

“What is difficult about interpreting?” If, for example, a witness says “Go” in Tamil, the interpreter says “Go” in English.

In *Beyond a Reasonable Doubt*, N Sivanandan, one of the longest-serving interpreters in Singapore’s judiciary, gives an insight into the work of a court interpreter that corrects this misperception. During his twenty years in the High Court and more than thirty years in the Subordinate Courts (now the State Courts), Sivanandan has interpreted in lengthy criminal cases – mostly murder, rape and robbery – and long, complicated civil trials before High Court judges, many with formidable reputations.

Here are interesting cases that show what it is like standing next to the witness box and giving voice to the witness or litigant in a courtroom filled with their loved ones, judges, prosecuting officers and defence lawyers. The author’s collection of experiences is enlivened by personal stories of the men on the Bench, and life in the early days when the courts were situated in different areas and travelling between courts was itself an experience!

“Mr Siva embraces the spirit of lifelong learning. His working life has spanned the Supreme Court, the State Courts and the Family Justice Courts. This book covers many court cases in great detail, based on his wealth of experience as a veteran court interpreter and offers valuable insights into our society over several decades.”

Daniel Ang, Deputy Director, Language Services, State Courts

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N SIVANANDAN

BEYOND A REASONABLE DOUBT

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“This is a must-read for all who share an interest in the workings of our justice system as well as the crimes that have shocked Singapore.”

Vanita Kaneson, Senior Court Counsellor, State Courts

BEYOND A REASONABLE DOUBT

GIVING VOICE TO THE ACCUSED



N SIVANANDAN

For Review only

“A writer is someone who pays attention to the world; he tries to listen to what others aren’t saying and writes about the silence in the midst of all the noise around.

In the silent courtrooms, sitting next to the ones
whom no one else can,

Being the voice in a language where all there could
comprehend,

Words which have been the last ... or one whom he’ll
see again,

Each door shut as verdicts bring them to an end.

But the story lives through his pen ... as he recalls
each one, fifty years later...

A man who has loved to write all his life, recalls each experience since he was nineteen years old; his very first job till now. With much delight, pleasure, honour and clarity he shares with us this book beyond the courtrooms. As a dedication to his fifty years in serving the various courts since 1 September 1967, Mr Siva puts all he has in this very first book of his. May it speak to each one just the way he has written it.”

Nisa Raja Sekaran,

Senior Executive (CJTD); Assistant Registrar, State Courts

“This page-turner is a fascinating read that offers the reader an inside look into some of the most noteworthy cases to be heard at the High Courts. Mr Siva has mined his extensive experience as a seasoned court interpreter and offered valuable insights into human nature and Singapore society. This is a must-read for all who share an interest in the workings of our justice system as well as the crimes that have shocked Singapore.”

Vanita Kaneson,

Senior Court Counsellor, State Courts

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“Mr Siva is extraordinary in many ways. He embraces the spirit of lifelong learning. His professional working life has spanned the Supreme Court, the State Courts and the Family Justice Courts in the Judiciary. I am fascinated and hasten to congratulate Mr Siva for having produced a masterful work. What has emerged is an interesting book that covers many court cases in great detail, based on his wealth of experience as a veteran court interpreter. It offers valuable insights into our society over several decades. I recommend it heartily to all who share an interest in the workings of our justice system.”

Daniel Ang,
Deputy Director, Language Services, State Courts

“As a student interpreter my very first exposure to quality interpretation was watching Mr Siva interpret for a witness in a murder trial. That observation was etched in my mind and has since served as a yardstick for quality interpretation.”

Mary Doris Gnanaraj,
Assistant Director, Language Services, State Courts

“I love this book! I know no one else who could have written a book like this. Mr Siva has the real-life experience, passion for his job and life. He has generously shared what he has learnt with all of us.”

Jackie Chong,
Senior Language Executive, State Courts

“Mr Siva has been a colleague, a friend and a mentor to me. A man who is very experienced in the courts in Singapore. I am very privileged to have crossed paths with him.”

Muhammad Rijal,
Senior Language Executive, State Courts

“For one who has been around for so many years, and yet still has the desire to contribute, that’s very inspiring. Mr Siva is always ready to share and guide. All I need to do is approach him, and I’ll have my queries answered.”

Zaini Sojah,
Senior Language Executive, State Courts

“Heartiest congratulations and best wishes on your fifty years of achievement in the Language Services with the Judiciary. Through the years, you have been a great mentor, guide and friend to all of us. You have always been there to lend a helping hand, to teach and inspire junior officers like me. The knowledge, skills and experience that you have shared are bountiful. I am honoured to be among the few privileged officers to have had the opportunity to work with you in my twenty-five years in the State Courts. I have always admired the love that you have for the Tamil Language and the little poems that you write for us on special occasions. Thank you for always being there to guide and inspire us. Here’s wishing you all the very best in the years to come.”

Jayanthi Jaganathan,
Language Services, State Courts

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**BEYOND A
REASONABLE
DOUBT**

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GIVING VOICE TO THE ACCUSED

N SIVANANDAN

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For my parents,
who supported my dreams and
encouraged me throughout my career.

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AUTHOR'S NOTE

Some time in September 2016, during a work discussion with Judge Bala Reddy in his chambers, he suggested that I write about my long experiences in the courts. The former principal district judge of the Community Justice Tribunals Division felt I should share with my younger colleagues what I had learnt in the Subordinate Courts, the State Courts and the High Court.

In all, I have completed more than five decades as an interpreter in the Judiciary, two decades of which were at the High Court. Judge Reddy had himself spent more than three decades both on the Bench and as a leading prosecuting officer of the Attorney-General's Chambers. Convinced that the interpreter is the extra element, the 'personal touch' as the 'voice box' of the witness, he was of the view that I should compile a variety of interesting cases that highlighted my role as an interpreter – especially the particular events during trials; the behaviour and mannerisms of counsel and deputies; the use of language by witnesses; the interpretation difficulties I had and how I overcame them.

I have often shared my courtroom knowledge and experiences with close colleagues and friends, and have thought about documenting my experiences. Motivated and encouraged by Judge Reddy, I spent several months in 2016 working on the book, recalling some of the more difficult trials that I had been involved in, their witnesses and the evidence as it unfolded in court. I then had to collect the cases from the law reports. My

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immediate colleagues Jackie, Rijal and Nisa came to my rescue; without their help, this assignment would have been almost impossible. Jackie spent many hours in the library on the seventh floor during her lunch breaks, and when she had time in between consultations. Her enthusiasm really spurred me on.

Together we collected the relevant material for the book. I did receive help from other colleagues too and friends in the legal fraternity, Rakesh Vasu and Amolat Singh to mention a few. Assistance from ex-judge Roy Neighbour was readily forthcoming.

I selected some fourteen cases dating back to a trial in 1969. Invariably, more of the cases came from the High Court where I had spent some twenty years and involved murder, rape and robbery.

This book gives an insight into the important role an interpreter has in the smooth functioning of the Judiciary, and I hope that it also shows the generation of today that the art of interpreting with accuracy is not only about the language but the emotion of the witness on the stand – a proficiency that is acquired over years of practice.

Whilst I acknowledge the help received from my ex-colleagues and friends, and am eternally grateful to them for making this book possible, the views expressed in this book are wholly my own, and they do not attempt to reflect the official position or views of the Judiciary (and its members) or the various departments which I have worked in at those various times. I have also sought to be accurate but if there are any remaining errors, they are entirely mine. I thank you for reading.

N Sivanandan
April 2019

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My thanks also go to:

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- Those helping hands of the State Courts whose names may have been omitted for mention
- My wife Vimala who sacrificed hours of sleep working on this book with me

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PART 1

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THE ROLE OF THE INTERPRETER

Ask a serving interpreter in the courts how he or she finds the job and the answer invariably will be “interesting and challenging ... but not easy.” Below are two scenarios that show why interpreting in courts is not as easy as it may appear to be.

Scenario 1

Lawyer: (Posing question to witness)...Where were you at 8.00pm on 14 May 2008? (Interpreter interprets to witness. The witness rattles away. Court awaits witness’s answer... Losing his patience with the witness, the judge interjects...)

Judge: Witness, the question is simple. Please answer the question directly...Mr Interpreter...what has the witness been saying?

Interpreter: Your Honour, he says...that on 14 May 2008 he left his workplace at 2pm and proceeded to Tekka...there he met an old friend...they spoke for a while...then the friend told him to wait...and proceeded to run an errand..then...

Judge: Mr Interpreter please tell the witness to listen to the question carefully and answer the question to the point...and not to deviate from the issue.

The scenario shows the key role the interpreter plays in a bilingual courtroom, and the difficulties encountered when a witness becomes difficult or long-winded, or blatantly refuses to answer the question put to him. The interpreter not only has to translate what a witness says, but he has to coax the witness to answer to the point. And when a witness beats about the bush with his answers, the court may lose patience with the witness – and even with the interpreter!

Another scenario...

Lawyer: Witness, in your statement to the police, you said that on 21 July 2007 you arrived at the bus stop at Selegie Road at 5.10pm. However, in your statement in court this morning, you said on 21 July 2007 at about 5.10pm you were at a relative’s place with a group of friends having a few drinks. Can you please explain the discrepancy? (Witness speaks in Tamil)

Interpreter: Your Honour, on the day and time in question, I was at my relative’s place.

Judge: Does that mean you were not at the bus stop at the material time? If that is so, why did you say differently in your statement to the police? (Question interpreted to witness)

Interpreter: I did tell the police officer but he did not interpret what I had said.

Judge: Was the statement not read over to you and explained to you? Why did you not make the necessary amendment? (Interpreted to witness)

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Interpreter: I did not understand the Tamil spoken by the recording officer.

Judge: Do you understand the court interpreter's Tamil?

Interpreter: The court interpreter's Tamil is slightly better than the Tamil spoken by the police officer.

In this scenario, the witness claims not to have understood a previous translation. Sometimes it takes much effort on the part of the interpreter to make a witness fully understood. An accused person may admit a charge, yet dispute the facts of the case as read out by the prosecuting officer.

I have come across people who think interpreting is just oral translation. "What is difficult about interpreting?" If a witness says "Go" in, for example, Tamil, the interpreter says "Go" in English.

One must encounter a difficult situation in the midst of a lengthy trial when the parties split hairs over simple words to realise the predicaments an interpreter faces. Interpretation/translation can be fairly difficult depending on the situation and the character of the testifying witness. Even strong and vulgar language must be interpreted. (See the case of 'The result of uncontrollable anger'.)

Difficulties may arise from the time a witness takes the stand or in the midst of his testimony when the witness tries to conceal some truth and in the process comes under severe scrutiny. Exercising his right to speak in any language he chooses, a witness can opt to change from one language to another at any stage of the trial.

It is the primary duty of the interpreter therefore to understand the entire proceedings of the trial, interpret to the witness accurately in the language he has chosen, receive his answer/explanation and put it across to the court clearly and precisely. This the interpreter is expected to do with the standard of professionalism expected of him, without any prejudice or bias, making sure that every bit of the evidence is adequately explained to the witness.

It is therefore extremely important for the interpreter to go over the facts patiently and convey to the accused person the full meaning of the statement, sometimes by asking additional questions to seek clarification. There have been instances where an accused person disputed some portions of the statement but after a lengthy explanation by an interpreter, his doubts are cleared, thanks to the skill of the experienced interpreter.

The interpreter, in the execution of his duty, must therefore be extremely alert throughout the trial and possess adequate knowledge in the languages he is proficient in. In a trial where the material witness speaks in the vernacular language, the role of the interpreter becomes even more crucial. The lawyers and trial judges, if they do not understand the language of the witness, would be entirely dependent on the interpreter.

When I failed to recall the right word

Sometimes, an interpreter can be stuck for words in the course of an interpretation – and cannot recall a commonly used, simple word. An interpreter can find himself lost; his memory can unbelievably fail. The consequence is pathetic, the embarrassment painful. The interpreter must console himself – he is not a mobile dictionary with an impeccable memory!

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In the course of my many years interpreting, I have on a few occasions been in difficult and sometimes embarrassing situations.

I found myself in such a situation in a case heard in the old District and Magistrate's Courts.

If I remembered it rightly, it was a preliminary inquiry into a foiled robbery attempt which resulted in a victim's death.

The Deputy Public Prosecutor (DPP) was someone well-versed in the Tamil language. On the witness stand was a material witness in the trial, testifying in Tamil. In the midst of his lengthy questioning, the learned prosecutor posed questions about a chain, which was the subject of the charge. I interpreted the questions to the witness. In the course of interpreting I kept using the English word "chain". The Tamil term couldn't come to mind. I kept thinking hard for the Tamil equivalent for "chain". But no, I couldn't get it. The DPP went on with his questioning, still on the subject of the chain. I continued interpreting still very much unable to recall the Tamil equivalent for "chain". The DPP gave me a strange look, trying to gesticulate that I was using the English word. I soon realised the DPP's intention but failed to recall the Tamil term. The DPP then moved a little nearer to me and, when it was comfortable for him to do so, he whispered the Tamil word for "chain". Looking at the DPP with a great sense of gratitude, I took the cue from him and continued, now using the Tamil version of the word. Fortunately for me, the Magistrate on the Bench was Chinese. Little did the Magistrate realise how I had been struggling, unable to recall the appropriate word at the appropriate time.

The lengthy questioning of the material witness was finally over. The case was adjourned for further hearing to the

next morning. What a relief it was for me. I was partly happy, partly upset. I looked at the DPP feeling extremely thankful for his timely gesture of assistance. Inside me, however, I felt real rotten and ashamed. How could I not have been able to recall such a simple, commonly used word! At the time of that incident I had spent more than five years in the service. "Thank you. I'm sorry," I told the learned prosecutor, shying myself away. He smiled and said, "It happens."

Even today, many years after the incident, I can't help feeling ashamed of myself for having forgotten such a simple word.

Can an interpreter's interpretation be challenged?

An interpreter is given sufficient training before his first appearance in court. To start with, an interpreter is expected to have the basic language qualifications. Candidates applying for an interpreter's job go through several interviews, both written and oral where they are 'grilled' by experienced language and trained administrative officers. The written language proficiency tests are set by Head Interpreters and a clear pass in these papers is required. The oral examinations test the candidates' ability to speak clearly and demonstrate their ability in basic oral interpretations. Passages are presented to candidates and they have to translate the given scripts sufficiently fast and well. These cover court material and current affairs to ensure the applicants possess knowledge in court matters. After all successful candidates will be interpreting in a courtroom environment.

Only after some weeks of basic training will a newly appointed interpreter be sent to open court to face witnesses in trials. These interpreters also need to attend classes during

their trainee days. Therefore it is fair to say that the trainee undergoes sufficient thorough training before he faces his first “obstacle”. To develop the trainee’s confidence, he is placed under the watchful eye of a senior interpreter during the initial stages. Now the interpreter is all geared up to face a lawyer and witness in a trial.

Can an interpreter be faulted for a mistake in the course of interpreting? Mistakes can happen anywhere and in all sorts of situations. After all, to err is human. No mistake is deliberate. A mistake can arise if the witness and the interpreter misunderstand each other. Mistakes may also occur if the witness on the stand turns difficult or sometimes hostile. Under these circumstances much depends on how the scenario is handled by the judge hearing the case. Clear, neat clarification of any confused situation can prevent a misunderstanding by either party. So, to the question whether an interpreter can be faulted for ‘misinterpretation’, the answer probably will be “no”. Deliberate misinterpretation is an impossibility. There are occasions when a witness is unclear in his testimony. This may lead to a misunderstanding and thus cause an error in interpretation. Parties before a judge are at liberty to clarify any issue that may result in confusion or misinterpretation!

An interpreter is a sworn officer of the court and will at all times live up to his oath of allegiance and interpret impartially to the best of his ability and knowledge. The fact that court interpreters have been relied on for many years is evident of the trust the public has in the interpreter’s role. Their presence ensures the accused’s right to defence and maintains the credibility of the judicial department. This is acknowledged by Singapore’s founding father, the late Mr Lee Kuan Yew,

who, in his address in Parliament, once upheld the integrity of interpreters, their importance and the special role they played in dispensing justice in the Republic.

Other duties that a court interpreter performs

Generally, the duty of a court interpreter is to assist witnesses in a trial, i.e. interpret to witnesses in languages/dialects they are most comfortable in. What else is an interpreter’s job? How else does an interpreter assist the courts?

Normally, interpretation is conducted in court premises but interpreters do make themselves available to serve the public beyond the courts. For example, in the event that a deponent or person making the affidavit is ill and immobile and has to affirm statements in an affidavit (which at a later stage will be produced by his lawyer in the course of the hearing of the case), the lawyer can seek special permission from the court to have the relevant interpreter taken to the deponent’s home. There, the interpreter interprets and explains the contents of the affidavit to the deponent. The affidavit is then permitted to be used in court, having been duly signed by the deponent.

When an accused is arrested but is medically unfit to attend court, the police can seek the court’s permission to have the accused remanded in hospital until medical authorities find him fit to be discharged from hospital and able to attend court. In order to remand the accused in a hospital, the procedure calls for a legal judicial officer from the courts, accompanied by a police prosecutor and a court interpreter, to visit the accused at the ward where he is admitted and guarded by the police. Whilst there, the interpreter reads and explains the charge preferred by the police. The legal judicial officer then proceeds to remand

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the accused in consultation with the police. Interpreters also accompany judicial officers from the courts to read and explain charges to accused persons remanded in prison.

Whenever an election is held in Singapore, interpreters in the three languages – Mandarin, Malay and Tamil – are deployed to the nomination centres. Should any contesting candidate or supporter in his party wish to seek clarification on the election laws, he can seek the assistance of the interpreter assigned to that centre, if the person is not conversant in English.

Interpreters attached to Parliament are also deployed to serve as interpreters at general meetings headed by ministers and members of parliament, such as at the NTUC Delegates Conference, and on special occasions like the May Day Rally when the prime minister addresses the nation. Interpretation in the three major languages is compulsory and simultaneous interpreters of the parliament are deployed.

What happens if a litigant speaks a language other than the official languages provided for in the Constitution, i.e. Mandarin, Malay and Tamil? The State Courts have a list of qualified foreign interpreters, e.g. Thai, Bangladeshi and Vietnamese. These foreign interpreters assist the courts in reading charges and interpreting to foreigners during trials.

If a foreigner needs the services of a foreign interpreter for personal reasons, e.g. to translate a private document like a birth certificate for submission to a government department like the immigration authority, the applicant is referred to a qualified foreign interpreter registered with the State Courts for assistance.

So, a court interpreter not only functions in court premises but he has also to stretch his arms beyond the courts to render a greater level of assistance to the public at large!

MY DREAM – BUT HOW DID I BECOME AN INTERPRETER?

What I should do after my basic education was the question of the day. My father was adamant I should consider continuing my studies. Whether I could pursue studies at tertiary level that involved having to spend large sums of money was the big question the family faced. Despite his meagre salary as a clerical officer at the Telecoms Department, my father insisted he would sponsor my studies.

My family had great hopes that I would make it as a lawyer at all costs. To be a lawyer was my dream too. I had in mind my



In 1964, posing with members of Bartley School's Historical Society.

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CASE 8

"YOU INTERPRET WITH SO MUCH CONFIDENCE."*The failed conspiracy*

Not always do the High Court judges try accused persons for murder, armed robbery, kidnapping and rape. In between capital cases, charges of conspiracy to cause grievous hurt do occasionally come up for hearing before the puisne judges.

One such case made its presence some time in 1990 and involved a newspaper distributor. The victim was P Ramasamy, then aged 64. He was the chairman and chief executive officer of the National Co-operative Federation.

At the time, more than thirty years ago, *The Straits Times* and other major language papers in Singapore were distributed door-to-door. Those were the days when bookshops and newsstands were rare. Reliable distributors were the substitutes of the day.

The newsagents and newspaper vendors were mainly Indians. The newspaper business was lucrative and newsagents guarded their areas of distribution jealously. Whenever a vendor had to go away, for example, to make an annual trip home to his family (vendors were mainly from Tamil Nadu in South India), the vendor would arrange for a substitute to cover his area and this substitute would be either a close relative or a close associate of his.

The vendors, because of their long period of service in a particular area, would be familiar with most of the households

they served, and these households would address them by name. When households wanted certain magazines or some special news items, they would make specific requests to the vendors who would make it a point to deliver the items to their doorstep as expeditiously as possible.

Occasionally, suspicion and jealousy would arise amongst the newspaper distributors. Such was the case with a popular newspaper distributor in the Serangoon-Thomson-Bartley area named Sinniah Pillay.

Sinniah had a brother, Retnasamy, who died in 1967. Subsequently, Sinniah was appointed co-administrator of Retnasamy's estate. Retnasamy's wife, Kasiammal, was co-administratrix. A dispute arose when Sinniah claimed to be entitled to certain business operations of Retnasamy. This led the parties to civil litigation.

The court dismissed Sinniah's claim and he was ordered to pay damages. Sinniah was removed as a co-administrator of the estate and Ramasamy was appointed in his place. Sinniah felt that it was Ramasamy who had instigated his sister-in-law against him. In December 1984, Sinniah decided to take revenge and teach Ramasamy a lesson.

Around that time, one Raja Ratnam was supplying labourers for the newspaper distribution business of Sinniah. The two became close friends. Sinniah confided to Raja Ratnam his personal and financial problems. He told Raja Ratnam that Ramasamy had made his life miserable. Sinniah asked Raja Ratnam for help to organise a group of people "to break a hand or leg" of Ramasamy and send him to hospital.

After Sinniah had spoken to Raja Ratnam of his request to "break a hand or a leg" of Ramasamy and send him to hospital, Raja Ratnam gathered several men to execute the plan.

On 4 July 1985 at about 8am, Gangadaran – one of the men charged – drove a car to a spot near where Ramasamy lived. Another man, Vellusamy, came down from the car. At about 10.07am, when Ramasamy came out of his residence, Vellusamy threw acid at him. Ramasamy died ten days later. Senior forensic pathologist Professor Chao certified that Ramasamy died as a result of the acid thrown on him.

The Trial

Sinniah Pillay was charged that, “you, between December 1984 and 4 July 1985, in Singapore, did engage with one Muhundan a/l K Kumaran, one Pitchay Rajoo, one K Gangadaran, one Vellusamy s/o Vellingappan, one Shanmuganathan a/l S Neelakandan, one Lopez Joseph Benny, one Stephen Raja Ratnam and one Lopez Xavier Legong Benny in a conspiracy to commit grievous hurt to one Ramasamy s/o Packrisamy and in pursuance of that conspiracy and in order to the doing of that thing, an act took place on 4 July 1985 at Taman Permata, Singapore, to wit, a quantity of formic acid was splashed on the said Ramasamy s/o Packrisamy by one or more of you, which act caused severe burns to his person resulting in his death, and you have thereby abetted the commission of an offence under section 326 of the Penal Code (Cap 224) which act was committed in consequences of his abetment and you have thereby committed an offence punishable under S109 read with S326 of the same code.”

The prosecution led evidence that after Sinniah had spoken to Raja Ratnam of his request, Raja Ratnam gathered the assistance of all others mentioned in the charge to “break a hand or a leg” of Ramasamy and send him to hospital.

Evidence revealed that having instructed Raja Ratnam to cause grievous hurt to Ramasamy, Sinniah had kept in touch with Raja Ratnam constantly to find out what had been done to Ramasamy.

The material witnesses testified in the Tamil language. “Must break his hand or leg” was the phrase repeated throughout the trial. It was in order to achieve this that the entire group of accused persons, working as a team of conspiracy, planned and executed the act to cause grievous bodily harm.

The phrase needed explanation and the court was told that although the phrase referred to causing hurt to a hand or leg of the victim, its full meaning was to cause severe harm, such harm as will decapacitate the person. Here it would be apt to interpret that the accused Sinniah did not literally mean breaking a leg or a hand but causing severe bodily injury.

Raja Ratnam testified for the prosecution. He admitted procuring the services of others to injure Ramasamy. However he denied that the use of acid was ever mentioned. He said in court that he was shocked to hear that acid had been used. He told the court that Sinniah was also shocked to learn that acid had been used.

The prosecutor put to him that the Tamil idiomatic expression ‘must break his hand or leg’ meant to cause hurt – serious hurt. He agreed with the prosecutor that the expression had nothing to do with the means by which grievous hurt would be caused.

The prosecution’s second witness was Lopez Joseph. His evidence differed from that of Raja Ratnam in two material aspects. Raja Ratnam had testified that Sinniah knew of the acid attack only on 5 July 1985. Lopez Joseph testified that Sinniah had known of the acid attack on 4 July 1985.

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Sinniah had met accused persons Rajoo, Vellusamy, Shanmuganathan, Muhundan, Lopez Xavier and Lopez Joseph at Coronation Plaza that afternoon. That Sinniah was present there on 4 July 1985 was also confirmed by Lopez Xavier, the prosecution's third witness.

The second area where Lopez Joseph's evidence differed from that of Raja Ratnam's was in respect of Sinniah's reaction when told of the acid attack on Ramasamy. Lopez Joseph said Sinniah Pillay was not sad, not worried to learn of the acid attack. He said maybe this was because Sinniah was happy that the job had been carried out. When asked how he got that impression, witness answered that he had looked at Sinniah's face.

At the end of the prosecution's case, Mr Gilbert Gray QC, who appeared for Sinniah Pillay as his counsel, submitted that his client Sinniah had no case to meet on the charge. Mr Gray conceded that the prosecution had established that Sinniah was a party to the conspiracy to commit grievous hurt to Ramasamy but there was no evidence that Sinniah wanted acid to be thrown on Ramasamy.

The prosecution however submitted that based on the evidence of its witnesses, it was clear that Sinniah was well aware that acid was to be used to attack Ramasamy and that he was a party to the conspiracy.

Having heard the submissions, the trial judge rejected the submission tendered by Mr Gray on behalf of Sinniah and accordingly called upon Sinniah Pillay to enter upon his defence. The courses open to the accused to enter his defence were explained to Sinniah Pillay in Tamil.

The Verdict

Sinniah Pillay sought the court's leave to consult his counsel. He then chose to remain silent, i.e. he offered no evidence on his part to refute the evidence tendered by the prosecution. After a lengthy mitigation wherein counsel Mr Gray had many good remarks about Mr Sinniah in his private life and a glowing account of the industrious nature of Sinniah in building his newspaper distribution business, Sinniah was found guilty, convicted and sentenced to a term of imprisonment of ten years.

Sinniah appealed against his conviction and sentence. Mr Gray appeared for him and submitted that Sinniah (the appellant) had engaged a few people to inflict injury to Ramasamy. Splashing acid on Ramasamy was never contemplated, Mr Gray argued. Counsel argued that the idiomatic Tamil expression could not be extended to cover the use of acid.

The High Court judges hearing the appeal commented on the trial judge's decision. The trial judge had said that in his view, there was sufficient evidence to show that Sinniah Pillay knew or would have known that the assailants would use acid to cause grievous hurt to Ramasamy. There was evidence that Vellusamy had already bought the acid in Johor.

The trial judge said there was further evidence that after the incident, in the afternoon of 4 July, the appellant had done nothing to dissociate himself from the deed perpetrated by the assailants. The trial judge had pointed out that Sinniah was satisfied that the assailants had caused grievous hurt to Ramasamy and paid them for their role, and obliged the assailants when they asked for more money.

It was reasonable for the trial judge to have drawn the inference that the appellant knew that acid would be used. The trial judge also had pointed out the two versions – the

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impression as seen by witnesses Raja Ratnam and Lopez Joseph when Sinniah learnt that acid had been thrown at Ramasamy.

Raja Ratnam had said Sinniah was surprised when told that acid had been thrown at Ramasamy. In the case of Lopez Joseph, the court was told that Sinniah did not feel surprised to learn that acid had been used on Ramasamy.

The defence raised several points before the Court of Appeal. Counsel submitted that Sinniah Pillay had been charged under a different section as compared to the others. The trial judge explained that it was the prerogative of the prosecution to decide the charge it would prefer.

Another issue defence counsel raised before the Appellate was that Sinniah had, when called to enter his defence, chosen to remain silent and he ought to be shown leniency. It was explained that, because the appellant had pleaded not guilty, the prosecution had to conduct a full trial before a conviction was entered. The court said the credit given for a plea of guilty in sentencing did not apply to the appellant in this instance.

The defence also raised that the appellant's sentence of imprisonment was not backdated. The court ruled that the power of court to backdate a sentence is a discretionary power. It was further said that the trial judge did not err in not giving the appellant a discount on the custodial sentence.

In all, the case of Sinniah Pillay was an eye-opener for those who believed that the arm of the law could not reach one if the offender in the forefront was one paid to perform the act. Perhaps money does wonders! But is it always true?

Sinniah Pillay's aim was to seek revenge on his enemy, His cruel thoughts saw no limits. The acid ended his enemy's life!

One morning, some time into the hearing of the case and before the court convened, defence counsel Mr Gray QC who represented accused Sinniah Pillay spoke with me. "I have been observing you the last few days. I must admit I don't follow Tamil at all. But I admire the manner in which you pick up the questions whether from the Bench or the lawyers. You digest the question and obtain the witness's answer; you then interpret it with so much confidence. How long have you been in this field if I may ask... I love watching you speak – you are clear and precise. It's a pity I don't know the language. I wish you well young man."

At the end of the trial, in his final address, Mr Gray thanked the court and all parties involved. He particularly expressed his gratitude to me: "My Lord, may I be allowed to thank the learned interpreter. He is simply marvellous."

Now, forty years later, when I recall this incident, it makes me extremely happy that I had done my job with a great amount of passion and discharged my duty with sincerity and utmost professionalism.