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SINGAPORE

# Information Note on Sentencing for Multiple Offences





This note sets out the principles applied in determining the total sentence for an offender who is sentenced at the same time for multiple offences. It is a supplement to the note on [General Sentencing Principles](#).

The contents of this note are based on the existing law as of **27 October 2022**.



# I. STEPS INVOLVED WHEN SENTENCING FOR MULTIPLE OFFENCES

When an offender is sentenced at the same time to imprisonment for multiple offences, the court must decide what the total sentence should be. This generally involves two steps.<sup>1</sup>

## Step 1: Individual sentence for each offence

First, the court will reach a provisional view of the individual sentence for each offence.

At this step, the court will focus on the specific aggravating and mitigating factors which apply to each individual offence. It will generally not take into account factors which are relevant to the case as a whole – called “cumulative” factors – in order to avoid the double-counting of such factors.<sup>2</sup> Instead, the cumulative aggravating and mitigating factors will generally be considered at the second step when the court decides on the total sentence.

## Step 2: Total sentence

Second, the court will determine the total sentence to be imposed. The court will consider whether the individual sentences should be served:

- At the same time as each other, which is called a concurrent sentence; or
- One after the other, which is called a consecutive sentence.

For example, where an offender is convicted of two offences of theft and is sentenced to one month’s imprisonment for each offence, his total sentence may either be: (a) one month’s imprisonment, if the sentences are ordered to run concurrently; or (b) two months’ imprisonment, if the sentences are ordered to run consecutively.

The court may also alter the individual sentences decided at the first step to ensure that the total sentence is not excessive or inadequate.<sup>3</sup> For example, the court may increase the severity of the individual sentences, or impose a more severe type of sentence (such as imprisonment, instead of a fine).

<sup>1</sup> *Public Prosecutor v Azlin bte Arujunah and other appeals* [2022] SGCA 52 at [199]. However, where an offender who has committed multiple offences is charged with a single amalgamated charge on the basis that the offences taken together amount to a course of conduct under section 124 of the Criminal Procedure Code, the sentencing judge may focus solely on the totality of the offender’s criminal conduct, rather than apply the two-step approach: *Gan Chai Bee Anne v Public Prosecutor* [2019] 4 SLR 838 at [23].

<sup>2</sup> *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [78].

<sup>3</sup> *Gan Chai Bee Anne v Public Prosecutor* [2019] 4 SLR 838 at [19]–[22].

## II. CONSIDERATIONS WHICH APPLY IN DETERMINING THE TOTAL SENTENCE

The court may take into account three considerations when deciding on the total sentence.

### 1. Section 307 of the Criminal Procedure Code

- Section 307(1) of the Criminal Procedure Code states that where the offender is sentenced to imprisonment for three or more distinct offences, the court must order the sentences for at least two of those offences to run consecutively.<sup>4</sup>
- This is based on the rationale that a person who has committed multiple offences should receive a longer sentence than one who commits a single offence.<sup>5</sup>

### 2. One transaction principle

- The “one transaction principle” means that, generally, sentences for offences committed in the course of a single transaction should run concurrently.<sup>6</sup>
  - In deciding whether the offences are part of the same transaction, the court will look at the following elements:
    - i) Proximity of time
    - ii) Proximity of place
    - iii) Continuity of action
    - iv) Continuity of purpose or design
  - However, even where multiple offences are proximate, they may not be regarded as forming a single transaction if they violate different legally protected interests (e.g. if one offence relates to property, such as theft, and another offence relates to bodily harm, such as voluntarily causing hurt).
- On the other hand, where the offences are unrelated, the general principle<sup>7</sup> is that the sentences should run consecutively. Offences may be assessed to be unrelated if they violate different legally protected interests or were committed on different occasions.
- Where there is a mix of related and unrelated offences, the sentences for those offences that are unrelated should generally run consecutively with one of the sentences for the related offences.<sup>8</sup>

<sup>4</sup> Subject to section 307(2) Criminal Procedure Code, which provides that where a sentence of life imprisonment is imposed, any other sentences of imprisonment must run concurrently with the sentence of life imprisonment.

<sup>5</sup> *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [75]–[76].

<sup>6</sup> *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [27]–[31].

<sup>7</sup> *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 at [41].

<sup>8</sup> *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 at [54].

- Examples:
  - An offender is convicted of two offences for causing hurt to the same victim twice within a short span of time on the same day and is sentenced to imprisonment for both offences. The court may decide to run both sentences *concurrently* based on an assessment that the offences were part of the same transaction.
  - An offender is sentenced to imprisonment for: (a) driving while under disqualification,<sup>9</sup> and (b) giving false information to the police to avoid being investigated for his driving offence.<sup>10</sup> Even though both offences were committed as part of the same incident, the court may order the sentences for both offences to run *consecutively* on the basis that they violate different legally protected interests.
  - An offender rapes his unconscious victim and then steals her purse. Even though the offences were proximate in time and place, the court may order the imprisonment sentences for both offences to run *consecutively* on the basis that they violate different legally protected interests.<sup>11</sup>
  - An offender commits two offences of theft six months apart and is sentenced at the same time to imprisonment for both offences. The court may order the sentences for both offences to run *consecutively* on the basis that they were committed on different occasions.<sup>12</sup>
- The one-transaction principle is not rigid or inflexible:
  - The court may impose consecutive sentences even if the offences were committed in the course of the same transaction, if there are good reasons to do so. Such reasons may include the need to give sufficient weight to the interest of deterrence, or to ensure that the total sentence adequately reflects the offender's level of culpability and the overall severity of the offences (see the totality principle below).<sup>13</sup>
  - The court may also depart from the one-transaction principle to comply with section 307(1) of the Criminal Procedure Code.

### 3. Totality principle

- The "totality principle" is applied at the end of the sentencing process to ensure that the total sentence is just and proportionate and reflects the overall seriousness of the offender's criminal behaviour when all the offences are considered together.
- The principle may have: (a) a *limiting function* to guard against an excessive total sentence; or (b) a *boosting effect* to ensure that the total sentence is not inadequate.<sup>14</sup>

<sup>9</sup> Section 43(4) Road Traffic Act.

<sup>10</sup> Section 182 Penal Code.

<sup>11</sup> *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [33].

<sup>12</sup> *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [34].

<sup>13</sup> *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [41]-[45].

<sup>14</sup> *Gan Chai Bee Anne v Public Prosecutor* [2019] 4 SLR 838 at [20].

## Limiting function

- The court will take a final look at the total sentence to examine whether: (a) it is substantially above the normal level of sentences for the most serious of the individual offences committed; and (b) its effect on the offender would be crushing and not in keeping with his past record and future prospects.<sup>15</sup> The court will also make sure that aggravating factors are not counted against the accused twice over.<sup>16</sup>
- To ensure that the total sentence is not excessive, the court may order more sentences to run concurrently or adjust the individual sentences downwards.

## Boosting effect

- Where the offender faces a large number of charges and/or there are multiple cumulative aggravating factors, the court may decide to order more sentences to run consecutively and/or to increase the individual sentences, to ensure that the total sentence adequately reflects the overall seriousness of the offender's criminal behaviour.<sup>17</sup>
- The court will also ensure that the total sentence exceeds the longest individual sentence in line with the intent of section 307(1) of the Criminal Procedure Code.<sup>18</sup>

<sup>15</sup> *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [54] and [57].

<sup>16</sup> *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [78]–[79].

<sup>17</sup> *Public Prosecutor v Azlin binte Arujunah and other appeals* [2022] SGCA 52 at [199(b)].

<sup>18</sup> *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [77].