18) Unlike some other offences, cheating under sections 417 and 420 of the PC has no single sentencing framework laid down by the High Court for all cases. The courts instead proceed as follows:

[1] *Prakash s/o Mathivanan v Public Prosecutor* [2025] 4 SLR 1386 at [15].

[2] *Prakash* at [37].

(a) **Comparable precedents.** Sentencing is guided by earlier decisions, whose weight depends on how closely their facts correspond to the case at hand. Precedents decided without written reasons carry little weight.

(b) **First principles.** Where the precedents give no reliable guidance, the court reasons from first principles, assessing the harm caused and the offender's culpability (blameworthiness), and then the factors personal to the offender.

8.2 The value of the property, and its limits

(19) The value of the property obtained is often the primary yardstick, because it reflects both the benefit to the offender and the harm to the victim. The High Court has, however, identified two qualifications (in a 2019 decision on a corruption offence, *Gan Chai Bee Anne v Public Prosecutor* [2019] 4 SLR 838, in terms that apply generally): (1) value may not be a good measure of the offender's culpability where the offender was not the person intended to benefit from what the victim parted with (see paragraph (40)(b)); and (2) value measures only the economic harm, not any wider harm to the public interest.

8.3 Factors that increase the sentence

(20) Factors going to harm and culpability that have increased sentences for cheating in the decided cases include:

(a) **the amount obtained and the loss caused**, particularly where nothing has been repaid;

(b) **misuse of a financial instrument or payment system** on which commerce relies, such as cheques, credit cards or PayNow, where general deterrence (deterring others from similar offending) takes centre stage;

(c) **planning and premeditation**, including the use of false invoices, fictitious contracts or other false documents;

(d) **abuse of trust or position**, for example by an employee diverting payments meant for the employer, or a procurement officer concealing an interest in a vendor;

(e) **a major or active role** in the scheme;

(f) **the number of victims and their vulnerability**;

(g) **obtaining public funds**, such as government grants;

(h) **persistence**: offending over a long period, or in many separate transactions;

(i) **harm beyond the immediate victim**, such as harm to Singapore's standing as a financial centre; and

(j) **offending while on bail or under investigation**, and repeated offending.

(21) Aggravating features must, however, have a factual basis. In *Lim Oon Kuin* (see paragraph (32)), the offender's company was a major oil trading company, and the District Court had treated the fraud as having harmed confidence in the oil trading industry as well as Singapore's financial services sector. On appeal, the High Court accepted the harm to the financial services sector, but held that there was no factual basis for treating the fraud as having harmed the oil trading industry, and reduced the sentence accordingly.

8.4 Amalgamated charges: the three-step approach

(22) The leading decision on amalgamated charges is *Prakash s/o Mathivanan v Public Prosecutor* [2025] 4 SLR 1386, in which the High Court set out the approach to sentencing an offender on an amalgamated charge under section 124(4) of the CPC. It applies to amalgamated charges generally, including amalgamated charges of cheating; it does not set ranges for cheating as such. The court proceeds in three steps:[3]

(a) **Step 1:** it identifies the punishment prescribed, and any sentencing guidance, for a single incident of the offence (the "base offence");

(b) **Step 2:** it sets a starting point by a holistic assessment of the whole course of conduct, including how long it lasted and how often the offences were committed; and

[3] *Prakash* at [39], [42]–[46], [129].

(c) **Step 3:** it adjusts the starting point for factors personal to the offender, including any plea of guilty.

8.5 When can a person be caned for cheating?

(23) Only for offences committed on or after 30 December 2025. For those offences:

(a) caning is **mandatory**, with a minimum of six strokes, for cheating by remote communication under section 420(2) of the PC;

(b) caning is **discretionary** for cheating under section 420(1) of the PC, which means that the court decides whether to impose it; and

(c) caning is also mandatory for members and recruiters of organised criminal groups engaged in scams (see Chapter 2, Part 7, and Chapter 4).

9. How have the courts applied these principles since?

9.1 Small, single deceptions

(24) In a 2013 decision, *Idya Nurhazlyn bte Ahmad Khir v Public Prosecutor and another appeal* [2014] 1 SLR 756 ("*Idya Nurhazlyn*"), a first offender who had cheated her aunt of $1,800, and repaid it in full, received **one month's imprisonment**; a further charge of paying $10,509 with a cheque that was dishonoured, while she was already under investigation, attracted **three months**.

(25) **The takeaway:** a first offence is not automatically dealt with by a fine. The High Court indicated that a custodial sentence will generally be appropriate where the victim parted with property of more than negligible value, and that the misuse of cheques calls for deterrence.

9.2 An employee diverting payments

(26) In a 2026 District Court case, *Public Prosecutor v Chai Song Lin* [2026] SGDC 4 ("*Chai Song Lin*"), an assistant manager at a domestic worker agency changed the display name of his own PayNow account to resemble his employer's name and gave clients QR codes linked to it, diverting $92,508 in 72 transactions over five months. Applying *Prakash* to an amalgamated charge under section 420 of the PC, the court took into account the amount, the planning, the abuse of his employer's trust and the misuse of a payment system, and imposed **20 months and two weeks' imprisonment** after his early plea of guilty (see also paragraph (41)).

(27) **The takeaway:** the misuse of a payment system on which the public relies is treated seriously, and the persistence of the offending over many transactions increases the sentence.

9.3 Obtaining government grants through a company

(28) In *Tan Chee Boon*, a 2024 District Court case, a managing director used false invoices to obtain $246,400 in government grants for his company. He played a major and active role, the offending was planned, the sum was significant and no restitution was made. The court gave little weight to the argument that the money had not gone directly into his pocket, as he benefited indirectly through the company, and imposed a global sentence of **40 months' imprisonment**. His plea of guilty, entered only on the first day of trial, carried little weight, and his appeal against the sentence was dismissed.

(29) **The takeaway:** where public funds are obtained through a company, the director's role and the planning involved weigh heavily, and an indirect benefit is still a benefit.

9.4 Concealing a personal interest

(30) In *Hussain Naina Mohamed*, a procurement officer concealed his partnership in a vendor over about ten years, making at least $500,000 in secret profits. The court rejected a submission that a fine alone was sufficient and imposed a global sentence of **30 months' imprisonment** on ten charges (nine amalgamated charges of cheating or abetting cheating, and one amalgamated money laundering charge).

(31) **The takeaway:** concealment over a long period, with substantial secret profits, takes a case well beyond a fine.

9.5 A large commercial fraud

(32) In *Lim Oon Kuin*, the founder and managing director of a major oil trading company was convicted after trial of two charges of cheating a bank into disbursing about US$56.1 million and US$55.8 million against fictitious sale contracts, and one charge of abetting the forgery of a contract for the purpose of cheating. The District Court imposed eight years and six months on each cheating charge and nine years on the forgery charge, with two of the terms running consecutively: 17 years and six months in total.

(33) On appeal, the High Court upheld the convictions but reduced each sentence: it removed the aggravating weight given to harm to the oil trading industry, for which there was no factual basis; it gave substantially more credit for restitution that had almost halved the bank's loss on the first charge; and it gave more weight to his old age. It refused to exercise "judicial mercy" (an exceptional power to reduce a sentence on compassionate grounds), because the offender's ill health did not make his case truly exceptional. The sentences became six years, six years and seven years and six months, for a total of **13 years and six months' imprisonment**.

(34) **The takeaway:** even at the highest end, restitution and the offender's age can make a substantial difference, and every aggravating factor must be supported by the facts.

10. The sentencing range at a glance

(35) The table below gives the range of sentences seen in the cases reviewed for this chapter, and the main factors that determined where each case fell. Every case turns on its own facts, and the figures are a guide only.

Offence	Sentences seen in decided cases	Main deciding factors
Cheating (s 417), single charge	**About 1 to 8 months' imprisonment**	The amount lost; whether it was repaid; whether the offender had offended before; misuse of cheques
Cheating (s 417), amalgamated charge	**About 8 months** on a single amalgamated charge; where there were nine amalgamated charges, **4 to 14 months** per charge and **30 months** in total	The number of incidents and how long they went on; the total amount and profit; any mental condition that contributed to the offending
Cheating and inducing delivery of property (s 420)	**About 20 to 40 months** for frauds of tens or hundreds of thousands of dollars; **several years per charge** for frauds of tens of millions of dollars	The amount; planning and the use of false documents; abuse of trust; whether public funds were involved; restitution; the timing of any plea of guilty; the offender's age
Cheating by remote communication (s 420(2); offences from 30 Dec 2025)	No reported decision at the time of writing	Imprisonment and at least 6 strokes of the cane are mandatory
Membership of an organised criminal group (OCA s 5)	**About 26 months**, with a fine of $11,000 (one District Court case, 2025)	The offender's role in the group, and the profit made

11. Fines

(36) A fine may be imposed as the only punishment under section 417 of the PC, but not under section 420, where imprisonment is mandatory and a fine may only be added to it.

(37) Whether a fine alone is appropriate for cheating under section 417 of the PC depends on the facts of each case. The courts have recognised that it may be appropriate in some cases, for example:

(a) **Where no loss was suffered.** The High Court observed in *Idya Nurhazlyn* (see paragraph (24)) that not every case of cheating causes loss, and that where no loss was ever suffered, a fine might be appropriate.[4]

(b) **Deceptions in share applications.** In an earlier decision, *Lim Choon Kang v Public Prosecutor* [1993] 3 SLR(R) 254, concerning the deception of a company through share applications, the court observed that fines could be imposed in such cases unless the operation was of a substantial scale. In that case itself, three weeks' imprisonment and a fine of $10,000 were upheld.

(38) In other cases, the courts have imposed imprisonment, for example where the victim parted with property of more than negligible value (see paragraph (24)), or where at least $500,000 of secret profits had been made over about ten years (see paragraph (30)). Matters such as the amount involved, whether the victim suffered any loss, whether restitution was made and the offender's record will all bear on whether a fine alone may be appropriate, and this is often a central question in submissions on sentence.

(39) Fines are also imposed in addition to imprisonment, commonly to take back the offender's profit. In a 2025 District Court case concerning an organised criminal group, *Public Prosecutor v Tan Shay Howe* [2025] SGDC 239, the offender's profit of $11,000 was taken back by a fine of the same amount, imposed on the organised crime charge in addition to imprisonment. The fine stood when the High Court later increased his sentences on the related money laundering charges (*Public Prosecutor v Tan Shay Howe* [2026] 3 SLR 1304).

12. What can reduce the sentence?

(40) The following have been given weight in decided cases:

(a) **Restitution.** Repaying the victim reduces the economic harm and, if it is timely and voluntary, is evidence of remorse:

(i) **Its effect can be substantial.** In *Lim Oon Kuin* (see paragraphs (32) and (33)), restitution that almost halved the bank's loss on one charge led the High Court to allow 18 months for it on each of the two cheating charges, in place of the six months allowed by the District Court.

(ii) **Late restitution may still count.** Restitution made late may still be credited if the delay is explained, for example by the offender's limited means, as the High Court accepted in *Idya Nurhazlyn* (see paragraph (24)).

(iii) **Calculated restitution counts for less.** Restitution made on advice, with the calculated purpose of obtaining a lighter sentence, is given less credit.

(iv) **It does not outweigh everything.** Restitution does not outweigh serious aggravating features, such as the use of a dishonoured cheque and further offending while under investigation.

(b) **Who benefited.** Where the offender was not the person intended to benefit from what the victim parted with, the amount lost may not be an accurate measure of his or her culpability. The courts look at the substance, however. Where the money went to a company that the offender controlled, so that he or she benefited indirectly, this has been given little weight (see *Tan Chee Boon*, paragraph (28)). Where the benefit was intended for another person, such as a relative or an associate, its effect on the sentence depends on the facts, including the offender's connection with that person and what the offender stood to gain.

(c) **A mental condition linked to the offending.** A psychiatric condition may reduce the sentence where it is properly diagnosed and contributed to the offending. In *Song Hauming* (see paragraph (16)), the High Court reduced the sentence by four months for two diagnosed conditions that had contributed to the offending. The quality of the medical evidence is important: courts have given little weight to a condition with no link to the

[4] *Idya Nurhazlyn* at [46].

offending, or to a report based entirely on the offender's own account and prepared without knowledge of the scale of the offending.

(d) **Old age.** In *Lim Oon Kuin* (see paragraph (33)), the High Court held that the offender's old age had been given too little weight and allowed a reduction of 18 months for it on each charge, although his ill health did not justify judicial mercy. By contrast, the psychological impact of imprisonment on a particular offender is generally not a reason to avoid a custodial sentence.

(e) **A plea of guilty** (see Part 13).

(41) **An example.** In *Chai Song Lin*, where an assistant manager diverted $92,508 through his PayNow account (see paragraph (26)), the offender at first lied when confronted, then confessed and repaid $10,000. The court fixed a sentence for the base offence, then increased it for the persistence of the offending over 72 transactions.

(42) The court described that increase as low to moderate because the amount and duration were not extreme and some restitution had been made, and said that a larger increase would have been warranted without restitution. A psychiatric report was rejected because it rested on his own account. His early plea of guilty attracted the full reduction, and the sentence was 20 months and two weeks' imprisonment.

(43) As the cases show, the outcome depends heavily on identifying the mitigating factors that are relevant and carry real weight on the particular facts, supporting them with evidence, and presenting them at the right stage of the framework.

13. How does a plea of guilty affect the sentence?

(44) A plea of guilty can have a significant effect on the sentence, and its timing matters. The Sentencing Advisory Panel has issued Guidelines on Reduction in Sentences for Guilty Pleas, which suggest that an earlier plea may attract a larger reduction. The guidelines are guidance only: they are not binding on the courts, and whether a reduction is given, and how much, is for the sentencing court to decide in the circumstances of each case.

(45) In *Chai Song Lin* (see paragraph (26)), an early plea attracted a reduction of 30%. In *Tan Chee Boon* (see paragraph (28)), by contrast, a plea entered only on the first day of trial carried little weight.

(46) A plea of guilty admits the offence and gives up any defence. It is therefore very important that the decision whether, and when, to plead guilty is made only after the evidence, the available defences and the mitigating factors have been properly assessed.

14. How are sentences combined when there are several charges?

(47) Cheating charges are often brought together with forgery charges, with money laundering charges relating to the proceeds, and with other cheating charges. Each charge receives its own sentence, and the court then decides which sentences run **consecutively** (one after another) and which run **concurrently** (at the same time). Where an offender is convicted at one trial and sentenced to imprisonment for three or more distinct offences, at least two of the sentences must run consecutively (section 307(1) of the CPC). In *Lim Oon Kuin* (see paragraph (32)), for example, two of the three sentences ran consecutively.

(48) The overriding principle is **proportionality**: the total sentence must fit the offender's overall criminality. The High Court has explained the main tools in *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998:

(a) **The one-transaction rule.** This is a common law principle, developed by the courts rather than set out in legislation: offences that form part of a single transaction should generally not attract consecutive sentences. Whether offences form part of a single transaction is decided as a matter of common sense, having regard to factors such as how close the offences were in time, place and purpose, and whether they invaded the same legally protected interest.

(b) **The totality principle.** The court takes a "last look" at the total. It asks whether the total is substantially above the normal level of sentence for the most serious offence, and whether

it would be crushing and out of keeping with the offender's record and prospects. If so, the court may change which sentences run consecutively, or adjust individual sentences.

(c) **No double counting.** The same aggravating factor must not be counted against the offender twice.

14.1 Parity and consistency with past cases

(49) Proportionality is also measured against the sentences imposed on others:

(a) **Parity between co-offenders.** Where several people took part in the same criminal enterprise, for example a scam in which some are charged with cheating and others with money laundering, their sentences should generally be in line with each other, allowing for relevant differences in their roles and personal circumstances. The High Court has held, in *Lim Bee Ngan Karen v Public Prosecutor* [2015] 4 SLR 1120, that this applies even where co-offenders are charged with different offences, and that where co-offenders are sentenced separately, the Prosecution should place their sentences and the relevant facts before the court.

(b) **Consistency with past cases.** Courts compare the case with sentences imposed in similar cases, but the comparison must be with the offence actually charged and the law that applied. In *Chai Song Lin* (see paragraph (26)), the court treated precedents for criminal breach of trust as not directly relevant because that offence carries a different maximum punishment. For the same reason, sentences under section 420 of the PC decided before 1 February 2008, when the maximum was seven years (it is now ten years), must be read with care.

(50) Other choices also affect the total, such as whether some charges are taken into consideration rather than proceeded with, and whether incidents are combined into a single amalgamated charge (see Part 7). These questions involve a number of factors and judgments, and are frequently the subject of submissions on sentence.

15. Beyond the sentence

(51) Victims may bring civil claims, and the court may make a compensation order on conviction. Money traced to the offence may be seized by the police and held until the court decides who is entitled to it (see Chapter 2, Part 16). Where a cheating offence is committed through a company, its directors may face separate consequences (see Chapter 1). For foreign nationals, a conviction may have immigration consequences, including the cancellation of passes.

Note. This chapter sets out the framework. It does not attempt to indicate where any particular case falls within it – that assessment depends on the charge brought, the evidence, and matters that are rarely apparent to the person affected. 26 Gambit Chambers advises and acts for individuals and companies in these matters. Short answers to common questions on cheating and scam offences are available at 26gambitchambers.com/answers.

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26 Gambit Chambers LLC is a Singapore law practice. Its lawyers act in commercial disputes and international arbitration, restructuring and insolvency, corporate and commercial matters, and criminal and regulatory proceedings, including the offences covered in this volume.

If you, or a company you are responsible for, are facing an investigation or a charge, we can advise you on your position.

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