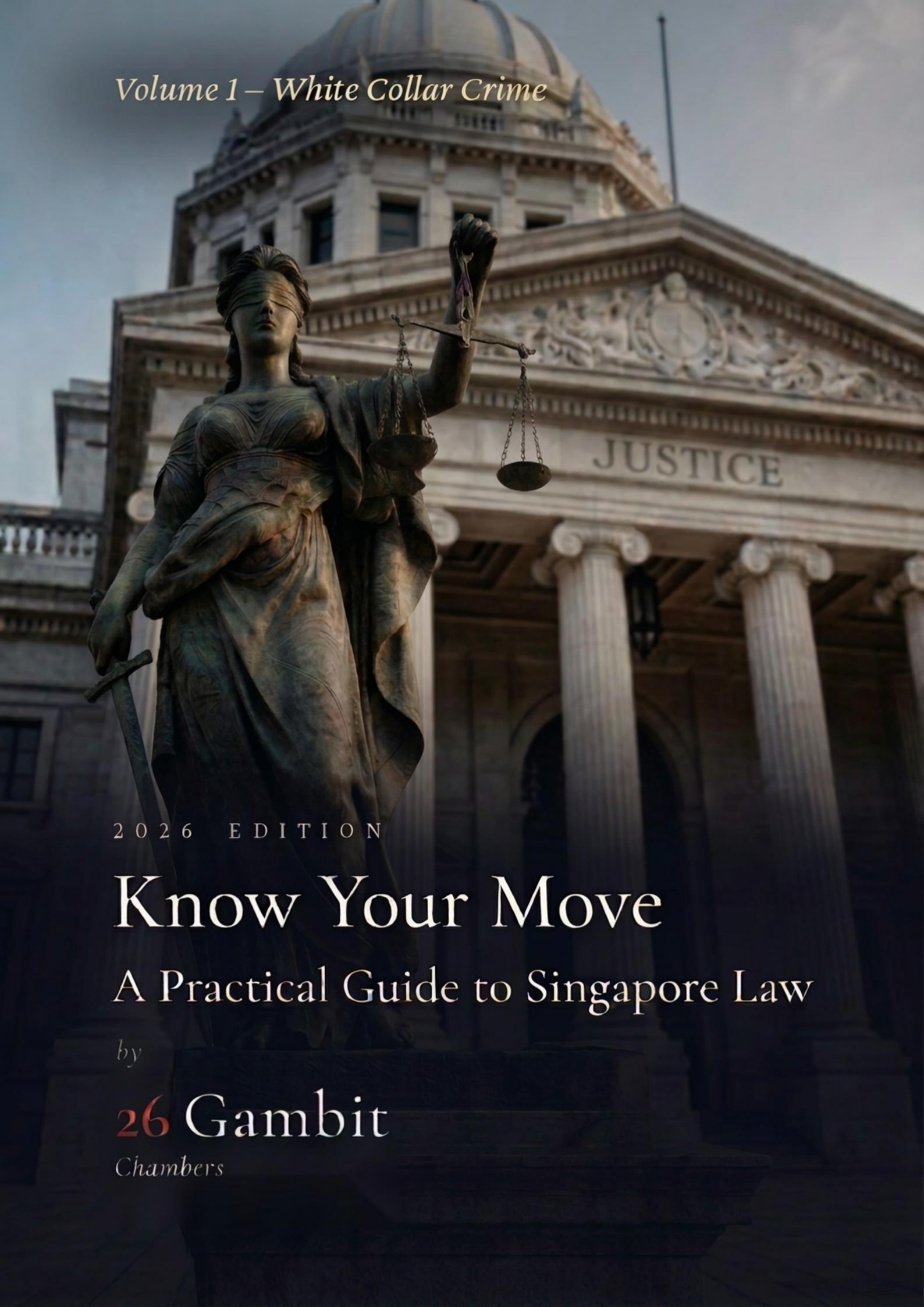


Volume 1 – White Collar Crime

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 6: Forgery and Falsification of Accounts

1. Chapter Orientation

(1) This chapter is arranged as follows:

(a) **The offences (Parts 2 to 6):** what the forgery and falsification offences are, their maximum punishments, the definition of "fraudulently" introduced in 2020, what the Prosecution must prove, and the defences.

(b) **Liability of outsiders (Part 7):** when a person outside the company, such as a supplier, can be liable for the falsification of the company's records.

(c) **Sentence (Parts 8 to 14):** how the courts decide the sentence, including the seminal case and how it has been applied since; the sentences seen in decided cases (including forged documents submitted to government agencies); 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):** disqualification as a director, disciplinary proceedings for professionals, and other consequences.

2. What are the forgery and falsification offences?

(2) The offences in this chapter are in the Penal Code 1871 ("**PC**"). They are usually charged together with other offences rather than on their own. In corporate cases they usually accompany cheating (see Chapter 3), criminal breach of trust (see Chapter 5) or corruption (see Chapter 7). The false document is either the means by which money is obtained or the means by which another wrong is hidden.

(3) "Forgery" is defined in section 463 of the PC as making a false document or electronic record with one of several intents:

(a) to cause damage or injury to the public or any person;

(b) to support a claim or title;

(c) to cause a person to part with property or enter into a contract; or

(d) to commit fraud.

(4) Section 464 of the PC explains when a person "makes a false document". Broadly, this is where the person:

(a) dishonestly or fraudulently makes or signs a document intending it to be believed that it was made by, or with the authority of, a person who did not make or authorise it;

(b) alters a document in a material part without authority; or

(c) causes a person to sign a document whose contents that person does not know, because of deception or incapacity.

(5) The main offences are:

(a) **Forgery.**[1] The general offence.

(b) **Forgery of a court record, public register, certificate purporting to be made by a public servant, or power of attorney.**[2]

[1] Section 465 of the PC.

[2] Section 466 of the PC.

(c) **Forgery of a valuable security (for example, a cheque), will or receipt for money or property.**[3]

(d) **Forgery for the purpose of cheating.**[4] Forgery intending that the false document be used to cheat (cheating is covered in Chapter 3).

(e) **Forgery to harm a person's reputation.**[5] Forgery intending that the document harm a person's reputation, or knowing that it is likely to be used for that purpose.

(f) **Using a forged document as genuine.**[6] Using as genuine a document the person knows or has reason to believe to be forged.

(g) **Possessing a forged document.**[7] Possessing a document of the kind described in section 466 or 467, knowing it to be forged and intending that it be used as genuine.

(h) **Falsification of accounts.**[8] A clerk, officer or servant (in modern terms, an employee) who intentionally falsifies the employer's books, records or accounts, or makes a false entry in them, with intent to defraud.

(6) A related offence of giving or using a false receipt or account to mislead a principal, under the Prevention of Corruption Act 1960, is covered in Chapter 7.

3. What is the maximum punishment?

Offence	Section	Maximum punishment for an individual
Forgery (general)	s 465	Imprisonment up to 4 years, a fine, or both
Forgery of a court record, public register, certificate purporting to be made by a public servant, or power of attorney	s 466	Imprisonment up to 10 years; a fine may be added
Forgery of a valuable security, will or receipt for money or property	s 467	Imprisonment up to 15 years; a fine may be added
Forgery for the purpose of cheating	s 468	Imprisonment up to 10 years; a fine may be added
Forgery to harm a person's reputation	s 469	Imprisonment up to 5 years; a fine may be added
Using a forged document as genuine	s 471	The same punishment as if the user had forged the document
Possessing a forged document of the kind in s 466 or s 467, intending to use it as genuine	s 474	Imprisonment up to 10 years (s 466 documents) or 15 years (s 467 documents); a fine may be added
Falsification of accounts by a clerk, officer or servant	s 477A	Imprisonment up to 10 years, a fine, or both

(7) **When a fine alone is available.** Under sections 465 and 477A of the PC, the punishment is imprisonment **or** a fine, or both, so a fine alone is available. Under sections 466 to 469, the

[3] Section 467 of the PC.
[4] Section 468 of the PC.
[5] Section 469 of the PC.
[6] Section 471 of the PC.
[7] Section 474 of the PC.
[8] Section 477A of the PC.

offender "shall be punished with imprisonment … and shall also be liable to fine". A term of imprisonment must be imposed, and a fine may be added.

(8) **Amalgamated charges.** Where several acts are combined into one charge (an "**amalgamated charge**") under section 124(4) of the Criminal Procedure Code 2010 ("**CPC**"), the offender is liable to up to twice the punishment for a single offence (section 124(8)(a)(ii) of the CPC).

4. The definition of "fraudulently" (from 1 January 2020)

(9) The Criminal Law Reform Act 2019 inserted a statutory definition of "fraudulently" into the PC with effect from 1 January 2020.[9] A person acts fraudulently if he or she acts with intent to deceive another person and, by means of that deception, intends one of two things:

(a) that an advantage should come to himself, herself or another person; or

(b) that a detriment should befall the person deceived or another person.

(10) The advantage or detriment may be temporary or permanent. Where the intended advantage or detriment is so slight that no reasonable person would complain of it, the act is not fraudulent.[10]

(11) The same Act added Explanation 2 to section 477A of the PC. It provides that any books, records, papers, valuable securities or accounts, or any combination of them, form a "set" if they serve the same function or purpose in the employer's affairs or business. A single charge of falsification may therefore relate to a set of records, rather than to each document separately.[11]

(12) Conduct is charged under the version of the law in force when it took place. A person cannot be punished for conduct that was not an offence when it was done, or more severely than the law then allowed (Article 11(1) of the Constitution). Conduct before 1 January 2020 is therefore charged under the predecessor provisions.[12]

5. What must the Prosecution prove?

(13) For each offence, the Prosecution must prove both the act (described in Part 2) and a particular mental state:

(a) **Forgery (section 465 of the PC).** The Prosecution must prove (1) that the accused made a false document within section 464[13] (broadly, making, signing or altering a document so that it appears to have been made or authorised by someone who did not make or authorise it); and (2) that he or she did so with one of the intents in section 463[14] (to cause damage or injury, to support a claim or title, to cause a person to part with property or enter into a contract, or to commit fraud). In the typical case, this means that he or she made or signed the document intending it to be believed that it was made by, or with the authority of, another person. The accused must have known that the other person had not made or authorised it.

(b) **The more serious forms of forgery (sections 466 to 469 of the PC).** In addition to the elements of forgery under section 465, the Prosecution must also prove the type of document (for example, a court record, public register, valuable security or receipt) or the purpose of the forgery (to cheat, or to harm a person's reputation).

(c) **Using a forged document (section 471 of the PC).** The Prosecution must prove (1) that the accused knew or had reason to believe the document was forged; and (2) that he or she used it fraudulently or dishonestly as genuine.

(d) **Falsification of accounts (section 477A of the PC).** The Prosecution must prove:

(i) that the accused was a clerk, officer or servant (or acted in that capacity);

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[9] Section 25 of the PC.

[10] Explanation 1 to section 25 of the PC.

[11] Explanation 2 to section 477A of the PC. A minor drafting correction was made to Explanation 2 by Act 23 of 2021, with effect from 1 March 2022; it did not change the substance.

[12] The predecessor provisions are usually cited as the Penal Code (Cap 224, 2008 Revised Edition). In a 2026 case, for example, conduct spanning several years was charged under that edition.

[13] See paragraph (4).

[14] See paragraph (3).

(ii) that the book, record or account belonged to, or was in the possession of, the employer;

(iii) that the accused intentionally falsified it, or made or helped to make a false entry in it; and

(iv) that he or she did so with intent to defraud. Under Explanation 1 to section 477A, a general intent to defraud may be alleged, without naming the person to be defrauded or the sum.

(14) In a 2019 decision, *Public Prosecutor v Leow Ban Leong and another* [2019] SGHC 29 ("***Leow Ban Leong***"), the High Court described the mental state required for section 477A of the PC as having two parts: (1) an intention to deceive, and (2) an intention to gain some advantage or benefit. In that case, a company's chief executive and a senior manager had prepared documents for onward presentation to the Auditor-General's Office. The documents were intended to mislead the auditors about the identity of the supplier and the cost of buoys supplied to the Police Coast Guard.

(15) The benefit was that the company could keep an additional $1,000 per buoy under a contract priced at cost plus a margin. The Prosecution had also argued that the accused intended to protect the company's reputation with the auditors. The court did not need to decide that point, because the financial benefit was enough on its own to establish the intent to defraud.

6. What defences are available?

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

(a) **Authority.** The definition of a false document turns on the absence of authority. A person who signs or completes a document in another's name, with that person's authority, does not make a false document. Where documents were prepared in another's name, disputes about whether authority existed, or was understood to exist within a business, are therefore often central.

(b) **No intent to defraud.** Falsification of accounts requires an intent to defraud, and forgery requires one of the intents listed in section 463 of the PC (to cause damage or injury, to support a claim or title, to cause a person to part with property or enter into a contract, or to commit fraud).[15] Where the advantage intended is so slight that no reasonable person would complain of it, the act is not fraudulent.[16] The threshold is, however, not high. In *Leow Ban Leong*,[17] the intention to gain a benefit was held to be "clear" because the false documents would have allowed the company to keep the additional charge.

(c) **Challenging what the falsification was for.** Falsifying documents to siphon funds is treated as more serious than falsifying them to hide a failure to follow internal procedures. Where the Prosecution alleges the more serious purpose, it must prove it:

(i) In *Public Prosecutor v R Shanmugaratnam and another* [2026] SGDC 7 ("***R Shanmugaratnam***"), the Prosecution's case was that the false escrow confirmation letters had been issued to conceal the true location of the company's funds, that is, to facilitate or hide a diversion of those funds. The court declined to make that finding. The two persons who could have given that evidence did not testify, and no other evidence was adduced on the point.

(ii) Nor was it proved that the letters had in fact deceived the company or its auditors, that they had facilitated or concealed a transfer of the funds, or that they had caused the loss of about 1.1 billion euros and the collapse of the group, as alleged.[18]

(iii) These findings did not lead to an acquittal, because the offence is complete once a false document is made with intent to defraud, and that much was proved. But they reduced the assessment of culpability and harm, because the court sentenced the

[15] See paragraph (3).

[16] See paragraph (9).

[17] See paragraph (14).

[18] *R Shanmugaratnam* at [18]–[21], [25].

accused only for what was proved, and not for the more serious purpose (concealing a diversion of funds) and consequences that the Prosecution had alleged.

(d) **Challenging the elements.** The Prosecution must prove each element: (1) who made the document and with what authority, (2) the accused's capacity (for section 477A of the PC), (3) the intent, and (4) the amount of any loss.

(17) The courts have rejected the following arguments:

(a) **Acting on another person's instructions.** In *Leow Ban Leong*,[19] the court held that even if an agent of the customer had instructed the accused to create the false documents, they would still be liable as abettors (persons who instigate, conspire in or intentionally aid an offence). Acting on instructions may, however, reduce the sentence (see Part 12).

(b) **Using the money to repay sums owed is no excuse.** In *Public Prosecutor v Lim Choon Huat (Lin Chunfa)* [2026] SGDC 188 ("***Lim Choon Huat***"), a 2026 case, the offender claimed that he had made no real gain, because the money went to repay sums he was owed. The claim was rejected: gain includes the recovery of a debt that could not otherwise have been recovered.

(c) **The company's own managing director was involved.** In *Lim Choon Huat*,[20] the offender argued that the harm to the company (which was the victim, not an accused) should be treated as less serious because its own managing director was party to the scheme. The argument was rejected entirely: the company is a separate legal person, and the loss also affected its minority shareholders and creditors.

(d) **A mistaken belief.** In another 2026 case, *Public Prosecutor v Bernard Tan Wen Sheng* [2026] SGDC 61 ("***Bernard Tan Wen Sheng***"),[21] a doctor claimed that he mistakenly believed he had attended the courses for which he forged certificates. This was held neither to justify nor to reduce the seriousness of the deception.

7. Can a person outside the company be liable for falsifying its records?

(18) Yes. Section 477A of the PC is directed at clerks, officers and servants (employees), but persons outside the employer's organisation may be liable for abetting (instigating, conspiring in or intentionally aiding) the offence. In *Lim Choon Huat*, the sole director of a supplier issued fictitious and inflated invoices to a customer at the request of the customer's managing director. He was convicted of abetting, by conspiracy, the falsification of the customer's records (section 477A read with section 109 of the PC).

(19) Similarly, in *Leow Ban Leong*,[22] the court held that a person who creates false documents on another's instructions is liable as an abettor.

8. How do the courts decide the sentence?

(20) The sentence for falsification of accounts and for forgery is determined by assessing the harm caused and the offender's culpability, and by comparison with earlier cases. There is no prescribed sentencing framework.

8.1 Falsification of accounts (section 477A of the PC): the R Shanmugaratnam approach

(21) The fullest statement of the approach is in *R Shanmugaratnam*, a 2026 District Court decision arising out of the collapse of Wirecard AG.[23] The court's approach is as follows:

(a) **Step 1:** the court assesses the offender's **culpability** (blameworthiness) and the **harm** caused.

(b) **Step 2:** it places the case within the full range of punishment for the offence. A fine and/or a short term of imprisonment "may be appropriate where both culpability and harm are

[19] See paragraph (14).

[20] See paragraph (17)(b).

[21] See paragraph (39).

[22] See paragraph (14).

[23] *R Shanmugaratnam* at [6]–[13]. Both accused have appealed, and the appeals were pending at the time of writing.

assessed to be low". A substantial term, up to the 10-year maximum, may be considered where both are high.[24]

(22) **Factors going to culpability** include:[25]

(a) the offender's position and the trust abused;

(b) the nature and extent of the falsification;

(c) the planning, premeditation and sophistication involved;

(d) what the falsification sought to achieve;

(e) the underlying reason for the offence, for example "whether it is for personal gain or to comply with a superior's instruction"; and

(f) whether two or more persons acted together, which is generally treated as aggravating.

(23) **Factors going to harm** include:[26]

(a) whether evidence was destroyed beyond recovery;

(b) the actual harm caused;

(c) the foreseeable risks to which the company and others were exposed; and

(d) whether the victim is a public agency.

(24) In practice, where money was taken, the amount of the loss is used as the main measure of harm. In *Lim Choon Huat*,[27] the court used the actual loss rather than the higher face value of the false invoices.

(25) **How the approach was applied in R Shanmugaratnam itself.** The director of a Singapore corporate services company issued letters falsely confirming that his company held more than €1.1 billion of Wirecard's money in escrow (held for safekeeping on behalf of the parties to a transaction). A businessman who instigated the letters was convicted with him. Both were convicted after trial.

(26) The court assessed culpability at the higher end of "moderate". It noted the abuse of a director's trust, the fabrication of entire documents and the co-ordinated planning, but treated the two accused as followers of the true masterminds.[28] The Prosecution's case that the letters were issued to hide a diversion of funds, and that they had caused the losses alleged, was not proved.[29]

(27) The director was sentenced to **three to five years' imprisonment per charge**, with three sentences running consecutively, for a total of **10 years**. The co-accused, in whose case there was no abuse of trust, received a total of **six and a half years**.[30]

8.2 Forgery and using forged documents (sections 465 to 471 of the PC): comparable precedents

(28) For forgery and using forged documents, the sentence is likewise determined by the harm and culpability involved and by comparison with earlier cases. Where a forged document is presented to a government agency, general deterrence (deterring others from similar offending) is the dominant consideration. In a 1999 decision, *Xia Qin Lai v Public Prosecutor* [1999] 3 SLR(R) 257, the High Court described such offences as "a fraud on the authorities" requiring a custodial sentence that is "not insubstantial".[31]

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[24] *R Shanmugaratnam* at [12(b)].

[25] *R Shanmugaratnam* at [8]–[9].

[26] *R Shanmugaratnam* at [10].

[27] See paragraph (30).

[28] *R Shanmugaratnam* at [16], [22]–[23].

[29] See paragraph (16)(c).

[30] Both accused have appealed, and the appeals were pending at the time of writing.

[31] See paragraph (42).

8.3 Factors personal to the offender

(29) Factors personal to the offender fall on both sides:

(a) **aggravating:** previous convictions, and other charges taken into consideration; and

(b) **mitigating:** a plea of guilty, restitution and, to a limited extent, a clean record. These are discussed in Parts 12 and 13.

9. How have the courts applied this approach since?

9.1 False invoices used to take money from a company

(30) In *Lim Choon Huat*, a 2026 decision, the director of a logistics company issued fictitious and inflated invoices to a customer over more than three years, at the request of the customer's managing director. The customer lost about $809,465. He pleaded guilty to three charges of abetting falsification of accounts, with six similar charges taken into consideration. The court:

(a) measured harm by the actual loss rather than the higher invoice value;

(b) found significant premeditation;

(c) treated the resumption of the scheme after it was first discovered as particularly aggravating; and

(d) accepted that he was less culpable than the managing director who originated the scheme, but held that his role was indispensable.

(31) The total sentence was 18 months' imprisonment.[3233]

(32) **The takeaway:** the measure of loss (here the actual loss, not the invoice value), and conduct after the scheme is first discovered, can significantly affect the sentence.

(33) **A manager siphoning money through false invoices.** In *Public Prosecutor v Gan Hsiao Ching Elizabeth* [2023] SGDC 68, the general manager of a company's sales division masterminded two conspiracies in which false invoices were used to siphon money from the company, and received $598,342. She faced 157 charges and, after trial, was sentenced to between seven and 17 months per charge, for sums of about $31,000 to $137,000, and to 52 months in total. The sentence was upheld on appeal.

(34) **The takeaway:** a mastermind convicted after trial on many charges, who abused a position of authority, faces a substantial total sentence.

(35) **An outsider issuing sham invoices for a small cut.** In *Public Prosecutor v Kwa Tian Hwa* [2017] SGDC 119, a businessman issued 60 fictitious invoices from his businesses to a company at the request of its general manager, who received most of the $2.2 million paid out. The businessman kept about 2.5% of the invoice amounts, about $55,500. He was charged with forgery (section 465 of the PC) and falsification of accounts (section 477A of the PC). Convicted after trial, he received six months per charge and 18 months in total, which was upheld on appeal.

(36) **The takeaway:** an outsider who helps an insider take money from a company is liable, but receiving only a small share of the proceeds can keep the sentence lower.

9.2 Falsification to hide rather than to take money

(37) Where the falsification hid something rather than took money, the courts have imposed fines or short terms of imprisonment. In the case concerning buoys supplied to the Police Coast Guard, *Public Prosecutor v Leow Ban Leong and Foo Fang Liong* [2018] SGDC 157,[34] the District Court fined the chief executive $30,000 and the senior manager $15,000 per charge.[35] In *Public Prosecutor v Chan Siew Lun and others* [2016] SGDC 258, where false invoices hid a conflict of interest, the total sentence was four months' imprisonment.

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[32] See paragraph (52).

[33] The offender has appealed against the sentence, and the appeal was pending at the time of writing.

[34] See paragraph (14).

[35] The Prosecution also appealed against those sentences. No written decision on that appeal was located, and the fines have since been cited in later cases as the sentences imposed.

(38) **The takeaway:** the purpose of the falsification, and whether anyone actually lost money, weigh heavily. Neither of these cases involved money being taken from the employer.

9.3 Forged documents submitted to a government agency

(39) In *Bernard Tan Wen Sheng*, a 2026 decision, a doctor applying to the Ministry of Health for a clinic licence submitted scanned certificates of competence for aesthetic procedures, including two for workshops he had never attended. He had made them by pasting his name over his wife's certificates, and he then told the Ministry that the scans were of original certificates. The Ministry was not in fact deceived, and no patient was harmed.

(40) The court nevertheless held that the custodial threshold (the point at which imprisonment, rather than a fine, becomes appropriate) was crossed, for three reasons:

(a) the forgery was a "direct assault" on a regulatory framework designed to protect public safety;

(b) the steps taken showed premeditation; and

(c) he had kept up the lie for nearly three months after being warned.

(41) He was sentenced to three months' imprisonment on each forgery charge and one month for giving false information, a total of four months.

(42) The decision[36] cited earlier cases at both ends of the range:

(a) *Xia Qin Lai*, in which the High Court reduced the sentence for using a forged passport from eight months to four months per charge;

(b) *Public Prosecutor v Lee Xiu Qi* [2021] SGDC 77, in which a sentence of seven weeks for forging a letter purportedly issued by the Urban Redevelopment Authority was reduced on appeal to one week, because no gain was made; and

(c) cases in which fines were imposed because the documents did not lead the agency to confer a benefit, or no wrongful gain or loss was intended. Examples are forged bills of lading submitted for rebates to which the offender was in any event entitled, in *Public Prosecutor v Teng Siong Wei* [2009] SGDC 465, and falsified payment vouchers used to reduce a modest tax liability, in *Public Prosecutor v Pang Wah* [2010] SGDC 505.

(43) **The takeaway:** deceiving a government agency is treated seriously even if the deception fails. But the outcome depends on what the document was for and whether any benefit was obtained: here, a licence to practise on the public, pursued with persistence after a warning.

9.4 Falsification alongside cheating or forgery

(44) Where falsification of accounts is charged with cheating or forgery, the overall sentence is often driven by the other charges:

(a) In *Public Prosecutor v Gene Chong Soon Hui* [2018] SGDC 117, a District Court case, a finance manager faced 194 charges of cheating and falsification of accounts for offences committed over eight years, and pleaded guilty to 20 of them. For each of the five falsification charges proceeded with, involving sums of about $47,000 to $85,000, he received eight months' imprisonment. The total sentence, driven by the cheating charges (four sentences of 33 months running consecutively), was 132 months. It was upheld on appeal.

(b) In *Public Prosecutor v Noriza binte Aziz* [2015] SGDC 157, concerning a law firm secretary, the sentences were four months for each falsification charge and eight months for each charge of forging a valuable security or receipt (section 467 of the PC). The total was 40 months, despite partial restitution.

(45) **The takeaway:** the overall sentence depends on all the charges brought, not only on the falsification charges.

[36] See paragraph (39).

10. The sentencing range at a glance

(46) 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. Unless stated, figures are per charge.

Offence	Sentences seen in decided cases	Main deciding factors
Falsification of accounts to take money from the employer (s 477A)	**About 4 to 17 months per charge**; totals of **about 18 months to 52 months**	(a) the actual loss (not the face value of the false documents) (b) premeditation (c) how long the scheme ran (d) resumption after discovery (e) the offender's role (originator or follower) and share of the proceeds (f) restitution (g) the timing of any plea of guilty
Falsification of accounts on a very large scale (s 477A)	**3 to 5 years per charge**; totals of **6½ to 10 years** (one 2026 District Court case; appeals filed)	Fabrication of entire documents; abuse of a director's trust; co-ordinated planning; whether the alleged purpose (siphoning funds) and actual loss are proved; whether the offender was a follower of others
Falsification of accounts to hide rather than take money (s 477A)	**Fines of $15,000 to $30,000 per charge**; or a total of **about 4 months' imprisonment**	The purpose of the falsification; whether anyone lost money; what was hidden (an audit matter, a conflict of interest)
Falsification charged with cheating or forgery (s 477A, with cheating or s 467 charges)	**About 4 to 8 months per falsification charge**; totals of **40 to 132 months**, driven by the cheating or forgery charges	The cheating or forgery charges; the amounts; restitution; the timing of any plea of guilty
Forgery and using forged documents, especially with a government agency (s 465, s 471)	**From a fine to about 4 months per charge**	Whether a public body was the target; whether any benefit was obtained or intended; premeditation; persistence in the lie after a warning; the timing of any plea of guilty; a clean record

(47) The cases show that the type of document and the purpose of the falsification produce outcomes ranging from a fine to many years' imprisonment under the same section.

11. Fines

(48) A fine alone is available for forgery under section 465 and falsification of accounts under section 477A of the PC. It is not available under sections 466 to 469 (forgery of court records, public registers, certificates or powers of attorney; of valuable securities, wills or receipts; for the purpose of cheating; or to harm a person's reputation), where imprisonment must be imposed (see Part 3).

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

(a) **Where the falsification hid something rather than took money.** Fines of $30,000 and $15,000 per charge were imposed on a chief executive and a senior manager for false documents prepared for auditors, in *Leow Ban Leong and Foo Fang Liong*.[37]

(b) **Where no wrongful gain or loss was intended.** A fine of $10,000 per charge was imposed for falsified payment vouchers used to reduce a modest tax liability, in *Pang Wah*. A fine was also imposed for forged bills of lading submitted for rebates to which the offender was in any event entitled, in *Teng Siong Wei*.[38]

(c) **Where a fine is high enough to deter.** A deterrent sentence "need not always take the form of a custodial sentence", and may be a fine if it is high enough, as the High Court held in *Public Prosecutor v Cheong Hock Lai and other appeals* [2004] 3 SLR(R) 203.

(50) Where an employer has been deprived of money, or a public regulatory framework has been undermined, imprisonment has been warranted and imposed. A defence submission for fines was rejected both in *Bernard Tan Wen Sheng*[39] and, for the co-accused who instigated the letters, in *R Shanmugaratnam*.[40]

12. What can reduce the sentence?

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

(a) **A limited purpose.** Falsification to hide a failure to follow internal procedures is treated as less serious than falsification to siphon funds, and the Prosecution must prove the more serious purpose if it alleges it.[41]

(b) **Acting on instructions, or as a follower.** Although not a defence, acting to comply with a superior's instruction rather than for personal gain is a recognised factor in assessing culpability. In *R Shanmugaratnam*, both accused were treated as followers of the true masterminds, although the court found that both had acted for personal gain. In *Lim Choon Huat*,[42] the offender was accepted to be less culpable than the managing director who originated the scheme.

(c) **No actual loss or benefit.** Where the document did not deceive anyone into conferring a benefit, or no wrongful gain or loss was intended, fines or short sentences have been imposed.[43]

(d) **Restitution.** Repaying the loss is relevant. In *Lim Choon Huat*,[44] the court contrasted the absence of any restitution with an earlier case, *Noriza binte Aziz*, in which partial restitution had been made.

(e) **Previous good character.** A clean record is relevant, but its weight is reduced where the offending was sustained and deliberate.[45]

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

(52) **An example.** In *Lim Choon Huat*,[46] the court weighed the following, and fixed sentences of 10, 12 and 14 months for the three charges on the basis of a trial, scaled to the invoice amounts:

(a) the offender's clean record, whose weight was "diminished by the sustained and deliberate nature of the offending over more than three years";

(b) his humble background, family and care of an elderly mother, which were given limited weight because hardship to the family is an inevitable consequence of imprisonment;

(c) six charges taken into consideration, which increased the sentence; and

[37] See paragraph (37).
[38] See paragraph (42).
[39] See paragraph (39).
[40] See paragraph (26).
[41] *R Shanmugaratnam* at [18].
[42] See paragraph (30).
[43] See paragraph (42).
[44] See paragraph (30).
[45] See paragraph (52).
[46] See paragraph (30).

(d) the absence of any restitution.

(53) It then applied the full reduction under the Sentencing Advisory Panel's guidelines for his early plea of guilty. The result was 7, 10 and 8 months' imprisonment, with the two higher sentences running consecutively, for a total of 18 months. The Prosecution had sought 18½ to 21 months, and the Defence six months.

(54) The sentencing 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 sentencing process.

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

(55) 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.

(56) In *Lim Choon Huat*,[47] an early plea attracted a reduction of 30%. In *Bernard Tan Wen Sheng*,[48] the full reduction for an early plea was also given, together with weight for his clean record and community and pandemic service.

(57) 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?

(58) Forgery and falsification charges are often brought in numbers, and together with other charges.[49] 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).

(59) 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).[50]

(60) 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.

[47] See paragraph (30).

[48] See paragraph (39).

[49] Typically charges of cheating (see Chapter 3), criminal breach of trust (see Chapter 5) or giving false information to a public servant.

[50] In *R Shanmugaratnam*, three of the director's sentences ran consecutively; in *Lim Choon Huat*, described in paragraph (30), two did.

14.1 Parity and consistency with past cases

(61) 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, 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.[51]

(b) **Consistency with past cases.** Courts compare the case with sentences imposed in similar cases. In *Lim Choon Huat*,[52] the court reviewed earlier falsification sentences ranging from four months to 17 months per charge. Comparisons must, however, take account of differences in the charges. Where cheating or forgery charges were also brought, the total in the earlier case may be driven by those charges.[53]

(62) Other matters also affect the total, such as whether some charges are taken into consideration rather than proceeded with, and whether conduct is combined into a single amalgamated charge, which doubles the maximum punishment (see Part 3). These questions involve a number of factors and judgments, and are frequently the subject of submissions on sentence.

15. Beyond the sentence

(63) A conviction for an offence involving fraud or dishonesty punishable with imprisonment for three months or more automatically disqualifies a person from acting as a director (section 154(1)(a)(i) of the Companies Act 1967). The disqualification lasts for five years from conviction or, if the person is sentenced to imprisonment, for five years after release from prison (section 154(4) of the Companies Act 1967). Chapter 1 explains director disqualification in more detail.

(64) Professionals such as doctors, lawyers and accountants may also face disciplinary proceedings before their professional bodies on the same facts.

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 forgery and falsification of accounts are available at 26gambitchambers.com/answers.

[51] In *R Shanmugaratnam*, the co-accused received a shorter total than the director because there was no abuse of trust in his case. In *Lim Choon Huat*, described in paragraph (30), the offender was accepted to be less culpable than the managing director who originated the scheme.

[52] See paragraph (30).

[53] See paragraph (44).

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