

**CERTIFICATE UNDER SECTION 45A OF THE  
EVIDENCE ACT (CAP 97)**

**IN THE SUBORDINATE COURTS OF SINGAPORE**

**In the matter of MAC 4539/2011 & OTHERS**

**PUBLIC PROSECUTOR**

**v**

**Tijan Syafiq Bin Selamat  
NRIC NO: S8217597J**

**Coram: District Judge Eugene Teo**

In accordance with the provisions of section 45A (4) of the Evidence Act (Cap 97), I hereby certify that **TIJAN SYAFIQ BIN SELAMAT** was dealt with in the manner as set out in the second column of the Schedules annexed hereto ("the Schedules"), on the charges as set out in the third column of the Schedules, certified copies of which charges are attached, in Court No. 36 of the Subordinate Courts, on the dates as set out in the fourth column of the Schedules.

I do also hereby certify that upon their respective convictions, the sentences were passed against **TIJAN SYAFIQ BIN SELAMAT** on the date as set out in the sixth and fifth columns of the Schedules respectively.

Given under my hand and the Seal of the Subordinate Courts this 17<sup>th</sup> Jan 2013



  
**EUGENE TEO  
DEPUTY REGISTRAR  
SUBORDINATE COURTS  
SINGAPORE**

**S45A/037/2013**

S45A/037/2013

Tijan Syafiq Bin Selamat  
NRIC NO: S8217597J

## THE SCHEDULE

1 S/No	2 Manner Dealt With <sup>1</sup>	3 Charge No(s)	4 Date Dealt With	5 Date of Sentence	6 Sentence <sup>2</sup> & Other Order(s) <sup>3</sup>	7 Remarks [Appeals, Revision, etc]
1	PG/C	MAC 4539/2011	16 <sup>th</sup> Nov 2011	16 <sup>th</sup> Nov 2011	1 week imprisonment & disqualification of 5 years for ALL classes	-
2	PG/C	Report No. 0910 1069 I611	16 <sup>th</sup> Nov 2011	16 <sup>th</sup> Nov 2011	Fined \$1000 i/d 1 week imprisonment	-
TOTAL SENTENCE: 1 WEEK IMPRISONMENT WITH EFFECT 16-NOVEMBER-2011 AND FINED OF \$1000 I/D 1 WEEK IMPRISONMENT						

Pleaded Guilty and Convicted  
 Convicted After Trial  
 Acquitted After Trial

(PG/C)  
 (CAT)  
 (AAT)

Taken into Consideration  
 Discharge Amounting to Acquittal  
 Discharge Not Amounting to Acquittal

(E/C)  
 (DATA)  
 (DINATA)

## THE CRIMINAL PROCEDURE CODE 2010 (ACT 15 OF 2010)

## SECTIONS 123 - 125

1<sup>st</sup> Charge (Amended)

You,

TIAN SYAFIQ BIN SELAMAT, MALE, 29 YEARS OLD

DATE OF BIRTH: 4 JUNE 1982

NRIC NO: S8217597-J

Court No. 36
Case No.
Exhibit
Date 16/11/11
District Judge EUGENE TEO
Magistrate District Judge

are charged that you, on the 1<sup>st</sup> day of December 2009 at about 8.17 pm, along Punggol Field Road towards Punggol way in front of Block 126A, Singapore, being the driver of a motor car SJH 9497 E, did cause the death of a pedestrian one Zhao Linqian, female aged 5 years old, by doing a negligent act not amounting to culpable homicide, *to wit*, by failing to keep a proper look out ahead while travelling on the right lane of the 2 lane road, thus colliding into the said Zhao Linqian who was crossing the road from the left to the right from your perspective, consequently resulting in the said Zhao Linqian's death and you have thereby committed an offence punishable under Section 304A(b) of the Penal Code, Chapter 224.

*Raf*  
**TOH PUAY SAN**  
**DEPUTY PUBLIC PROSECUTOR**  
**SINGAPORE**

3 November 2011

Section 304A(b) of the Penal Code, Cap 224, states:

Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished — in the case of a negligent act, with imprisonment for a term which may extend to 2 years, or with fine, or with both.

Section 42 of the Road Traffic Act, Cap 276, states:

(1) A court before which a person is convicted of any offence in connection with the driving of a motor vehicle may, in any case except where otherwise expressly provided by this Act and shall, where so required by this Act, order him to be disqualified from holding or obtaining a driving licence for life or for such period as the court may think fit.

(2) Where a person (referred to in this section as the offender), is convicted of an offence under section 267B, 304, 304A, 323, 324, 325, 326, 341, 342, 350, 352, 426 or 427 of the Penal Code (Cap. 224) and —

(a) at the time of the commission of the offence the offender was the driver or was in charge of a motor vehicle on a road or other public place;

(b) the person against whom the offence was committed was the driver of another vehicle on the road or public place, a passenger in that other vehicle or a pedestrian on the road or public place;

(c) the court convicting the offender of the offence is satisfied that the commission of the offence arose from or was connected with a dispute between the offender and that other person over the use of the road or public place; and

(d) having regard to the circumstances under which the offence was committed and the behaviour of the offender, the court is of the opinion that it is undesirable for the offender to continue to be allowed to drive a motor vehicle, the court may, in addition to imposing on the offender the punishment provided for such offence, make an order disqualifying him from holding or obtaining a driving licence for life or for such period as the court may think fit.

(3) If the court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the motor vehicle in relation to which the offence was committed.

(4) A person who, by virtue of an order of a court, is disqualified from holding or obtaining a driving licence may appeal against the order in the same manner as against a conviction, and the court may if it thinks fit, pending the appeal, suspend the operation of the order.

## THE CRIMINAL PROCEDURE CODE 2010 (ACT 15 OF 2010)

## SECTIONS 123 - 125

2<sup>nd</sup> Charge (Amended)

You,

TIJAN SYAFIQ BIN SELAMAT, MALE, 29 YEARS OLD

DATE OF BIRTH: 4 JUNE 1982

NRIC NO: S 8217597-J

Court No. 36
Case No.
Exhibit
Date 16/11/11
District Judge EUGENE TE
Magistrate District Judge

are charged that you, on the 1<sup>st</sup> day of December 2009 at about 8.17 pm, along Punggol Field Road towards Punggol way in front of Block 126A, Singapore, did drive motor vehicle bearing registration no. SJH 9497 E which exhaust system has been modified in a way which is likely to prevent the exhaust system from working efficiently, *to wit*, the rear exhaust pipe and silencer were modified such that the exhaust system does not reduce noise, in contravention of Rule 106(1) of the Road Traffic (Motor Vehicles, Construction & Use) Rules and you have thereby committed an offence under Section 131(1) of the Road Traffic Act, Cap 276, and punishable under Section 131(2) of the said Act.

*Ruff*  
**TOH PUAY SAN**  
**DEPUTY PUBLIC PROSECUTOR**  
**SINGAPORE**  
**3 November 2011**

Rule 106 of the Road Traffic (Motor Vehicles, Construction and Use) Rules states:

(1) Any person who uses or causes or permits to be used on a road any vehicle propelled by an internal combustion engine with —

- (a) an exhaust system that is not approved for use by the Registrar;
- (b) an exhaust system or any part thereof which is not in good and efficient working order; or
- (c) an exhaust system or any part thereof which has been modified or altered in any way which is likely to prevent the exhaust system or any part thereof from working properly or efficiently,

shall be guilty of an offence.

(2) In this rule, "exhaust system" means a system in a vehicle consisting of a silencer, expansion chamber, exhaust pipe or other contrivance used individually or in combination with each other for the purpose of expelling exhaust gases into the atmosphere.

Section 131 of the Road Traffic Act states:

(1) A person who without lawful excuse —

- (a) refuses or neglects to do anything he is by this Act required to do;
- (b) fails to comply with the requirements of any notice served on him under this Act; or
- (c) acts in contravention of any provision of this Act, shall be guilty of an offence.

(2) Any person who, under this section or any other provision of this Act, is guilty of an offence shall be liable on conviction, where no special penalty is provided —

- (a) in the case of a first offence, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months.

**PP v TIJAN SYAFIQ BIN SELAMAT**

**STATEMENT OF FACTS**  
(Incorporating 2 charges)

Court No. 36
Case No. P31
Exhibit
Date 16/11/11
District Judge
Magistrate EUGENE TEO
District Judge

Introduction

The accused is **TIJAN SYAFIQ BIN SELAMAT**, a male Singaporean Malay aged 29 years old (D.O.B. 04/06/1982), NRIC No.: S 8217597 J. He was working as a car salesman. At the material time, he was the driver of motor car bearing registration number SJH 9497 E.

2 The deceased is **ZHAO LINQIAN**, a female Singaporean Chinese aged 5 years old (D.O.B. 28/08/2004), 102 cm tall. She was a Kindergarten Student prior to her demise. At the material time, she was a pedestrian, and was wearing a pink dress and a white leotard.

First Information Report

3 On 1 December 2009, at about 8.17 pm, the Police received a call from one Mr Julaimi, who informed: "There is an accident over here... the little girl look like she is unconscious". The incident location was given as Punggol Field, opposite 126A.

Facts pertaining to the charge in MAC 4539/2011

4 Investigations revealed that on 1 December 2009 (Tuesday) at about 8.17 p.m., the accused was driving his car on the right lane of the two-lane road along Punggol Field Road towards Punggol Way, Singapore. The speed limit along that stretch of road is 50 km/h.

5 At the material time, the deceased and her grandfather (one Zhao Shi Long, male, 58 years old, China national) were then standing on the road kerb, next to a bus-stop facing Punggol Field near to lamppost 24, waiting to cross the road. They were heading to Punggol Plaza, for the deceased's piano lesson, which was scheduled to commence at about 8.30 pm.

6 When the accused's car was approaching the bus-stop (which was on the accused's left), the deceased suddenly released her hand from her grandfather and started crossing the two-lane road briskly from the left to right from the accused's perspective. Upon seeing this, the deceased's grandfather was shocked and quickly stepped onto the left lane of the road and followed closely behind the deceased, with the intention of grabbing hold of the deceased. At the same time, he shouted to the deceased "don't walk so fast" in mandarin. The deceased's grandfather was unable to stop the deceased in time, but remembered that the deceased turned back to look at him after he had physical contact with the deceased's hands or clothes.

7 The next instance, the accused's car approached at a high speed from their right, along the right lane of the 2-lane road, and collided into the deceased, who had just stepped onto the right lane. The front left portion of the accused's car collided into the deceased, causing the deceased to be thrown a distance of more than 43 metres as a result of the impact.

8 Due to the collision, the accused heard a loud bang sound on the front left of his car. Upon hearing the bang sound, the accused realised that he had hit onto "something" and hence he quickly stepped on the brake and stopped his car on the right lane and alighted from his car. He quickly ran towards the deceased and ran back to his car to retrieve his handphone to call for the ambulance and the police.

9 Investigations revealed that the collision took place along Punggol Field towards the direction of Punggol Way, in front of Blk 126A. No brake marks were found at the scene. When the police arrived at the scene, the accused's car was stationary on the right lane of the two-lane road, and the deceased was lying face up on the right lane, about 7 metres in front of the accused's car. There were dent marks found on the left front bonnet of the accused's car, and blood stains were spotted on the right front side and right wing mirror of the accused's car. The distance between the accident scene to the nearest overhead link way was about 80 metres apart, and the distance between the accident scene to the nearest pedestrian crossing was about 100 metres apart.

10 Investigations further revealed that the accused had failed to keep a proper lookout ahead whilst driving and hence failed to notice the deceased. **Investigations also revealed that the accused was speeding at the material time. Prior to the collision, the accused had also made a sudden acceleration.** The accused admitted that while he was accelerating along the right lane, he could hear the loud roaring sound from the exhaust system of his illegally modified vehicle.

11 Investigations further revealed that prior to the collision, there was an independent eyewitness, one Sng Teck Kiang ("Sng"), who had just alighted from a bus at the bus-stop along Punggol Field Road, in front of Block 171A, and was crossing the road to the opposite direction, towards Block 128A Punggol Field Road. After Sng reached the centre divider, he stopped and looked to his left to check for traffic. At that time, he saw an SBS double decker bus approaching from about 8-9 car lengths away on the left lane of the two-lane road. As the said bus was some distance away and was moving slowly, he decided to continue crossing the road, towards Block 128A. Just as he was reaching the dotted lane markings of the two-lane road, he heard a loud car exhaust sound from his left. Sng then turned to the left and saw the accused's car accelerating on the right lane, travelling towards him from his left about 4-5 car lengths away. As Sng felt that the accused's car ~~was picking up speed and~~ was approaching quite fast, he turned his view to the front and quickened his pace to complete the crossing,

from the right to left from the accused's perspective. About 1-2 seconds after he stepped onto the pavement at the opposite side of the road, he heard a loud bang sound behind him. At that time, he was standing at the pavement, near to the tip of the bus bay. When Sng looked behind, his view was obstructed by the double-decker bus, which was entering into the bus bay. After the bus moved away, Sng then saw that a collision had taken place. Apart from the said bus and the accused's car, Sng did not notice any other vehicle along the stretch of road.

12 At the material time, the weather was fine, road surface was dry, visibility was good and flow of traffic along Punggol Field was moderate.

13 As a result of the collision, the deceased sustained serious head injuries and was pronounced dead at the scene by SCDF paramedic Sgt Genevieve at 8.32 pm.

#### Autopsy Report

14 Dr Wee Keng Poh, Principal Forensic Consultant, performed an autopsy on the deceased and certified the cause of death as multiple injuries. He commented that the external and internal injuries were consistent with the deceased being struck by a motor car in a road traffic accident.

#### Toxicology Report

15 Samples of the deceased's blood (oxalated and plain) and urine were sent to the Health Sciences Authority (HSA) for analysis. Analyst Leong Hsiao Tung certified that the deceased's blood (oxalated) was found to contain ethanol (9 mg/100 ml).

#### Clarification of toxicology findings

16 Dr Wee Keng Poh was consulted in relation to the toxicology findings. Dr Wee Keng Poh opined that the toxicology finding of ethanol has no bearing on the accident or of the death of the deceased. Ethanol at this level found in the deceased's blood was likely to be due to a by product in the decomposition of glucose.

#### Vehicle Inspection Report

17 The following damages were noted on the accused's car:

- (a) Front bumper and spoiler crushed after impact
- (b) Front bonnet crushed after impact
- (c) Front grille crushed after impact

18 There were no inherent defects detected on the accused's car.



### Vehicle Inspection by STA

19 Senior Automotive Engineer, Tan Jiat Shee, of STA Inspection Pte Limited conducted an inspection on the accused's car and concluded as follows:

- (a) The vehicle engine, steering and braking systems are in serviceable condition.
- (b) Test drive has been conducted to ascertain the performance and control systems that the vehicle is in good condition.

Illegal modifications have been carried out to enhance the vehicle performance.

- (i) Vehicle suspension system – lower and stiffen suspension system
- (ii) Engine system – change of high tension cable and exhaust pipe
- (iii) Road wheel system – change to bigger wheel (from original size of 195/65-15 to 215/45-17, two size bigger is not allowed)

- (c) Impact point was on the front left side of vehicle. The impact is great as seen from the damages of the various vehicle parts.
- (d) No other mechanical defects were found on the vehicle that could stall engine or make it stop.

### Accident Reconstruction Report

20 The accident reconstruction report prepared by LKK Auto Consultants Pte Ltd noted the following:

- (a) The lack of tyre/skid marks on the road surface at the accident scene indicates that hard braking was unlikely to have been applied to the motor car driven by the accused prior to the collision impact with the deceased.
- (b) From the evidence available (location where personal effects were found, various statements recorded), the point of impact took place on the extreme right lane of Punggol Field towards Punggol Way.
- (c) From the damage profile of the accused's car and the evidence found at the scene, the deceased was moving from the left towards the right of the car. The deceased was thrown onto the front bonnet of the car upon impact and was carried on the front bonnet before falling onto the carriageway and rolling/sliding to her final rest position as the car was decelerating.
- (d) Based on the analysis of the location where the deceased had crossed the road, the total thrown distance based on the evidence available was 43.66 m. Based on the relationship between pedestrian projection speed and throw distance, the speed of the accused's car was calculated to be

between 71 km/h to 85 km/h prior to the collision impact with the deceased.

(e) [The evidence] suggests that the accused had responded or reacted to the situation after the collision impact with the deceased. The lack of tyre marks prior to the collision impact at the time of accident also corresponds [with the accused's version] that he had stepped on the brake after realising that he had hit something.

(f) [It is unlikely that the accused's] left view was obstructed by other vehicles travelling on his left along the left lane, as the damage profile of the motor car suggests that the deceased was moving from the left towards the right of the accused's car. In the event if there were motor vehicles moving along the left lane, the deceased would have been struck on the left lane by these motor vehicles.

#### Conclusion

21 The accused did cause the death of the deceased by doing a negligent act not amounting to culpable homicide, by failing to keep a proper lookout ahead while driving on the right lane of the 2 lane road, resulting in a collision between his car and the deceased, and consequently resulting in the deceased's death, and has thereby committed an offence punishable under section 304A(b) of the Penal Code, Cap 224.

#### Facts pertaining to Report No. 0910 1069 1611

22 The reporting officer is Senior Staff Sergeant Oh Poh Keong Steven attached to Traffic Police Department.

23 During the course of investigations, it was revealed that on 1<sup>st</sup> of December 2009 at about 8.17 p.m., the accused was driving motor car bearing registration number SJH 9497 E along Punggol Field Road towards Punggol Way, which exhaust system has been modified in a way which is likely to prevent the exhaust system from working efficiently. A report was then lodged against accused.

24 On 16 December 2009, Senior Automotive Engineer, Tan Jlat Shee, of STA Inspection Pte Limited conducted an inspection on the accused's car. The inspection revealed that the rear exhaust pipe and silencer had been modified (cut and welded). Investigations also revealed that the exhaust system had been modified such that it does not reduce noise.

25 The accused has thereby acted in contravention of Rule 106(1) Road Traffic (Motor Vehicles, Constructions & Use) Rules and has thereby committed an offence under section 131(1) of the Road Traffic Act, Cap 276, and punishable under section 131(2) of the said Act.

26 The accused is charged accordingly.

  
**TOH PUAY SAN**  
**DEPUTY PUBLIC PROSECUTOR**  
**SINGAPORE**

**15 November 2011**