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**PRESS RELEASE
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**Comments made in the book ‘The Prosecutor’
on the case of PP v Tan Koon Swan**

Glenn Knight, the author of the book, ‘The Prosecutor’, has said in his book that Mr Tan Koon Swan was wrongly convicted and that in Mr Knight’s words, ‘he was technically an innocent man’.

1 In 1986, Mr Tan Koon Swan pleaded guilty to one charge of abetment of criminal breach of trust in the High Court before Justice Lai Kew Chai, who sentenced him to 2 years’ imprisonment and a fine of \$500,000. Mr Tan admitted to abetting a director of Pan-Electric Industries Ltd to commit criminal breach of trust by engaging in a conspiracy with that director to dishonestly dispose of property belonging to the company in violation of section 157(1) of the Companies Act. Fourteen other charges were not proceeded with. Mr Tan’s appeal against the sentence was dismissed by the Court of Appeal. Mr Tan did not (and could not have) appealed against the conviction, since he pleaded guilty. Throughout the proceedings, Mr Tan was represented by counsel.

2 In 1996, in the case of *Cheam Tat Pang v PP*, Chief Justice Yong Pung How, sitting as a High Court judge, concluded that a violation of section 157(1) of the Companies Act could not be the basis of dishonest disposal of property in a charge of criminal breach of trust. Chief Justice Yong referred to Mr Tan Koon Swan’s case, noting that there were no arguments about the correctness of the charge. Although Chief Justice Yong disagreed with the view of the law taken in Mr Tan Koon Swan’s case, his decision did not and could not overrule the decision in Mr Tan Koon Swan’s case, as both decisions were made by the High Court. Differences in the Courts’ pronouncements on the law occur, especially in legal systems based on the Common Law.

3 The decision to charge Mr Tan Koon Swan was made by the PP on the basis of the evidence against Mr Tan Koon Swan and the applicable law. Mr Tan had legal advice throughout the whole process. Neither he nor his counsel took issue with the correctness of the charge. Mr Tan Koon Swan was convicted

on the basis of his own plea of guilt, based on the law and facts as was accepted by his own counsel.

4 Mr Knight's point is that if the law had been understood in 1986 to be as pronounced by Chief Justice Yong in 1996, then Mr Tan Koon Swan could not have been convicted. That is not so. There were fourteen other charges that were not proceeded with in 1986 against Mr Tan Koon Swan because he pleaded guilty to the charge of criminal breach of trust through violation of section 157(1).

5 Additionally, Mr Knight made a number of errors in his book:

- i) *He described the sentence imposed as including a fine of \$1 million. The correct fine was \$500,000.*
- ii) *The book stated that Chief Justice Yong concluded that Mr Knight was wrong to charge Mr Tan Koon Swan as he did, and that Chief Justice Yong was of the opinion that the section Mr Tan was charged with was wrong in law. Chief Justice Yong referred only to the fact that there were no arguments about the correctness of the charge. His Honour did not go into any detailed discussion of Mr Tan Koon Swan's case or Mr Knight's conduct of the case. Specifically, Chief Justice Yong did not express any opinion that Mr Tan was wrongly charged.*
- iii) *It was said that the judgment in Cheam Tat Pang meant that Mr Tan Koon Swan had been wrongly convicted and that he was technically an innocent man. Mr Tan Koon Swan's conviction stands, and he remains guilty of the crime that he had admitted to.*

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