

RECORD OF PROCEEDINGS

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EXHIBITS

Exhibit Mark	Description of Document	Date	Page
SV.3	Report of Disciplinary Committee	23rd April 1973	23
SV.4	Statement of the Case	27th November 1972	60

DOCUMENTS TRANSMITTED TO THE PRIVY COUNCIL  
BUT NOT REPRODUCED

Description of Document	Date
Appointment of Disciplinary Committee	7th October 1972
Appointment of Disciplinary Committee	10th November 1972
Affidavit of Sinnadurai Vellupillai in support of Originating Summons	14th May 1973
Warrant of Arrest	Undated
Letter from Appellant	12th February 1973
Telegram from Appellant	15th February 1973
List of books taken from offices of Francis T. Seow	4th August 1972
List of Documents obtained from M/s Francis T. Seow	6th August 1972
List of Cheques	
Exhibit IPR.3 Rule of 81 - Law of persons - effect of an English Winding Up Order	

IN THE PRIVY COUNCIL

No. 10 of 1974

ON APPEAL  
FROM THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

IN THE MATTER OF THE LEGAL PROFESSION ACT (Cap.217)

and

IN THE MATTER OF ISAAC PAUL RATNAM an Advocate and  
Solicitor

B E T W E E N :

ISAAC PAUL RATNAM

Appellant

- and -

THE LAW SOCIETY OF SINGAPORE

Respondent

—————  
RECORD OF PROCEEDINGS  
—————

No. 1

EX PARTE ORIGINATING SUMMONS

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

ORIGINATING SUMMONS }  
No. 255 of 1973

(L.S.)

IN THE MATTER OF THE LEGAL  
PROFESSION ACT (Cap. 217)

And

IN THE MATTER OF ISAAC  
PAUL RATNAM an Advocate  
and Solicitor

In the High  
Court of the  
Republic of  
Singapore

—————  
No. 1

Ex parte  
Originating  
Summons  
14th May 1973

Let all parties concerned attend before the  
Judge in Chambers on Friday the 25th day of May,  
1973 at 10.30 o'clock in the forenoon on the  
hearing of an application by the Law Society of  
Singapore that Isaac Paul Ratnam an Advocate and

In the High Court of the Republic of Singapore

Solicitor of the Supreme Court, Singapore do show cause why he the said Isaac Paul Ratnam should not be dealt with under the provisions of Section 84 of the Legal Profession Act (Cap. 217) in such manner as the Court shall deem fit.

No. 1

Dated this 14th day of May, 1973.

Ex parte  
Originating  
Summons  
14th May 1973  
(continued)

Sd. Michael Khoo Kah Lip

Dy. REGISTRAR

This Summons is taken out by Thean Lip Ping of 4th Floor, Malayan Bank Chambers, Fullerton Square, Singapore, Solicitor for the Applicant whose address is The Law Society of Singapore, The Supreme Court Building, Singapore 6.

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No. 2

No. 2

Order of  
Court to show  
Cause  
25th May 1973

ORDER OF COURT TO SHOW CAUSE

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

ORIGINATING SUMMONS)  
NO. 255 of 1973 )

In the Matter of the Legal Profession Act (Cap. 217)

20

And

In the Matter of Isaac Paul Ratnam an Advocate & Solicitor

BEFORE THE HONOURABLE MR. JUSTICE D'COTTA

IN CHAMBERS

UPON the application of The Law Society of Singapore made this day by way of Originating Summons and Upon reading the Affidavit of Sinnadurai Vellupillai filed herein on the 14th day of May, 1973 together with the exhibits thereto And Upon Hearing Counsel for The Law Society of Singapore IT IS ORDERED that Isaac Paul Ratnam an Advocate and Solicitor of the Supreme Court, Singapore do show cause why he the said Isaac Paul Ratnam should not be dealt with under the provisions of Section 84 of the Legal Profession Act (Cap. 217).

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Dated this 25th day of May, 1973.

Sd. R.E. Martin  
Asst. REGISTRAR

No. 3

AFFIDAVIT OF ISAAC PAUL RATNAM TO SHOW CAUSE

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

ORIGINATING SUMMONS )  
NO. 255 of 1973 )

EX PARTE

In the Matter of the Legal  
Profession Act (Cap. 217)

And

10

In the Matter of Isaac Paul  
Ratnam an Advocate and  
Solicitor

A F F I D A V I T

I, ISAAC PAUL RATNAM of No. 39 Jalan Selaseh,  
Singapore, an Advocate and Solicitor of the  
Supreme Court make oath and say as follows:-

20

1. I am the Respondent to these proceedings,  
papers in respect of which were served on my  
Solicitors, Messrs Hilborne & Company, on the 11th  
day of June, 1973.

2. There have been previous proceedings arising  
out of the circumstances which gave rise to this  
present proceedings. On the 24th day of October,  
1972 I pleaded guilty in the First District Court  
to the following charge:-

30

"You, Isaac Paul Ratnam, are charged that  
you on or about the 3rd day of August, 1972,  
did instigate the General Manager, Gemini  
Chit-Fund Corporation Limited, Malaysian  
Branch, Kuala Lumpur, to dishonestly remove  
property, to wit, five cars and other move-  
able properties, belonging to the said  
company, and you have by virtue of Section  
108A of the Penal Code committed an offence  
punishable under Section 424 read with Section  
116 of the said code."

A further charge was taken into consideration,  
namely the following:-

In the High  
Court of the  
Republic of  
Singapore

No. 3

Affidavit of  
Isaac Paul  
Ratnam to  
show cause  
28th June  
1973

In the High  
Court of the  
Republic of  
Singapore

No. 3

Affidavit of  
Isaac Paul  
Ratnam to  
show cause  
28th June  
1973  
(continued)

"You, Isaac Paul Ratnam, are charged that you on or about the 2nd day of August, 1972, having reason to believe that a certain offence, to wit, criminal breach of trust by an agent has been committed by the Gemini Chit-Fund Corporation Limited, and that such offence was abetted by its directors, Abdul Gaffar and V.K.S. Nayaranan, which offences are punishable with imprisonment for life or with imprisonment for a term which may extend to ten years and also with a fine, did cause certain evidence of the said offence to disappear, to wit, files containing the Gemini Chit-Fund Corporation Limited's correspondence, vouchers, bank statements, chit fund receipts and Abdul Gaffar's personal correspondence, with the intention of screening the said Gemini Chit-Fund Corporation Limited, Abdul Gaffar and V.K.S. Narayanan from legal punishment, and you have thereby committed an offence punishable under Section 201 of the Penal Code."

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20

I was sentenced to one day's imprisonment and a fine of \$4,000/- or 15 months' imprisonment in default of payment.

The other proceedings arose out of a complaint by the Attorney-General to the Law Society, as a result of which the Honourable the Chief Justice appointed a Disciplinary Committee under Section 91 of the Legal Profession Act (Chapter 217). Before the Disciplinary Committee it was alleged that I had committed offences within Sections 84(2)(b) and (h) of the Legal Profession Act. I was not, to the best of my knowledge and belief, charged with an offence under Section 84(2)(a). The hearing of these proceedings took place on the 10th day of March, 1973. The findings of the Disciplinary Committee were that I was guilty of offences under Sections 84(2)(a), (b) and (h) of the Legal Profession Act.

30

40

3. The proceedings in the First District Court on the 24th day of October, 1972 lasted approximately from 10.30 a.m. to 12.30 p.m. while the hearing in the Disciplinary Committee on the 10th day of March, 1973 lasted from 9.30 to 10.15 a.m. In neither of these proceedings did I give viva voce evidence, and I now desire to inform the

Honourable Court of the background and material circumstances which led to my conviction in the criminal proceedings.

In the High Court of the Republic of Singapore

—  
No. 3

Affidavit of Isaac Paul Ratnam to show cause 28th June 1973

(continued)

4. On the 21st day of April, 1972 M. Rashad, the accountant of Gemini Chit-Fund Corporation Limited briefed the firm of Francis T. Seow on the take-over of Gemini. This was my first contact with Gemini.

10 5. On the 24th day of July, 1972 Rashad instructed me to attend the Annual General Meeting of Gemini at Adelphi Hotel at 4.00 p.m. There I was introduced to Abdul Gaffar the Managing Director. At the end of the meeting while Abdul Gaffar was entertaining the shareholders of the Company two police officers arrived at the scene and wanted to see him. On enquiry by me I ascertained that they were there to seize the passports of Mr. & Mrs. Abdul Gaffar on the authority of the Comptroller of Income Tax. Abdul Gaffar then followed them  
20 home to hand over their passports.

6. On the 29th day of July, 1972 at about 1.00 p.m. when I was preparing to leave for K.L. I was contacted by several persons connected with Gemini and also by Mr. P.T. Wong an Advocate and Solicitor and was informed of the arrest of Abdul Gaffar and Nayaranan the Chairman of the Company. I was asked to attend on them at the CID, Robinson Road, and I then cancelled my flight and proceeded to CID where I met both Abdul Gaffar and Nayaranan.  
30 At that stage I was informed that they were charged under Section 406 of the Penal Code. I then had them execute a Warrant to Act. They proceeded to give me certain instructions, among which was Abdul Gaffar's instructions to dispose of moveable property belonging to him in Malaysia. He felt that he could trust S.F. Retnam, the Branch Manager of Gemini in Penang and therefore suggested that these instructions in Malaysia be done through him. He said that he was doing this because he was  
40 concerned that the moveables might be pilfered in the wake of the confusion that would follow his arrest.

It might be noted here that there instructions were not reduced into writing at that time.

7. After seeing them I proceeded to Gemini head-

In the High  
Court of the  
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Singapore

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No. 3

Affidavit of  
Isaac Paul  
Ratnam to  
show cause  
28th June  
1973  
(continued)

quarters at People's Park Complex to make sure that the proper receipts were given in respect of moneys and documents that were being seized by officers of the Monetary Authority of Singapore and the Commercial Crime Branch of the CID. From the People's Park Complex office I proceeded to Gemini Travels Office at Supreme House where I met P.T. Wong and Rashad and had a brief conversation with them.

8. At this point of time, Abdul Gaffar's main concern was the take-over negotiations which were to be finalised at 10.00 a.m. on the Sunday morning the 30th day of July, 1972. He was insistent that this should not be put off if the public were to be spared any loss. Since P.T. Wong represented persons who were proposing to invest in Gemini, I had frequent negotiations with him. 10

9. On 30th day of July, 1972 I went to the CID together with P.T. Wong and spoke to ASP Sandosham regarding the meeting which Abdul Gaffar wished to attend in connection with the take-over of Gemini. ASP Sandosham suggested that we should go to the Monetary Authority of Singapore to discuss that possibility. In the company of Sandosham, the Officer-in-Charge of the Commercial Crime Branch, we proceeded to the Monetary Authority of Singapore at Collyer Quay. We spoke at length with Mr. David Yew who in spite of persistent requests refused to permit the negotiations to proceed. My point simply was that since it was the aim, both of the Government as well as Abdul Gaffar, to ensure that the public did not suffer any loss, it was in the public interest to permit these negotiations to proceed but neither the MAS nor the police would hear of it. 20

10. On 31st day of July (Monday) 1972, Abdul Gaffar was charged in the 1st Magistrate's Court and I attended court to apply for bail. At 9.30 a.m. we were informed that the Attorney-General was going to oppose the bail application and that it would be heard at 11.00 a.m. I telephoned Francis Seow to come down to argue the application. He did so but it was refused. I discovered on the next day that the Ministry of Finance had presented a petition to wind-up the Company under the provisions of the Chit-Fund act. 30 40



11. On the 1st day of August, 1972 a solicitor from Kuala Lumpur, one Mr. Balakrishnan, came to my office accompanied by one Mr. K.K. Kumaran and Mrs. Narayanan. These persons attended on me to discuss fees in respect of Narayanan.

In the High Court of the Republic of Singapore

No. 3

12. On 2nd day of August, 1972 (Wednesday) the same people again came to my office and paid fees for Narayanan.

Affidavit of Isaac Paul Ratnam to show cause 28th June 1973  
(continued)

10 13. On the same day, I went to the office of Gemini at the 2nd Floor, Malayan Bank Chambers, in the company of Mr. Bala Chandran, the Public Relations Officer of the company and indicated that certain files might be useful for purposes of Narayanan's defence. These were then sent to my office by Mrs. Amy Lee, Mr. Narayanan's Secretary, giving me a properly made out list of the files she left with me. This was in her hand-writing and is shown as Exhibit "IPR 1" to my Reply to the Law Society's Statement of the Case.

20 14. On 3rd day of August, 1972 (Thursday), I met S.F. Retnam at my office and after discussion I dictated and signed two letters one addressed to K.K. Kumaran and the other to R. Francis Retnam. Although the instructions were in respect of Abdul Gaffar's property in Malaysia, and this was in effect what was said in the letter to Retnam, due to extreme pressure of work, I somehow referred to these as the Company's properties in the letter to Mr. K.K. Kumaran. This was an unintentional error.  
30 I was working under tremendous pressure. There was a constant stream of creditors, subscribers and employees of Gemini crowding into my office, many of whom were in an ugly mood. I was working late hours and was returning home at 10.00 or 11.00 p.m. Before I wrote these letters I referred to my own copy of Dicey's Conflict of Laws (7th Edition) regarding the effect of the presentation of a Petition for Winding-up a company on its property outside the jurisdiction of the court in question.  
40 A true copy of the relevant pages is attached herewith and marked "IPR 3".

15. On the same day I went to the office of Gemini on the 1st floor of the Malayan Bank Building. I pointed out to Miss Mary Tan, Abdul Gaffar's Secretary, these files which I might need. She accordingly sent these to my office, giving a list of these files in her hand-writing, as shown

In the High  
Court of the  
Republic of  
Singapore

No. 3

Affidavit of  
Isaac Paul  
Ratnam to  
show cause  
28th June  
1973  
(continued)

in the Exhibit "IPR 2" to my Reply to the Law Society's Statement of the Case.

16. On the following day, I found the copy of the letter that I had written to Kumaran on my table with some markings made by Francis Seow, I immediately proceeded to his room and he asked me "Why did you write a letter of this sort?" I replied "On Gaffar's instructions." He was apparently displeased but he nevertheless initialled it. The conversation then turned to something else and there was no further reference to it until after my arrest. These markings were not related (as the First District Judge later pointed out) to that part of the letter which dealt with the disposal of assets in Malaysia. 10

17. On the 4th day of August, 1972 ASP Sandosham telephoned me and said that he had been to Gemini's office and looked for certain files and I "had beaten him to it." I informed him that some files were in our chambers and he might have them if he so desired. At about 3.00 p.m. Inspector Bakar Moosa came to my office selected the files he wanted, signed the acknowledgment that I had prepared and left the office. Before the police remove any of them, there were about 70 Gemini files in two parts of the office. After Inspector Bakar Moosa had left, I ascertained that there were some more files in the main office and I accordingly telephoned him with this information. He said that he was busy at the time but would collect them later. 20 30

18. An hour or so after Inspector Bakar left, Sergeant Balakrishnan came in the company of Mrs. Gaffar's brother and sought the account books which Mrs. Gaffar had earlier given to me. I then gave him all the books given to me by Mrs. Gaffar as well as those files which Bakar Moosa had left behind. He gave me an acknowledgment in respect of these. After he had left I was informed by Mrs. Gaffar that there were two more books which I had not handed over. I immediately telephoned Sergeant Balakrishnan who came back and collected these. 40

19. On the 11th day of August, 1972 I received a letter from a firm of Solicitors in Ipoh, the latter portion of which caused me some anxiety

insomuch as it referred to a clandestine proposals to dispose of the Malaysian assets. I immediately wrote and disassociated our firm from the proposals contained therein.

In the High Court of the Republic of Singapore

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No. 3

Affidavit of Isaac Paul Ratnam to show cause 28th June 1973  
(continued)

10 20. On the 15th day of August, 1972 at about 8.30 a.m. Superintendent Ng Leng Hua came to my office, produced a warrant for my arrest and search warrants both for my office and my house. I told him to hold on till Francis Seow arrived to which he agreed. I then telephoned Francis Seow and informed him of the situation and he asked me to await his arrival before anything was done.

20 21. On his arrival, Francis Seow agreed to a search but refused to surrender Abdul Gaffar's brief. He made several telephone calls to the Minister of Law, the Senior District Judge and the Attorney-General. In the course of his telephone conversation with the Attorney-General, he asked me "Isaac, are there any more Gemini files in the office?". I believing that there were none, replied to him to that effect. He thereupon gave an undertaking to the Attorney-General that there were no other files relating to the Company in our chambers.

30 22. The police then collected all the files that were still left in the office. I accompanied them and proceeded to my house where the officers concerned made a search. They recovered nothing. From there I was taken to the Joo Chiat Police Station where the preliminaries following the arrest were done, and then I was charged at 2.30 p.m. that afternoon in the First District Court. I was allowed bail and a date was set for hearing.

40 23. On the 15th day of August, 1972 when I returned to the office from court I set about clearing my personal effects. In the course of this I discovered two Gemini files and its company seal in my office. These had been left in my custody earlier by Rashad. I then telephoned Rashad and asked him to collect these items. Rashad came to my office the following day and collected the two files. After he left I noticed that the seal had been left behind and I sent my office boy after him to hand it over.

24. Sometime in September, 1972 I had a series of meetings with officers of the commercial crime

In the High  
Court of the  
Republic of  
Singapore

—  
No. 3

Affidavit of  
Isaac Paul  
Ratnam to  
show cause  
28th June  
1973  
(continued)

branch regarding my case. These meetings were at the Garden Hotel, Balmoral Road. The message conveyed to me at these meetings was that if I decided to contest the case against me there was a likelihood of my being imprisoned should I be found guilty.

25. Thus as a result of this plea bargaining, it was agreed that I should plead guilty on the 1st charge and ask for the second charge to be taken into consideration provided that the prosecution did not seek any term of imprisonment. I was unaware of any arrangements with the Senior District Judge but I was assured that no term of imprisonment would be imposed. My case came up for trial on the 24th day of October 1972 wherein I was convicted and sentenced to 1 day's imprisonment and fined \$4,000/-.

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26. The only reason I pleaded guilty was to avoid the likelihood of a term of imprisonment which I could ill-afford as I had neither savings nor dependants to rely on to provide for my family in my absence. I was not prepared to risk imprisonment and thereby jeopardize my family's security as they meant more to me than my career or even my reputation.

20

27. I desire to refer to the ground of decision of the Senior District Judge dated the 25th day of October, 1972 wherein he states that the "two files" referred to in the charge were now in the possession of the prosecution and were available in Court. The "two files" referred to are those mentioned in paragraph 26 hereof which were never the subject matter of any charge against me. The two files only came to light after the charges were preferred against me on 15th day of August, 1972. This arose out of a mistake by the Deputy Public Prosecutor, Mr. S. Rajendran, which I noticed at the time. I endeavoured to draw my Counsel's attention the error but he was addressing the Court and the point was lost.

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28. I gave evidence at the inquiry proceedings by the Disciplinary Committee against Francis Seow, which, to the best of my recollection, took place sometime in January, 1973. It was put to me that:

- (i) On seeing the office copy of the letter of the 3rd August, 1972 (referred to in

paragraph 14) hereof) Francis Seow had asked me to retract it;

(ii) I had agreed to retract it;

(iii) He had subsequently asked me whether I had retracted it;

(iv) I had told him that I had retracted it.

10 None of this is true. On the morning of 4th day of August, 1972 Francis Seow asked me why I had written a letter of this sort, and I informed him that I had done so on Abdul Gaffar's instructions. He was obviously displeased and I was concerned at his displeasure, but this was not an isolated case of his taking up with me something I had written. It was his practice to see letters before dispatch. However, in relation to this particular letter, he never explained what his objection to it was, and I left it at that without being conscious that there was anything un-  
20 professional about it, let alone criminal. Further it was put to me that the reply to the letter from Ipoh solicitors (referred to in paragraph 19 hereof) was written by him and signed by me. The letter was written by me although it is true he made some amendments thereto. It is my initials and office reference that appear on this letter and his were quite different.

29. Since the 16th day of August, 1972 I have not practised and have remained under this self-imposed suspension up to the date of this affidavit.

30 Sworn on the 28th day of June, 1973.

Sgd:- Isaac Paul Ratnam

ISAAC PAUL RATNAM

Before me:

Sgd: P. Athisdam

Commissioner of Oaths.  
Supreme Court,  
Singapore.

In the High  
Court of the  
Republic of  
Singapore

No. 3

Affidavit of  
Isaac Paul  
Ratnam to  
show cause  
28th June  
1973

(continued)

No. 4

In the High Court of the Republic of Singapore

EVIDENCE OF ISAAC PAUL RATNAM ON CROSS-EXAMINATION OF HIS AFFIDAVIT

No. 4

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Evidence of Isaac Paul Ratnam on cross-examination of his Affidavit 2nd July 1973

ORIGINATING SUMMONS )  
NO. 255 of 1973

BETWEEN

THE LAW SOCIETY OF SINGAPORE Applicants

And

ISAAC PAUL RATNAM Respondent 10

MONDAY, 2ND JULY 1973 Coram: Wee, C.J.  
Chua, J.  
Tan, J.

Hilborne for Respondent.

Thean for Law Society.

Thean - apply to x-exam on Affidavit.

Resp. called and after being duly sworn is x-exam.

X-EXAM of Isaac Paul Ratnam

Q. Look at para. 13. Is that what you say?  
A. Yes. 20  
Yes. Para. 15 is what I say. Yes Para. 17 is what I say.

Q. Was it your intention at that time to give the files to Police?  
A. Yes, provided they gave me a proper acknowledgment which they did. They did not take files in one whole lot. Yes I remember giving evidence at hearing of F. Seow.

Q. Is it not true you said you wish to keep the files at the Dis. Com. hearing?  
A. I can't remember. 30

Q. I read out passages.  
A. Yes I said those passages. Yes on oath.

- Q. You now make inconsistent statements in this Affidavit?
- A. No.
- Q. What you said today in answer to my question is contradictory to what you said at hearing of F. Seow's matter before Dis. Com.?
- A. It appears to be contradictory.
- (Ct. asks question)
- A. Yes, it is contradictory. I did not want files to be available until I talked to F. Seow.
- 10 Q. Look at para.14 of your affidavit. There were 2 letters written by you on that day. One is Exh. P.4. The other letter is this (copy handed to witness).
- A. Yes.
- Q. This point of unintentional error. Is it not first time you have said it?
- A. Yes.
- Q. You never said it in plea of mitigation before Dt. Judge?
- 20 A. Yes, agreed.
- Q. If it is necessary to dispose of Gaffar's personal properties why wrote to G. Manager?
- A. There was a problem. Gaffar's personal properties were mixed up with Co's. Yes, I am still maintaining that my letter was meant to refer to Gaffar's personal properties.
- Q. Why did you refer to Dicey?
- 30 A. Because G. had indicated which were uncertain which were his properties in his name and which in Co's name, e.g. cars and air conditioners.
- Q. This problem could not be solved by referring to Dicey?
- A. It affects the Co.
- Q. This letter did not contain an unintentional error?
- A. No. This Mr. Kumaran was in my office in company of Mrs. Narayanan on 1st August and again on 2nd August.

In the High  
Court of the  
Republic of  
Singapore

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No. 4

Evidence of  
Isaac Paul  
Ratnam on  
cross-  
examination  
of his  
Affidavit  
2nd July 1973  
(continued)

In the High Court of the Republic of Singapore

No. 4

Evidence of Isaac Paul Ratnam on cross-examination of his Affidavit 2nd July 1973 (continued)

- Q. You remember the Ipoh letter asking for disposal of Gaffar's personal properties?
- A. Yes.
- Q. Did you at time consider it highly improper letter?
- A. Yes. Not for reason you think. It is last paragraph of letter that I think improper because it was against Mr. G's instructions.

NO RE-EXAM.

Certified true copy.

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Signed:- Ng Peck Chuan,

Private Secretary to the Hon. the Chief Justice, Supreme Court, Singapore, 6.

No. 5

Order striking Isaac Paul Ratnam off Roll of Advocates and Solicitors 2nd July 1973

No. 5

ORDER STRIKING ISAAC PAUL RATNAM OFF ROLL OF ADVOCATES AND SOLICITORS

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

ORIGINATING SUMMONS )  
No. 255 of 1973 )

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In the Matter of the Legal Profession Act (Cap. 217)

And

In the Matter of Isaac Paul Ratnam an Advocate & Solicitor

Before The Honourable The Chief Justice  
The Honourable Mr. Justice Chua  
The Honourable Mr. Justice Tan Ah Tah

IN OPEN COURT

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This Originating Summons coming on for hearing on the 2nd day of July, 1973 in the presence of Mr. L.P. Thean of Counsel for The Law



Society of Singapore and Mr. K. E. Hilborne of Counsel for the Respondent, Isaac Paul Ratnam, an Advocate and Solicitor of the Supreme Court AND UPON READING the affidavit of Sinnadurai Vellupillai filed herein on the 14th day of May, 1973 and the exhibits therein referred to and in particular the Report of the Disciplinary Committee of The Law Society of Singapore appointed by Orders of The Honourable The Chief Justice dated the 7th day of October, 1972 and the 10th day of November, 1972 respectively and UPON HEARING Counsel as aforesaid IT IS ORDERED that the Respondent, the said Isaac Paul Ratnam, an Advocate and Solicitor of the Supreme Court, be and is hereby struck off the Roll of Advocates and Solicitors of the Supreme Court, Singapore AND IT IS ORDERED that the Respondent do pay all the costs incurred by The Law Society of Singapore in these proceedings and the proceedings before the Disciplinary Committee.

In the High Court of the Republic of Singapore

No. 5

Order Striking Isaac Paul Ratnam off Roll of Advocates and Solicitors 2nd July 1973 (continued)

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Dated this 2nd day of July, 1973.

Sd. R.E. Martin

ASST. REGISTRAR

Order entered on the Roll against the name of Isaac Paul Ratnam and he has been duly struck off the Roll.

Dated this 6th day of July, 1973.

Sd. R.E. Martin

ASST. REGISTRAR

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No. 6

No. 6

JUDGMENT

Judgment 20th July 1973

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

ORIGINATING SUMMONS)  
NO. 255 of 1973 )

Between

The Law Society of Singapore

... Applicants

In the High  
Court of the  
Republic of  
Singapore

And

Isaac Paul Ratnam

... Respondent

No. 6

Judgment  
20th July  
1973  
(continued)

Coram: Wee Chong Jin, C.J.  
Chua, J.  
Tan, J.

JUDGMENT

The respondent, Isaac Paul Ratnam, an advocate and solicitor, who had been in private practice since March 1972 and prior thereto had been a State Counsel in the Attorney-General's Chambers for five years, was on his own plea of guilty convicted on 24th October 1972 in the First Magistrate's Court of the following charge, namely:-

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"That he, Isaac Paul Ratnam, on or about the 3rd day of August, 1972, did insitgate the General Manager, Gemini Chit-Fund Corporation Limited, Malaysia Branch, Kuala Lumpur, to dishonestly remove property, to wit, five cars and other movable properties, belonging to the said company, and he had by virtue of Section 108A of the Penal Code committed an offence punishable under Section 424 read with Section 116 of the said Code."

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The respondent immediately after his said conviction through his Counsel applied with the consent of the Deputy Public Prosecutor for another charge to be taken into consideration by the court as provided for by Section 171 (1) of the Criminal Procedure Code. This charge reads as follows :-

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"That he, Isaac Paul Ratnam, on or about the 2nd day of August, 1972, having reason to believe that a certain offence, to wit, criminal breach of trust by an agent has been committed by the Gemini Chit-Fund Corporation Limited, and that such offence was abetted by its directors, Abdul Gaffar and V.K.S. Narayanan, which offences are punishable with imprisonment for life or with imprisonment for a term which may extend to ten years and also with a fine, did cause certain evidence of the said offence to

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disappear, to wit, files containing the Gemini Chit-Fund Corporation Limited's correspondence, vouchers, bank statements, chit fund receipts and Abdul Gaffar's personal correspondence, with the intention of screening the said Gemini Chit-Fund Corporation Limited, Abdul Gaffar and V.K.S. Narayanan from legal punishment, and he had thereby committed an offence punishable under Section 201 of the Penal Code."

In the High Court of the Republic of Singapore

No. 6

Judgment

20th July 1973

(continued)

10 The court, after hearing a plea of mitigation by the Respondent's Counsel who also tendered a statement written by the appellant in mitigation, sentenced the appellant to one day's imprisonment and a fine of \$4,000/- or in default 15 months' imprisonment. As a consequence of his conviction of a serious criminal offence and his admission of having committed another serious criminal offence he appeared before a Disciplinary Committee duly  
20 appointed under the provisions of the Legal Profession Act to hear and investigate the matter and to determine whether cause of sufficient gravity for disciplinary action exists under Section 84 of the said Act. Under Section 84(1) all advocates and solicitors are subject to the control of the Supreme Court and on due cause shown are liable to be struck off the roll or suspended from practice for any period not exceeding two years or censured. Under Section 84(2)(a) such due cause  
30 may be shown by proof that an advocate and solicitor "has been convicted of a criminal offence, implying a defect of character which makes him unfit for his profession". Under Section 84(2)(b) such due cause may be shown by proof that an advocate and solicitor "has been guilty of ... grossly improper conduct in the discharge of his professional duty ...".

40 In his Reply to the Statement of Case the Respondent in effect admitted all the material allegations of fact alleged in the Statement of Case and admitted the fact of his conviction and that he had admitted to having committed another offence. At the hearing and investigation before the Disciplinary Committee, Counsel on behalf of the Law Society relied on the conviction as proof of his conviction of a criminal offence within the meaning of Section 84(2)(a) of the Legal Profession Act and relied on his admission of another criminal offence as proof of grossly improper conduct in the discharge

In the High  
Court of the  
Republic of  
Singapore

No. 6

Judgment  
20th July  
1973  
(continued)

of his professional duty within the meaning of Section 84(2)(b) of the said Act. The Respondent was present and represented by Counsel but did not give evidence before the Disciplinary Committee. His Counsel tendered a written submission and elaborated on it. We quote from the Report of the Disciplinary Committee:-

"Submissions and Facts

4. At the hearing before us the Respondent was represented by Counsel, who handed in a written Submission, which he read and elaborated on. 10

5. In essence, the submissions made on behalf of the Respondent were as follows. It was suggested that, even though he pleaded guilty to the charge referred to it did not follow therefrom that he was in fact guilty of the criminal offence in question, because people sometimes plead guilty, as the Respondent did, so as to avoid the chance of being sent to prison. It was also said that the Respondent did not in law cause the document in question to disappear, because disappearance would amount to an offence only if the evidence in question cannot be utilised in Court, whereas in this case the documents were missing only for 2 weeks. With regard to the letter of the 3rd August, 1972, it was submitted that the Respondent merely acted as a 'conduit pipe' and cannot be said to have instigated the disposal of the property of Gemini then in West Malaysia. It was also said that the winding-up petition in Singapore had no effect in Malaysia and the Respondent therefore took the view (without giving the matter much thought) that the assets in Malaysia were not affected by the Petition. 20 30

6. Apart from these points, the rest of the submissions presented on behalf of the Respondent went to mitigation". 40

The Disciplinary Committee found that the Respondent had been convicted of a criminal offence implying a defect of character which makes him unfit for his profession within the meaning of

Section 84(2)(a) of the Legal Profession Act and also found that in causing or attempting to cause the documents referred to in the second criminal charge to disappear he was guilty of grossly improper conduct in the discharge of his professional duty within the meaning of Section 84(2)(b) of the said Act.

In the High Court of the Republic of Singapore

—  
No. 6

Judgment  
20th July  
1973  
(continued)

10 Before us, similar submissions were advanced by Mr. Hilborne who appeared for the Respondent. With the leave of the Court the Respondent put in an affidavit sworn by him a few days before the hearing on which he was cross-examined before us by Counsel for the Law Society. In the affidavit the Respondent, for the first time, asserted that he had erroneously and unintentionally referred in his letter of 3rd August 1972, which letter was the subject matter of the criminal charge on which he was convicted, to the movable properties as the property of Gemini Chit-Fund Corporation Ltd. when the instructions he received from Gaffar, the managing director of the company, was to dispose of Gaffar's movable properties. He was cross-examined on this and in our opinion his explanation was most unsatisfactory. We disbelieved his continued assertion that it was an unintentional error. His demeanour when cross-examined on his new revelation was in our judgment that of a witness who knew he was not telling the truth.

30 Mr. Hilborne submitted that it is open to this Court to look behind the conviction if on the face of the record the conviction is bad e.g. if he could show that on the admitted facts before the Magistrate's Court the Respondent could not be found in law to have committed the offences as set out in the criminal charge or if no offence is disclosed in the criminal charge. Assuming that this Court is entitled to look behind the conviction in the present proceedings, which are disciplinary in nature, where the allegation is based upon the Respondent's "conviction of a criminal offence" we are of the opinion that there is no error on the face of the criminal charge and that the admitted facts before the Magistrate's Court justifies its acceptance of the Respondent's plea of guilty.

40 Mr. Hilborne's submission was that Section 108A of the Penal Code is not applicable because on the admitted facts the movable properties of the

In the High  
Court of the  
Republic of  
Singapore

No. 6

Judgment  
20th July  
1973  
(continued)

company were situate outside Singapore and it was permissible in law for the movable properties situate outside Singapore of a company, against which a winding-up order has been made by a Singapore court, to be disposed of. We rejected this argument as fallacious. In our judgment Section 108A of the Penal Code was properly invoked. That section reads as follows :-

"A person abets an offence within the meaning of this Code who, in Singapore, abets the commission of any act without and beyond Singapore which would constitute an offence if committed in Singapore".

10

A person who commits in Singapore an act which constitutes dishonestly removing property will have committed an offence punishable under Section 424 of the Penal Code. The offence is committed whether or not the property that has been dishonestly removed is situate in or outside of Singapore.

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The charge to which the Respondent pleaded guilty is that by virtue of Section 108A he had committed an offence punishable under Section 424 of the Penal Code read with Section 166. It mattered not that the movable properties specified in the charge are foreign assets of the company. Section 108A in clear terms would apply if it can be proved that the Respondent abetted in Singapore the commission of any act without and beyond Singapore which would constitute an offence punishable under Section 424 of the Penal Code if committed in Singapore.

30

In the present case the Respondent pleaded guilty and so the prosecution was not put to prove abetment on the part of the Respondent.

The other submission was that the Respondent could not be said to "instigate" the general manager of the company to dishonestly remove certain movable properties of the company because he was merely carrying out the instructions of his client, Gaffar, and was thus merely an agent. This submission we also rejected because we are unaware of any principle or of any authority for the proposition that a solicitor who passes on the instructions of his client to another person

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10 which instructions when carried out by that other person amounts to the commission of a criminal offence does not "instigate" that other person to commit that criminal offence. The Respondent pleaded guilty and admitted in the First Magistrate's Court the facts placed before the court. The facts showed that the Respondent dictated the said letter of 3rd August 1972, signed it and personally handed it to someone with instructions to hand it to the general manager of the Kuala Lumpur branch of the company. These facts having regard to the contents of the said letter constitute prima facie sufficient evidence of instigation by the Respondent.

In the High Court of the Republic of Singapore

—  
No. 6

Judgment  
20th July  
1973  
(continued)

20 It was lastly submitted on behalf of the Respondent that on the facts and having regard to all the circumstances his conviction could not be said to imply a defect of character which makes him unfit for his profession. We rejected this submission. In our judgment it is the nature of the offence which is the sole criterion in determining whether or not an advocate and solicitor comes within the provisions of Section 84(2)(a) of the Legal Profession Act. In our judgment the offence of which the Respondent was convicted is one, which clearly implies a defect of character which makes him unfit for the profession of an advocate and solicitor.

30 Finally, having considered all the circumstances including his admission of having committed another serious criminal offence we were in no doubt that the extreme penalty ought to be imposed and we accordingly ordered that the Respondent be struck off the roll and that he should bear all the costs of the Law Society.

Sd. Wee Chong Jin

CHIEF JUSTICE,  
SINGAPORE.

Sd. F. A. Chua

JUDGE.

Sd. Tan Ah Tah

JUDGE.

40 SINGAPORE, 20 JUL 1973.

No. 7

In the High Court of the Republic of Singapore

ORDER granting leave to appeal to the Judicial Committee of the Privy Council

No. 7

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Order granting leave to appeal to the Judicial Committee of the Privy Council 1st July 1974

ORIGINATING SUMMONS )  
NO. 255 of 1973 )

Between

Isaac Paul Ratnam .... Appellant

And

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The Law Society of Singapore ... Respondent

In the Matter of the Legal Profession Act (Cap. 217)

And

In the Matter of Isaac Paul Ratnam an Advocate and Solicitor

CORAM: THE HONOURABLE MR. JUSTICE WEE CHONG JIN,  
CHIEF JUSTICE, SINGAPORE  
THE HONOURABLE MR. JUSTICE WINSLOW  
THE HONOURABLE MR. JUSTICE TAN AH TAH

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IN OPEN COURT

O R D E R

UPON Motion preferred unto the Court by Counsel for the abovenamed Appellant, Isaac Paul Ratnam, coming on for hearing this day in the presence of Counsel for the abovenamed Respondent AND UPON reading the Notice of Motion dated the 11th day of June, 1974 and the Affidavit of Isaac Paul Ratnam sworn on the 11th day of June, 1974 and filed herein on the 12th day of June, 1974 for leave to appeal to the Judicial Committee of Her Britannic Majesty's Privy Council under Section 3(1)(a) (i), (ii) (iii); (b) and (c) of the Judicial Committee Act (Cap. 8) as read with Section 98(6) of the Legal Profession Act (Cap. 217) AND UPON hearing what was alleged by Counsel aforesaid THIS COURT DOTH GRANT LEAVE to the said Isaac Paul Ratnam to appeal to Her 30



Britannic Majesty's Privy Council against the whole of the judgment of The Honourable The Chief Justice Mr. Justice Wee Chong Jin, The Honourable Mr. Justice Chua and The Honourable Mr. Justice Tan Ah Tah delivered herein at Singapore on the 2nd day of July, 1973.

In the High Court of the Republic of Singapore

No. 7

Dated this 1st day of July, 1974.

Sd:- R.E. Martin

ASST. REGISTRAR.

Order granting leave to appeal to the Judicial Committee of the Privy Council 1st July 1974 (continued)

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Exhibits

Exhibits

"SV.3" REPORT OF DISCIPLINARY COMMITTEE

"SV.3" Report of Disciplinary Committee 23rd April 1973

IN THE MATTER OF ISAAC PAUL RATNAM, AN ADVOCATE AND SOLICITOR

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT (CAP,217)

REPORT OF DISCIPLINARY COMMITTEE

COMPLAINTS.

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1. The Statement of Case as amended raises three matters of complaint against Isaac Paul Ratnam (hereinafter called "the Respondent".)

These are as follows :-

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(1) That the Respondent, on or about the 2nd August, 1972, caused certain evidence, consisting of files relating to Gemini Chit-Fund Corporation Ltd. (hereinafter called "Gemini") and to the personal correspondence of the then Managing Director of Gemini, S.M. Abdul Gaffar, to disappear, with the intention of protecting Gemini, the said Gaffar and another Director, V.K.S. Narayanan, from legal punishment;

Exhibits  
 ———  
 "SV.3"  
 Report of  
 Disciplinary  
 Committee  
 23rd April  
 1973  
 (continued)

(2) That the Respondent wrote a letter dated 3rd August, 1972 to the General Manager of Gemini, Kuala Lumpur Branch Office, intending to instigate or assist and in fact instigating or assisting in the unlawful disposal of certain properties belonging to Gemini in West Malaysia;

(3) That on the 24th October, 1972, the Respondent pleaded guilty in the First Magistrates' Court to the following charge :-

"That he, Isaac Paul Ratnam, on or about the 3rd day of August, 1972, did instigate the General Manager, Gemini Chit-Fund Corporation Limited, Malaysia Branch, Kuala Lumpur, to dishonestly remove property, to wit, five cars and other moveable properties, belonging to the said company, and he had by virtue of Section 108A of the Penal Code committed an offence punishable under Section 424 read with Section 116 of the said Code." 10

and that he also admitted to a further charge which, with the consent of the Prosecution, was taken into consideration by the Court. The further charge is as follows :- 20

"That he, Isaac Paul Ratnam, on or about the 2nd day of August, 1972, having reason to believe that a certain offence, to wit, criminal breach of trust by an agent has been committed by the Gemini Chit-Fund Corporation Limited, and that such offence was abetted by its directors, Abdul Gaffar and V.K.S. Narayanan, which offences are punishable with imprisonment for life or with imprisonment for a term which may extend to ten years and also with a fine, did cause certain evidence of the said offence to disappear, to wit, files containing the Gemini Chit-Fund Corporation Limited's correspondence, vouchers, bank statements, chit fund receipts and Abdul Gaffar's personal correspondence, with the intention of screening the said Gemini Chit-Fund Corporation Limited, Abdul Gaffar and V.K.S. Narayanan from legal punishment, and he had thereby committed an offence punishable under Section 201 of the Penal Code." 30 40

It is not disputed that the Respondent was convicted on the first charge and sentenced to one day's imprisonment, together with a fine of \$4,000.00 or 15 months' imprisonment in default. It is said by The Law Society that the conviction for the said offence implies a defect of character which makes him unfit for his profession.

Exhibits  
"SV.3"  
Report of  
Disciplinary  
Committee  
23rd April  
1973  
(continued)

10 2. It is further said that by reason of the foregoing matters, the Respondent is guilty of grossly improper conduct in the discharge of his professional duty within the meaning of Section 84(2) of the Legal Profession Act.

3. Finally, it is stated that the Respondent is guilty of such conduct as would render him liable to be disbarred or struck off the Roll of the Court or suspended from practice or censured if a barrister or solicitor in England, due regard being had to the fact that the two professions are fused in Singapore.

20 SUBMISSIONS AND FACTS.

4. At the hearing before us the Respondent was represented by Counsel, who handed in a written Submission, which he read and elaborated on.

30 5. In essence, the submissions made on behalf of the Respondent were as follows. It was suggested that even though he pleaded guilty to the charge referred to it did not follow therefrom that he was in fact guilty of the criminal offence in question, because people sometimes plead guilty, as the Respondent did, so as to avoid the chance of being sent to prison. It was also said that the Respondent did not in law cause the documents in question to disappear, because disappearance would amount to an offence only if the evidence in question cannot be utilised in Court, whereas in this case the documents were missing for only 2 weeks. With regard to the letter of the 3rd August, 1972, it was submitted that the Respondent merely acted as a "conduit pipe" and cannot be said  
40 to have instigated the disposal of the property of Gemini then in West Malaysia. It was also said that the winding-up petition in Singapore had no effect in Malaysia and the Respondent therefore took the view (without giving the matter much thought) that the assets in Malaysia were not affected by the Petition.

Exhibits

"SV.3"

Report of  
Disciplinary  
Committee  
23rd April  
1973  
(continued)

6. Apart from these points, the rest of the submissions presented on behalf of the Respondent went to mitigation.

7. We find the following facts proved or admitted. The Respondent, as appears from the written Submission, served as Deputy Public Prosecutor and State Counsel between the 1st June, 1967 and the 29th February, 1972, a period of almost five years and he had also held appointments as Deputy Registrar of Companies and Assistant Registrar of Business Names. From the date of his graduation in 1967, he had been a part-time tutor and lecturer at the University of Singapore until his arrest in August, 1972. At all the hearings before the Senior District Judge, including that on the 24th October, 1972, when he was convicted, the Respondent was represented by Counsel.

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8. It is not open to us to go behind the plea of guilty, (which was duly entered and recorded) by the Respondent who, having the benefit of his experience of the criminal law and of the advice of his legal advisers, pleaded guilty to the charge referred to above, and admitted the facts stated in the second charge, which was taken into account by the Senior District Judge. The Record of the criminal proceedings against the Respondent was admitted in evidence at the hearing before us and marked "P.1". Part of the said Record consists of a plea in mitigation written out by the Respondent which was admitted in those criminal proceedings as exhibit "D.1". In the Reply and in the written Submission which were before us, unlike the plea in mitigation at the trial, it is nowhere alleged that Mr. Francis T. Seow, the Respondent's superior in the firm of Francis T. Seow, had assured the Respondent of the propriety of the letter of the 3rd August, 1972, before and after that letter had been written, nor that he subsequently initialled a copy of the letter by way of approval the next day. The mitigating factors which the Respondent has relied on before us were essentially that as a result of these events he has been left without any job or income, that his career has been ruined and that he did what he did under pressure of work with a desire to help his client and not with any intention to break the law. We proceed on the basis of the case as presented to us at the hearing before us.

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9. We feel bound to take a serious view of the material before us, which discloses a conviction of a serious criminal offence, and an admission of another and more serious offence, and thus a deplorable absence of appreciation of his professional and moral obligations by the Respondent. The fact that the files and other evidence were missing for only two weeks cannot be regarded as a relevant factor, as the act was done with the intent set out in the charge under Section 201 of the Penal Code referred to in paragraph 1(3) above viz: to screen the said two directors from legal punishment. The letter of the 3rd August, 1972 could well have resulted in assets of Gemini being lost to the Liquidators and therefore to creditors and members. We are of the clear opinion that the role of the Respondent was not the passive one of a mere "conduit pipe", but that he was actively concerned in all these matters.

Exhibits  
 ———  
 "EV.3"  
 Report of  
 Disciplinary  
 Committee  
 23rd April  
 1973  
 (continued)

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20 FINDINGS.

10. We have carefully considered the facts, and everything which has been urged upon us on behalf of the Respondent, and also the exhibits, and the authorities and text books referred to by Counsel for The Law Society and Counsel for the Respondent. Copies of the Notes of Argument the written submission and the exhibits (P.1, D1 and D.2) are contained in Appendix "A" to this Report.

30

11. In considering these complaints, we have approached the case on the footing that the burden of proof is that which applies in a criminal trial.

12. We find that the Respondent was guilty of grossly improper conduct in the discharge of his professional duty within the meaning of Section 84(2)(b) of the said Act in writing and issuing the letter of the 3rd August, 1972, and in failing to take any steps to withdraw, countermand or retract or dissociate the firm or himself from the said letter.

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13. We find that the Respondent has been convicted of a criminal offence, namely the offence under Section 108A of the Penal Code described in paragraph 1(3) hereof, and that such offence implies a defect of character which makes him unfit for his profession within the meaning of Section 84(2)(a) of the said Act.

Exhibits  
—  
"SV.3"  
Report of  
Disciplinary  
Committee  
23rd April  
1973  
(continued)

14. We further find that the Respondent was guilty of grossly improper conduct in the discharge of his professional duty within the meaning of Section 84(2)(b) of the said Act in causing or attempting to cause the said documents to disappear.

15. We make no finding under Section 84(2)(h) of the said Act as to whether the Respondent's conduct would render him liable to be disbarred or struck off the Roll of the Court or suspended from practice or censured if a barrister or solicitor in England as no evidence was adduced in regard to the attitude which the Bar Council or Law Society of England would take in these circumstances.

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16. We determine that in respect of all the matters referred to in paragraphs 12, 13 and 14 of this Report, cause of sufficient gravity for disciplinary action exists under Section 84 of the said Act.

17. As the question of what penalty, if any, is to be imposed on the Respondent is not a matter for this Committee, we make no comment thereon.

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DATED the 23rd day of April, 1973.

Sd. A.P. Godwin

A.P. Godwin

Sd. R.S. Boswell

R.S. Boswell

Sd. S.K. Lee

S.K. Lee

APPENDIX "A" TO "SV.3" - NOTES OF ARGUMENT

Exhibits

IN THE MATTER OF ISAAC PAUL RATNAM AN ADVOCATE AND SOLICITOR

Appendix "A" to "SV.3" Notes of Argument 31st January 1973

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT (CAP.217)

Preliminary hearing held at 9.30 a.m. on 31st January, 1973, in Court No.5, High Court, Singapore.

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Present: Mr. A.P. Godwin, Chairman ) Members of  
Mr. R.S. Boswell ) Committee  
Mr. S.K. Lee ) of Inquiry.

Mr. Vellupillai, Secretary of the Committee

Mr. L.P. Thean for the Council of the Law Society

Mr. George Sandosham for Mr. Isaac Paul Ratnam.

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Chairman: Before we begin, we feel that we ought to inform you that we constituted the Committee in the inquiry of Mr. Francis T. Seow, and that the findings of that Inquiry have been submitted. That Inquiry involved Mr. Ratnam.

Mr. Sandosham: We have filed a reply in answer to the Statement of Case, in which nothing material has been challenged. We want a date to submit on the facts and to give a detailed plea in mitigation. There will be no witnesses, as there would be no challenge on the facts. I ask the Board to grant half a day or one day to submit on the facts and to put up a plea in mitigation. It would not involve the Committee on findings of facts. It would only go to mitigation with a view of urging the Committee to recommend the most lenient sentence possible.

## Exhibits

Appendix "A"  
to "SV.3"  
Notes of  
Argument  
31st January  
1973  
(continued)

Chairman: We are happy to note what you have to say, but we must remind you that we have no power over penalty, which is a matter entirely for the High Court.

Before you go on, we would like to know if you have any objection to this Committee sitting on this Inquiry, in view of the fact that we have sat on the inquiry over Mr. Francis T. Seow.

Mr. Sandosham: I assure the Committee that my client and I have no objection whatsoever to this Committee sitting on this Inquiry. 10

Mr. L.P. Thean: I also have no objection to this Committee sitting on this Inquiry.

Chairman then fixed 17th February, 1973 at 9.30 a.m. in the same Court for the hearing of the Inquiry.

17th February, 1973  
9.30 a.m.  
Court No. 5. 20

Present: Same as before.

Mr. Sandosham: I regret to inform the Committee that Isaac Paul Ratnam is absent today.

On the 12th February, 1973, I received a letter saying that he would be away and would try to be back in time for the hearing. In the letter he asked the Committee to proceed in his absence. The letter is admitted and marked as "D1". 30

Later I received a telegram from Las Vegas saying that he is unable to return in time, and asking us to proceed without him. The telegram is admitted and marked as "D2".

The law provides that we can proceed without Mr. Ratnam unless the Board wishes to ask him personally questions on any matter. 40



Chairman notes that under Section 104 of the Legal Profession Act an affidavit or statutory declaration is required before the Committee can proceed in the absence of Mr. Ratnam.

The Committee decided to adjourn the hearing to enable an affidavit or statutory declaration to be filed in compliance with Section 104.

Hearing is adjourned to the 10th March, 1973, at 9.30 a.m.

Exhibits  
 —  
 Appendix "A"  
 to "SV.3"  
 Notes of  
 Argument  
 31st January  
 1973  
 (continued)

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10th March, 1973.  
 9.30 a.m.  
 5th Court.

Present: Same as before.

Mr. Isaac Paul Ratnam is present.

Mr. Sandosham hands in a written submission.

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Mr. Thean applies to the Committee to amend paragraph 4 of the Statement of the Case by deleting "31st" from the 1st line and substituting therefor "29th" and inserting the words "on 31st July, 1972" after the word "charged" in the 1st line at page 2 and deleting the words "with the approval or consent, or in the alternative with the knowledge of" in the 2nd and 3rd lines of paragraph 10 and substituting therefor the words "and after the despatch thereof, a copy was read by".

Mr. Sandosham has no objection to the amendments.

Amendments allowed.

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Mr. Thean tenders certified copies of the criminal proceedings in which Isaac Paul Ratnam was convicted.

Mr. Sandosham has no objection.

Record admitted and marked as "P1".

Mr. Thean opens:

In view of the admitted facts, Isaac Paul

Exhibits  
 —  
 Appendix "A"  
 to "SV.3"  
 Notes of  
 Argument  
 31st January  
 1973  
 (continued)

Ratnam is guilty of grossly improper conduct in the discharge of his professional duty under Section 84 (2)(b) of the Legal Profession Act (Chapter 217). In addition, he was convicted of a criminal offence implying a defect of character rendering him unfit for the profession under Section 84(2)(a) of the Act. Further, he is guilty of such conduct as would render him liable to be disbarred or struck off the Roll of the Court, or suspended from practice or censured, if a barrister or solicitor in England, due regard being had to the fact that the two professions are fused in Singapore. Mr. Thean then cites the following three cases:

- (1) Allinson v. General Council of Medical Education and Registration (1894) 1 QB 757
- (2) In Re A Solicitor (1912) 1 KB 302
- (3) Marten v. Royal College of Veterinary Surgeons (1966) 1 QB 1

On the criminal conduct of a solicitor, I refer to Cordery on Solicitors, 5th Edition, at page 462. Mr. Thean reads, "Conviction for a criminal offence, whether connected with his character as a solicitor or not, and whether involving money matters or not, prima facie makes the solicitor unfit to continue on the roll. His name is struck off, not by way of a second punishment, but because he is not a proper person to be a solicitor ....."

Mr. Sandosham: I apologise to the Committee for my client's absence at the last hearing due to unavoidable circumstances.

On the facts as stated in paragraphs 14 and 15 of the Statement of Case, we admit that Isaac Paul Ratnam had in fact been convicted and sentenced to 1 day's imprisonment plus a fine of \$4,000.00, or in default 15 months' imprisonment. We do not deny the facts alleged in the Statement of Case that they occurred.

Although he pleaded guilty to the charge, the question is --

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(a) Has an offence been disclosed in law?

and (b) What are the circumstances surrounding the acts committed?

Exhibits  
Appendix "A"  
to "SV.3"  
Notes of  
Argument  
31st January  
1973  
(continued)

10

The rule is a flexible one, and although a person is convicted of a criminal offence, we have to consider what the criminal offence is. As, for example, if a person is convicted of an offence under Section 304(A) of causing death by negligent driving, we must look at the circumstances of the case.

There are also cases where people prefer to plead guilty rather than take a risk that he might undergo a long term of imprisonment.

Mr. Sandosham reads from the written submission, and submits further:-

20

"Disappearance" must be more permanent. I refer to the learned Senior District Judge's grounds of decision, in which he took the 2nd charge into consideration -- the two files only disappeared for two weeks .....

It may still be possible that no offence was committed in law, although he pleaded guilty, since he did not cause the files to disappear permanently. Disappearance would amount to an offence only if the evidence in question cannot be utilised in Court.

30

In regard to the letter of the 3rd August, 1972, he was merely acting as a "conduit pipe" and cannot be said to have instigated the disposal of the property of Gemini in West Malaysia. The winding-up petition in Singapore would have no effect in Malaysia. He took the view that the assets in Malaysia were therefore not affected by the winding up proceedings in Singapore. He did not give the matter much thought. He was then under heavy pressure of work. His desire was only to help his clients, and did not have any intention to break the law.

Exhibits  
 —  
 Appendix "A"  
 to "SV.3"  
 Notes of  
 Argument  
 31st January  
 1973  
 (continued)

I urge the Committee to recommend only suspension, as complete disbarment is too serious.

Mr. Thean replies:-

There are three complaints against Isaac Paul Ratnam --

- (1) The letter of the 3rd August, 1972
- (2) Causing all files to disappear, and
- (3) The conviction.

There is no doubt at all that this is grossly improper conduct. Isaac Paul Ratnam pleaded guilty to the charge of instigating the unlawful disposal of the properties of Gemini. It is not open to him to contend that there was no instigation. He also asked the 2nd charge of causing the files to disappear to be taken into consideration. I submit that section 84(2) paragraphs (a) and (b) are applicable.

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Hearing concludes at 10.15 a.m.

Certified correct,

Signed:-

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(S.Vellupillai)  
 Secretary.

Appendix "A"  
 to "SV.3"  
 Submission  
 9th March  
 1973

APPENDIX "A" to "SV.3" - SUBMISSION

IN THE MATTER OF ISAAC PAUL RATNAM AN ADVOCATE AND SOLICITOR

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT (CAP,217)

SUBMISSION

ISAAC PAUL RATNAM aged thirty-one graduated from the University of Singapore in 1967. After service with the Economic Development Board for a few months, he joined the Attorney-General's Chambers as Deputy Public Prosecutor and State Counsel on 1st June 1967. He served in this post

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till 29th February 1972 - an uninterrupted period of almost five years.

Exhibits

Appendix "A"  
to "SV.3"  
Submission  
9th March  
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(continued)

In the course of his service in the Chambers he was also appointed Deputy Registrar of Companies and Assistant Registrar of Business Names. In addition he had also been a part-time tutor and lecturer at the University of Singapore from the date of graduation to the time of his arrest.

10 My client was married in April 1969 and has two children by this marriage aged two-and-a-half and one-and-a-half years respectively.

20 Sometime in April or May 1972 he was approached by the Accountant of Gemini Chit Fund Corporation and asked the firm of Francis T. Seow to act for them. Isaac accepted the brief on behalf of the firm. Thus it came about that when the two directors of the Company were arrested on 29th July 1972 Isaac was approached to act for them. He accepted the brief, and while he was taking instructions from them, they had voiced their desire for Francis to appear on their behalf.

30 While taking instructions from the Directors, he sought their permission to have certain files sent to his office for the purpose of preparing their defence. They agreed and as a result they brought certain files over to Isaac's office and there made out a list of these in their own handwriting. They are marked "IPR 2" and "IPR 3" in the reply. It will be noticed from the above that there was no causing of 'disappearance' as such as that term is defined by the authorities. The Supreme Court decision in Palvinder Kaur v. State of Punjab AIR 1952 SC354 and a decision of a court of full bench in Abdul Kader (1880) 3 All 279 have interpreted the term 'disappearance' to mean disappearance in the sense that such evidence cannot be utilised in court for proving that offence. The other authorities which re-state this interpretation are:

40 Thankur Singh v. EMP. AIR 1939 All 665  
Upendra v. EMP. AIR 1941 Cal 456  
Periasioami v. EMP. AIR 1935 Mad 36

It is submitted that the decided cases as far

Exhibits  
 —  
 Appendix "A"  
 to "SV.3"  
 Submission  
 9th March  
 1973  
 (continued)

as I am aware has been interpreted to mean not temporary inaccessibility by the police to evidence. There must be something more permanent in order that it would come within the ambit of the section.

The conduct of Isaac becomes less wrong when it is admitted that everyone of these documents was given to the police on their request and properly acknowledged as per "IPR 3". In this context one is indeed tempted to ask: What is it that is supposed to have disappeared? (The meaning in the Concise Oxford Dictionary is 'cease to be visible, vanish, die away from sight or existence, be lost.'). If the said files and documents had been burnt or destroyed, then it may amount to disappearance but that is not the case here.

10

The files which were deposited in my client's chambers by the aforesaid employees of Gemini, were done for the sole purpose of preparing their defence.

20

From the foregoing it could be argued that there was no criminal offence committed as such. Whatever he did, he did in the best interests of his clients. The Board would agree that the distinction between protecting the interests of a client and what amounts to an unlawful act could be a fine one which is not always noticeable by young practitioners.

It was with the same attitude that Isaac wrote the letter of 3rd August 1972 to the Gemini Manager in Kuala Lumpur. As stated in the Statement of Case, he was acting on the instructions of Gaffar. At the time when he wrote that letter, Isaac was under considerable pressure of work and consequently he wrote that letter without any thought or fully realising the consequence thereof. The only book to which he had quickly referred to was the Standard Work of Dicey, 'Conflict of Laws' at page 489 where the author had stated that the presentation of a winding up order in one jurisdiction does not bestow control, lease or vesting, of properties in another jurisdiction, in the hands of the Liquidator.

30

40

It is my submission that however wrong my client's conduct may have been, if the property

under consideration has not been properly subjected to the process of court, the instigation for removal or disposal thereof may not be an offence under Section 424 of the Penal Code, for the anetment of which Isaac was charged and convicted.

Exhibits  
 —  
 Appendix "A"  
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 Submission  
 9th March  
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 (continued)

10 Furthermore I submit that Isaac could not have 'instigated' Gaffar in the sense that has been interpreted. The concise Oxford Dictionary defines the word as 'urge on, incite, bring about by persuasion.' In the case of Lakshmi Narayanan Ayan 1918 AIR (M) 738 or 19 Cr. L.J.29 it was held that for a conduct to amount to instigation, it must actively stimulate the commission of an offence.

It would appear from the records that Isaac was merely acting on instructions and passing his clients' orders to the K.L. Manager. He was the conduit pipe. Could this be said to amount 'actively stimulating' the commission of an offence?

20 If the aforesaid were accepted as true, the question that must surely arise is "Why did Isaac plead guilty?" The answer to this is simple and straightforward: he just could not afford the risk of being imprisoned for a long period and leaving his wife and children in the lurch. To him they were more important than either his career or his reputation. After careful consideration and discussing the matter, Isaac Paul Ratnam decided to plead guilty. The Board can also consider the fact that the Attorney-General's Chambers decided to  
 30 proceed on lesser of the two charges.

However reprehensive my client's conduct may have been, it is my submission that it was certainly not a criminal act. Even if it was a criminal act it would be at the lowest degree of criminality.

40 In any event the entire episode has left my client without any job or income. His entire career has been abruptly ended. Since his arrest he has been under a self-imposed suspension from practice. The conviction recorded against him has made it extremely difficult to find a job. As a result Isaac is in extremely difficult financial situation.

I submit that in view of the aforesaid, my client has been punished more than adequately and

Exhibits

Appendix "A"  
to "SV.3"  
Submission  
9th March  
1973  
(continued)

I urge this committee if it is within its power to recommend that he be censured or suspended for a period of time in order that he may be given an opportunity at a later time to carry on in his chosen profession.

Dated the 9th day of March, 1973.

Sgd:- Sandosham & Co.

Solicitor for the Respondent

Appendix "A"  
to "SV.3" -  
Exhibit

APPENDIX "A" to "SV.3" - EXHIBIT

Tuesday 15th August 1972  
In Open Court,  
Before me,

10

Sd. T.S. Sinnathuray  
Senior District Judge.

DAC. 567/72 P.P. vs. Isaac Paul Ratnam -

- 1) Sec. 424 read with Sec.116 P.C.
- 2) Sec. 201 P.C.

Attorney-General Mr. Tan Boon Teik  
for Prosecution assisted by Mr.  
Rajendran, Senior State Counsel.

20

Mr. N. Isaac for defence.

Charge marked P.1.  
Additional charge marked P.1A.

Attorney-General in Person.  
Nathan for Accused.

Charges marked P.1 and P.1A.  
Charges read and explained.  
Claims trial to both charges.

Attorney-General: Why an officer of Court has been charged? Grave and serious nature.

Refer to letter dated 3.8.72.



Nathan:

Object to letter dated 3.8.72 being ~~Exhibits~~  
read in Court now.

Would prejudice this Court.

I allow letter to be read.

Bail offered at ₹10,000/- one  
surety.

Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

Nathan:

Nothing to say.

Bail offered. ₹10,000/- one surety.

For mention on 9.9.72 at 9.30 a.m.

10

Sd. T.S. Sinnathuray

---

Saturday 9th September 1972

In Open Court,  
Before me

Sd. T.S. Sinnathuray  
Senior District Judge

DAC. 567/72 P.P. vs. Isaac Paul Ratnam -

- 1) Sec. 424 read with Sec. 116 P.C.
- 2) Sec. 201 P.C.

Mr. Rajendran, Senior State Counsel for  
Prosecution.

Mr. David Marshall for defence.

Charges marked P.1 and P.1A.

For hearing in 1st District Court from  
1st to 3rd of November 1972 at 10.00 a.m.

Sd. T.S. Sinnathuray

Bail extended.

Sd. T.S. Sinnathuray

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20

Exhibits  
Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

Tuesday 24th October 1972.  
In Open Court,  
Before me,

Sd. T.S. Sinnathuray  
Senior District Judge.

DAC.567/72 P.P. vs. Isaac Paul Ratnam

- 1) Sec. 424 read with Sec. 116 of P.C.
- 2) and Sec. 201 of P.C. (2 counts)

D.P.P. Mr. S. Rajendran for Prosecution.  
Mr. G. Sandosham for defence.

10

Charges marked P.1 and P.1A.

Warrant for Arrest marked P.2.

Rajendran: May the first charge be read to the  
accused.

Charge read and explained.

Pleads guilty.

Understands nature and consequence of  
plea.

Rajendran: Submit written statement of facts -  
marked P.3.

20

Submit letter relating to the charge -  
marked P.4.

The initials I.P.R. refer to the  
accused as the writer of the letter.

Submit photostat copy of duplicate  
letter found in the office of Francis  
T. Seow pursuant to Search Warrant on  
15.8.72 - marked P.5.

Facts admitted by the accused.

I convict the accused on the charge.

30

Nothing known.

Sandosham: Apply for the 2nd charge to be taken into consideration under Section 171(1) of Cap. 113.

Have the consent of D.P.P.

Rajendran: I consent.

Charge is shown to the accused.

Admit the facts stated in the charge.

Ask that the facts and the charge be taken into account.

Exhibits  
—  
Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

10 Sandosham: Accused graduated in 1967 with an LL.B. degree from the University of Singapore. After graduation his first employment was with Economic Development Board.

In June 1967 he was appointed a D.P.P. and State Counsel in Attorney-General's chambers. Served in that post till his resignation in February 1972.

20 From September 1971, he was in addition the Dy. Registrar of Companies and Assistant Registrar of Business Names. He was also appointed Singapore's Legal Correspondent to U.N. Industrial Development Organisation. Commencing practicing as an Advocate & Solicitor with the firm of Francis T. Seow from 1.3.72.

In 1969 accused was awarded LL.M. by University of Singapore for a paper on Family Law.

30 He was also a Tutor/Lecturer at University of Singapore, Law Faculty.

Accused is 30 years of age - Married with two children.

Lost his parent in 1962 and 1963 and worked his way through Law School.

## Exhibits

Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

He has pleaded guilty to the charges in a mitigating factor in itself, also no previous conviction.

Have been informed that he has co-operated with the Police since the arrest in order to help them realize the maximum assets of the Gemini Chit Fund Corporation.

As no mitigating factors relating to the offence, accused has written out in his words a statement - marked D.1. Prepared entirely by the accused and signed by him. Accused had a fixed salary as an assistant and was also entitled to a share in the monthly profits.

10

He was not a partner - no control over policy making in the firm.

The accused resigned from the firm on the date of his arrest.

20

Statement is read in Court.

Submit the following facts :-

- (i) Been an advocate/solicitor for 5 months,
- (ii) Not prepared for the role of defence counsel after being D.P.P. for 5 years,
- (iii) Was working under considerable pressure of work,
- (iv) Dishonesty is very minimal,
- (v) In this case a very thin distinction between protecting the interest of client and committing an unlawful act,
- (vi) Disciplinary Committee appointed by the Law Society which will inquire into the matter.

30

Submit letter from Ipoh and reply -  
marked D.2 and D.3.

Exhibits

Refer to punishment sections.

Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

- (i) Section 424.
- (ii) Section 116.

Confirm that no offence committed in  
consequence of the abetment.

Letter has caused no loss to any one.

10

Taking the other offence into consider-  
ation Courts jurisdiction cannot exceed  
punishment under section 116.

Two files disappeared for two weeks only.

The files are now in the safe custody  
of the Police.

They are now in Court.

This is a mitigating factor.

20

Other professionals charged in Court  
for offences under the Penal Code and  
where various terms of imprisonment  
have been given have maximum punishment  
longer than the accused.

Has shown repentance.

Prosecution has accepted a plea on the  
lesser of the two charges he is facing.

Act committed by the accused was a  
stupid one.

Rajendran: Leave the question of sentence entirely  
to the Court.

30

Reserve till 2.30 p.m. on 25.10.72.

Bail extended.

Sd. T.S. Sinnathuray

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Exhibits

Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

Wednesday 25th October 1972.  
In Open Court,  
Before me,

Sd. T.S. Sinnathuray  
Senior District Judge

DAC.567/72 P.P. v. Isaac Paul Ratnam

- 1) Sec. 424 read with Sec.116 of P.C.
- 2) Sec. 201 of P.C. (2 counts)

Parties as before.

For Grounds of Decision and sentence.

10

Sentenced to one day's imprisonment  
and a fine of \$4,000/- or in default  
15 months.

Sd. T.S. Sinnathuray

TRUE COPY

Sd. T.S. Sinnathuray  
District Judge.

Appendix "A"  
to "SV.3" -  
Exhibit

COPY OF EXHIBIT P.1 IN DIST. COURT NO.1 CASE NO.  
DAC.567/72

C H A R G E

20

You, Isaac Paul Ratnam, are charged that you  
on or about the 3rd day of August, 1972, did  
instigate the General Manager, Gemini Chit-Fund  
Corporation Limited, Malaysia Branch, Kuala Lumpur,  
to dishonestly remove property, to wit, five cars  
and other moveable properties, belonging to the  
said company, and you have by virtue of section  
108A of the Penal Code committed an offence  
punishable under Section 424 read with section 116  
of the said code.

30

Sd. Ng Leng Hua, Ag. Supt.,  
Officer-in-Charge, 'G' Div.,  
Joo Chiat Police Stn.,  
Singapore, 15.  
15.8.72.

TRUE COPY

Sd. T.S. Sinnathuray  
District Judge.

COPY OF EXHIBIT P.1A IN DIST. COURT NO. 1 CASE NO.  
DAC.567/72

Exhibits

Appendix "A"  
 to "SV.3" -  
 Exhibit

2ND CHARGE

10 You, Isaac Paul Ratnam, are charged that you  
 on or about the 2nd day of August, 1972, having  
 reason to believe that a certain offence, to wit,  
 criminal breach of trust by an agent has been  
 committed by the Gemini Chit-Fund Corporation  
 Limited, and that such offence was abetted by its  
 20 directors, Abdul Gaffar and V.K.S. Narayanan,  
 which offences are punishable with imprisonment  
 for life or with imprisonment for a term which may  
 extend to ten years and also with a fine, did  
 cause certain evidence of the said offence to  
 disappear, to wit, files containing the Gemini  
 Chit-Fund Corporation Limited's correspondence,  
 vouchers, bank statements, chit fund receipts and  
 Abdul Gaffar's personal correspondence, with the  
 intention of screening the said Gemini Chit-Fund  
 Corporation Limited, Abdul Gaffar and V.K.S.  
 Narayanan from legal punishment, and you have  
 thereby committed an offence punishable under  
 section 201 of the Penal Code.

Sd. Ng Leng Hua

15.8.72.

TRUE COPY

Sd. T.S. Sinnathury

District Judge.

30 COPY OF EXHIBIT P.3 IN DISTRICT COURT NO. 1  
CASE NO. DAC.567/72

Appendix "A"  
 to "SV.3" -  
 Exhibit

Gemini Chit-Fund Corporation Ltd. is a firm  
 incorporated in Singapore. On 31.7.72 a petition  
 was presented by the Minister for Finance for the  
 winding-up of the said firm and on 4.8.72 the  
 Official Receiver was appointed provisional  
 liquidator of the said firm under section 231 of  
 the Companies Act.

The Gemini Chit-Fund Corporation Ltd. has  
 some branch offices in Malaysia. One of these

Exhibits

Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

branches is situated at 41 Melayu Street, Kuala Lumpur.

On 14.8.72 Mr. Ching Chiak Yong, the Assistant Official Receiver, Singapore, came into possession of a copy of a letter written from the firm of Francis T. Seow addressed to the General Manager, Gemini Chit-Fund Corporation Ltd., Malaysia Branch, 41 Melayu Street, The letter which bore the reference IPR/CR/34/72/sl read as follows:-

10

"

"

Mr. Ching Chiak Yong then swore a complaint before the Senior District Judge.

On 15.8.72, acting on the authority of a search warrant issued by the Senior District Judge, a raid on the office of Francis T. Seow was conducted by officers of the Commercial Crime Branch of the C.I.D. A duplicate of the said letter was discovered in a file in the office. At the bottom of the letter there was an initial which was established to be that of Francis T. Seow. Investigations revealed that this letter was dictated by Isaac Paul Ratnam to his secretary, Miss Shirley Lim, on 3.8.72. It was then signed by Isaac Paul Ratnam on behalf of the firm and handed to one Francis Retnam, the Regional Manager of the Penang Branch of the Gemini Chit-Fund Corporation Ltd., with instructions to hand the letter to one K.K. Kumaran, the General Manager of the branch at 41 Melayu Street, Kuala Lumpur.

20

30

On the evening of 3.8.72 Francis Retnam left Singapore and on the afternoon of 4.8.72 he handed the said letter to K.K. Kumaran at Kuala Lumpur. Kumaran after reading the letter told Francis Retnam that he was going to ignore the letter and made a note to that effect on the original.

The accused, Isaac Paul Ratnam, by writing this letter and having it sent to K.K. Kumaran has committed the offence of instigating the dishonest removal of the property named in the letter, an offence under 424 read with section 116 of the Penal Code.

40

TRUE COPY  
Sd. T.S. Sinnathuray  
District Judge.



COPY OF EXHIBIT P4 IN DIST. COURT NO.1 CASE NO.  
DAC.567/72

Exhibits

Appendix "A"  
 to "SV.3" -  
 Exhibit

FRANCIS T. SEOW  
 Advocates & Solicitor.

CONFIDENTIAL

Our Ref: IPR/CR/34/72/a1

3rd August, 1972

The General Manager,  
 Gemini Chit-Fund Corpn. Ltd.,  
 Malaysia Branch,  
 No.41 Melayu Street,  
 10 Kuala Lumpur,  
 Malaysia.

Attn: Mr. K.K. Kumaran

Dear Sir,

We act for Mr. Gaffar who has instructed us to dispose off the five cars owned by the company, as well as other moveable properties immediately.

20 In this connection, we have instructions from our clients to appoint Mr. S. Francis Retnam as the agent to effect the aforesaid transactions. Please take proper inventory and acknowledgement prior to handing over these properties to Mr. Retnam and keep them confidentially in your control. At a later date, when the transactions have been completed, please let me have these documents. You may want to note that Mr. Retnam has given specific instructions as to the disposal of the funds realized from these properties and as such, he has to be allowed custody thereof.

30 We have been instructed to inform you that Mr. Retnam has been authorised by Mr. Gaffar to proceed to form a Malaysian based Gemini Chit-Fund Corporation Limited and to discontinue operations as a branch of the Singapore company. These instructions are equally applicable to Gemini Travel Service.

Please co-operate with Mr. Retnam and to do the needful to effect Mr. Geffar's instructions.

Yours faithfully,

Sd. Francis T. Seow.

Exhibits

4.8.72.

Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

2.15 p.m.

Informed Mr. Retnam, when handed this letter personally, that I am ignoring this letter. Mr. Retnam later agreed that I may do so. He then suggested that he would raise some funds and asked me to raise some so as to start a chit fund company in the name of Gemini. I ignored this also.

Mr. Kandar of Sheam & Delamore said that I am legally right in ignoring this letter.

10

TRUE COPY

Sd. T.S. Sinnathuray

District Judge.

Appendix "A"  
to "SV.3" -  
Exhibit

COPY OF EXHIBIT P5 IN DIST. COURT NO. 1  
CASE NO. DAC.567/72

IPR/CR/34/72/a1

BY HAND  
CONFIDENTIAL

3rd August, 1972

The General Manager,  
Gemini Chit-Fund Corpn. Ltd.,  
Malaysia Branch,  
No.41 Melayu Street,  
Kuala Lumpur,  
Malaysia.

20

Attn: Mr. K.K. Kumaran

Dear Sir,

We act for Mr. Gaffar who has instructed us to dispose off the five cars owned by the company, as well as other moveable properties immediately.

In this connection, we have instructins from our clients to appoint Mr. S. Francis Retnam as the agent to effect the aforesaid transactions. Please take proper inventory and acknowledgement prior to handing over these properties to Mr. Retnam and keep them confidentially in your control. At a later date, when the transactions have been

30

completed, please let me have these documents. You may want to note that Mr. Retnam has given specific instructions as to the disposal of the funds realized from these properties and as such, he has to be allowed custody thereof.

Exhibits  
 ———  
 Appendix "A"  
 to "SV.3" -  
 Exhibit  
 (continued)

10 We have been instructed to inform you that Mr. Retnam has been authorized by Mr. Gaffar to proceed to form a Malaysian based Gemini Chit-Fund Corporation Limited and to discontinue operations as a branch of the Singapore company. These instructions are equally applicable to Gemini Travel Service.

Please co-operate with Mr. Retnam and do the needful to effect Mr. Gaffar's instructions.

Yours faithfully,

Sd. Francis T. Seow

TRUE COPY

Sd. T.S. Sinnathuray

District Judge.

20 COPY OF EXHIBIT D1 IN DIST. COURT NO. 1  
CASE NO. DAC/567/72

Appendix "A"  
 to "SV.3" -  
 Exhibit

As regards the circumstances pertaining to the charges which I am facing, I would like to place the following mitigating factors before the Court:

30 On 29th July 1972 I was asked if the firm of Francis T. Seow were desirous of acting for the directors of Gemini Chit-Fund Corporation. Before deciding I consulted Francis T. Seow the question of accepting the brief. He had no objections. Thus I went to the C.I.D. on the same day where both the accused persons gave the firm a warrant to act on their behalf.

On or about the same day Mr. S.F. Retnam, manager of Gemini Chit-Fund Corporation in Penang arrived at the office of Francis T. Seow and queried about the moveable properties in Malaysia. I discussed this matter with Francis T. Seow who

Exhibits

Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

suggested that I seek instructions from Gaffar, which I did.

Gaffar instructed the firm to sell the movable properties in Malaysia.

As I was under considerable pressure of work during this period due to a continuous flow of subscribers, creditors and employees of Gemini Chit-Fund Corporation as well as getting up the law for applying for bail when the accused persons were produced in Court on 31st July, 1972, I wrote the letter in question without giving it much thought or fully appreciating the consequences thereof.

10

In any event my discussions with Francis T. Seow prior to and after the letter was written, ensured me of the propriety of it.

After the letter was written on 3rd August 1972, I saw a copy of the letter on the following morning on my table with a question mark at the margin. I immediately took the letter to Francis T. Seow and discussed it with him. He then approved it and initialled thereon. That was the end of the matter. He never told me to retract it or cancel it.

20

Subsequently when I received a letter on 11th August 1972 from a law firm in Ipoh, I was shocked that my intentions had been misconstrued and immediately replied disassociating myself from any sinister suggestions.

This case, like every other case in the firm, was handled under the constant supervision, guidance and control of Francis T. Seow. He received all mail and then distributed them to the relevant people as well as ensured that he saw all correspondence before dispatch, and if that was not possible, very soon after dispatch. In this manner he kept tight control over the activities of the firm. Although this system was irksome and annoying, I tolerated it because it was being implemented by Francis T. Seow as he was the ex-solicitor-general and my former boss for whom I then had considerable respect and esteem.

30

40

After my arrest I have fully co-operated with the police. When the police came to search the office armed with a search warrant issued by the Senior District Judge, Francis T. Seow telephoned a few prominent people amongst whom was the Attorney-General and sought to prevent the search. In the course of the conversation with the Attorney-General, Francis T. Seow gave an undertaking that there were no files relating to Gemini Chit-Fund Corporation in the office premises. At that moment Francis T. Seow asked me if there were any files. I rose to the occasion and said that there was none when in fact two files were still in the office.

10

With the exception of the aforesaid, every other document referred to in the charge that is being taken into consideration is now with the police and has been duly acknowledged.

I must make it clear to the Court that whatever I have done, I did in the best interests of my then client without realising fully the consequences thereof. I have not gained in any way.

20

Sgd:- Isaac Paul Ratnam

TRUE COPY

Sd. T.S. Sinnathuray

District Judge.

COPY OF EXHIBIT D2 IN DISTRICT COURT NO. 1  
CASE NO. DAC.567/72

30

THEVIN, CHANDRAN & SIVA  
ADVOCATES & SOLICITORS

8-10 STATION ROAD,  
(1ST FLOOR)  
IPOH, MALAYSIA.

YOUR REFERENCE  
ST/rt/T18-72(45)

9th August 1972

Messrs. Francis T. Seow & Co.,  
Advocates & Solicitors,  
6A, Raffles Place,  
Singapore, 1.

PRIVATE & CONFIDENTIAL

Exhibits

Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

Appendix "A"  
to "SV.3" -  
Exhibit

Exhibits

Attn: Mr. Isaac Paul Ratnam

Appendix "A"  
to "SV.3" -  
Exhibit  
(continued)

Dear Sir,

Re: Inche S.M. Abdul Ghaffar

We act for Mr. S.F. Retnam, one of the Managers of the Gemini Chit Fund, in respect of the above-named one of the accused in the Chit Fund Arrest Case.

We are instructed to confirm that definite steps are being taken by our client to raise the necessary monies required as your Counsel fees for conducting the defence of Inche Ghaffar as indicated to you by phone by our client and that payments would be forwarded to you before the end of this week.

10

We are also instructed to inquire if it is possible to use your offices to obtain a general Power of Attorney in favour of our client, Mr. S.F. Retnam, I.C. No.3415303 of 27, China Street Ghaut, Penang from Inche Ghaffar to enable him to dipose off the immoveable properties of your client in West Malaysia provided your client is willing to grant the said Power of Attorney and the Singapore Government will not be able to trace the monies or the properties owned by your client in West Malaysia.

20

We shall be glad to hear from you early.

Yours faithfully,

Sd: X X X X

c.c.

S.F. Retnam, Esq.,  
27 China Street Ghaut,  
Penang.

30

TRUE COPY

Sd. T.S. Sinnathuray

District Judge.

COPY OF EXHIBIT D3 IN DISTRICT COURT NO. 1  
CASE NO. DAC.567/72

Exhibits  
Appendix "A"  
to "SV.3" -  
Exhibit

IPR/CR/34/72/s1

ST/rt/T18-72(45)

11th August, 1972.

Messrs. Thevin, Chandran & Siva,  
Advocates & Solicitors,  
8-10 Station Road,  
(1st Floor),  
Ipoh, Malaysia.

10

Gentlemen,

Re: Mr. S.M. Abdul Gaffar

We have your letter of 9th August, 1972 and  
have taken note of paragraph 2 thereof.

We are surprised to read of your request as  
per the penultimate paragraph of your letter under  
reply. We are not prepared to lend ourselves for  
the purposes which you or your client have in mind  
and, in the circumstances, we dissociate ourselves  
from this or any other similar requests.

20

Yours faithfully,

Sd: Francis T. Seow

TRUE COPY

Sd. T.S. Sinnathuray

District Judge.

"SV.3" - GROUNDS OF DECISION

DISTRICT & MAGISTRATES' COURTS  
SINGAPORE

"SV.3" -  
Grounds of  
Decision

DISTRICT COURT NO.1 ARREST CASE NO.567/72  
PUBLIC PROSECUTOR VS. ISAAC PAUL RATNAM

30

GROUNDS OF DECISION

The accused, Isaac Paul Ratnam, pleaded guilty

Exhibits  
 ———  
 "SV.3" -  
 Grounds of  
 Decision  
 (continued)

yesterday morning to the charge that he on the 3rd of August, 1972, did instigate the General Manager, Gemini Chit-Fund Corporation Limited, Malaysia Branch, Kuala Lumpur, to dishonestly remove five cars and other moveable properties belonging to the said company and that he had by virtue of section 108A of the Penal Code (Cap.103) committed an offence punishable under section 424 read with section 116 of the said code.

The accused is a practising advocate and solicitor. Until he was charged in Court, he had been employed as an assistant, on a fixed salary with an entitlement to share in the profits, in the firm of Francis T. Seow, Advocates and Solicitors. He resigned on the day he was arrested and charged.

10

Let me first of all, however, give a resume of the facts. On the 14th of August, 1972, Mr. Ching Chiak Yong, the Assistant Official Receiver, came into possession of a photostat copy of a letter dated 3rd August 1972 written by the firm of Francis T. Seow addressed to the General Manager of Gemini Chit-Fund Corporation Limited, Malaysia Branch, No.41 Melayu Street, Kuala Lumpur. I should mention here that earlier, on the 31st day of July 1972, a petition was presented in the High Court by the Minister for Finance for the winding-up of Gemini Chit-Fund Corporation Limited, a company incorporated in Singapore under the then Companies Ordinance (Cap.174, 1955 Edition). The said Company has some branch offices in Malaysia, one of which is situated at No.41 Melayu Street, Kuala Lumpur. On the 4th of August, 1972, the High Court made an order under section 231 of the Companies Act (Cap.185, Revised Edition 1970) appointing the Official Receiver as Provisional Liquidator of the said Company.

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The photostat copy of the letter which came into the possession of Mr. Ching Chiak Yong reads as follows:-

40

"Francis T. Seow  
 Advocates & Solicitors

IPR/CR/34/72/s1

CONFIDENTIAL



3rd August, 1972.

Exhibits  
 "SV.3" -  
 Grounds of  
 Decision  
 (continued)

The General Manager,  
 Gemini Chit-Fund Corpn. Ltd.,  
 Malaysia Branch,  
 No.41, Melayu Street,  
 Kuala Lumpur,  
 Malaysia.

Attn: Mr. K.K. Kumaran

Dear Sir,

10 9 We act for Mr. Gaffar who has instructed us to dispose off the five cars owned by the company, as well as other moveable properties immediately.

20 In this connection, we have instructions from our clients to appoint Mr. S. Francis Retnam as the agent to effect the aforesaid transactions. Please take proper inventory and acknowledgment prior to handing over these properties to Mr. Retnam and keep them confidentially in your control. At a later date, when the transactions have been completed, please let me have these documents. You may want to note that Mr. Retnam has given specific instructions as to the disposal of the funds realized from these properties and as such, he has to be allowed custody thereof.

30 We have been instructed to inform you that Mr. Retnam has been authorized by Mr. Gaffar to proceed to form a Malaysian based Gemini Chit-Fund Corporation Limited and to discontinue operations as a branch of the Singapore company. These instructions are equally applicable to Gemini Travel Service.

Please co-operate with Mr. Retnam and to do the needful to effect Mr. Gaffar's instructions.

Yours faithfully,

(Sgd:) Francis T. Seow"

40 Now, section 219 of the Companies Act provides, inter alia, that the winding-up of a Company "shall be deemed to have commenced at the time of presentation of the petition for the winding up", and, section 223 of the said Act provides that "Any disposition of the property of the company including things in action and any transfer of

Exhibits  
 —  
 "SV.3" -  
 Grounds of  
 Decision  
 (continued)

shares or alteration in the status of the members of the company made after the commencement of the winding up by the Court shall unless the Court otherwise orders be void."

Having regard to the contents of the letter and the law I have just mentioned, the Assistant Official Receiver very properly and promptly lodged a complaint in the Subordinate Courts. I issued a warrant for the arrest of the accused. On the same day, 14th of August 1972, Mr. Ching Chiak Yong lodged a separate complaint which disclosed sufficient facts for a search warrant to be issued to search, inter alia, the office of the firm of Francis T. Seow.

10

The accused was arrested the following day, 15th of August 1972, and formally charged in the First Magistrate's Court. That same day, the case was transferred for mention before me. The Attorney-General appeared in person and tendered a second charge against the accused - of an offence under section 201 of the Penal Code. After a further mention, the case was fixed for trial on 1st November, 1972, but was brought forward to yesterday when the accused pleaded guilty.

20

Upon the accused pleading guilty, the further facts relating to the charge are to the following effect. The learned Deputy Public Prosecutor, Mr. S. Rajendran, tendered as an exhibit the original letter dated 3rd August, 1972, from the firm of Francis T. Seow, the contents of which I have set out. The letter bears a reference, including the letter of the alphabet IPR which it was said referred to the accused. Mr. Rajendran said that investigations revealed that the letter was dictated by the accused to his secretary, Miss Shirley Lim, on 3rd August, 1972; that it was signed by the accused on behalf of the firm of Francis T. Seow; and that the accused handed the letter to one Mr. Francis Retnam who took it by hand and delivered it on 4th August 1972, in Kuala Lumpur to one Mr. K.K. Kumaran, the General Manager of the branch office of the said Company at No.41 Melayu Street, Kuala Lumpur. It is relevant to mention here that Mr. K.K. Kumaran, after reading the letter, told Mr. Francis Retnam that he was going to ignore the letter and made a note to that effect on the original letter. It

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40

follows therefore, that no offence was committed in consequence of the instigation, a fact to be taken into account in assessing sentence.

Exhibits  
 "SV.3" -  
 Grounds of  
 Decision  
 (continued)

10 Mr. Rajendran also said that the officers of the Commercial Crime of the CID, acting on the authority of the search warrant, on 15th August, 1972, raided the office of the firm of Francis T. Seow. A duplicate copy of the letter dated 3rd of August, 1972 was discovered in a file in the office and a photostat copy of it was tendered in evidence. At the bottom of the first page of the said duplicate letter, there is an initial which it was said, was established to be that of Mr. Francis T. Seow. There is also a question mark on the left side adjacent to the first sentence in the second paragraph of the said letter. This too, it was said, was put by Mr. Francis T. Seow. I should mention that the query by Mr. Francis T. Seow does not relate to the offending portions of the letter. 20 I have mentioned these facts as they are relevant to the plea in mitigation.

30 The accused admitted the facts. I was satisfied that the facts disclosed the offence in the charge and accordingly convicted him. The accused then requested that I take into consideration, for the purpose of sentence, the second charge against him. It relates to an offence under section 201 of the Penal Code (Cap.103), of causing the disappearance of certain evidence, namely, two files containing correspondence etc. of Gemini Chit-Fund Corporation Limited. It is conceded by the prosecution that the files disappeared for two weeks only. They are now in the safe custody of the Police and were available in Court. It has not been said that anything is missing from the files.

40 Mr. George Sandosham, on behalf of the accused, has made a most persuasive submission in mitigation. Every point that could be said in favour of the accused was taken, carefully developed and was put forward in the best traditions of the Bar. An otherwise impeccable submission was only marred by his request that the accused be placed on probation.

He recounted the personal history and achievements of the accused which I do not propose to reiterate. I accept that, except for the present charges, the accused has an unblemished record.

Exhibits  
 —  
 "SV.3" -  
 Grounds of  
 Decision  
 (continued)

He is comparatively young in age, married with two children, and has had a successful career in the public service. He resigned from the Legal Service in February 1972 and immediately joined his former superior colleague, Mr. Francis T. Seow, in private practice.

I also accept the submission that the plea of guilt by the accused is a mitigating act to be taken into consideration, and, that since his arrest, the accused has co-operated with the Police in order to help the authorities realise to the maximum the assets of the Gemini Chit-Fund Corporation Limited. 10

As regards the mitigating factors which relate to the offence, Mr. Sandosham tendered to the Court a signed written statement which he said was prepared entirely by the accused. The material facts in it are these. The firm of Francis T. Seow was briefed on 29th of July to act for the directors of Gemini Chit-Fund Corporation Limited. The accused then says: 20  
 "As I was under considerable pressure of work during this period due to a continuous flow of subscribers, creditors and employees of Gemini Chit-Fund Corporation ..... I wrote the letter in question without giving it much thought or fully appreciating the consequences thereof. In any event, my discussions with Francis T. Seow prior to and after the letter was written ensured me of the propriety of it." 30

There is a further point in his statement. He says: "Subsequently when I received a letter on 11th August 1972 from a law firm in Ipoh, I was shocked that my intentions had been misconstrued and immediately replied disassociating myself from any sinister suggestions." Mr. Sandosham tendered to the Court two letters. There is a copy of a letter written by the accused dated 11th August, 1972 (four days before the accused was arrested and three days before Mr. Ching Chiak Yong came into possession of the offending letter) which supports the statement of the accused. 40

Finally, it is the plea of the accused that whatever he did, he thought he did in the best interests of his client without realising fully the consequences thereof.

Exhibits  
 "SV.3" -  
 Grounds of  
 Decision  
 (continued)

10 It will be convenient that I dispose of the last point first. When this case was mentioned before me on the 15th of August 1972, the Attorney-General addressed the Court on this very point. He said: "Although an advocate and solicitor must fearlessly and to the best of his ability defend his client's case, he must always bear in mind the greater obligation he owes to this Court of assisting in the administration of justice." What he said succinctly summarises the role of an advocate and solicitor. On the facts before me, the accused, a practising advocate and solicitor, has pleaded guilty to the committing of a criminal offence and has asked that another offence be taken into account, which offences intrinsically affect the administration of justice in the Courts. The gravity of the matter cannot be denied.

20 However, the accused has, as Mr. Sandosham has submitted, not in exoneration of the offences, but in mitigation, said that he was an assistant in the firm of Francis T. Seow. That I accept. I also accept, that the letter was written with the approval of Mr. Francis T. Seow. The accused says in his statement: "This case, like every other case in the firm, was handled under the constant supervision, guidance and control of Francis T. Seow. He received all mail and then distributed them to the relevant people as well as ensured that he saw all correspondence before dispatch, and if that was not possible, very soon after dispatch. In this manner he kept tight control over the activities of the firm." There is nothing before me to conclude to the contrary. I therefore accept as mitigating facts the statement of the accused.

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40 As regards sentence, Mr. Sandosham has directed my mind to the relevant provisions in the Penal Code. On the charge the accused has pleaded guilty, my jurisdiction is limited to imprisonment for a term of six months or a fine of \$5,000 or both. The accused, however, has requested that I take into consideration in determining and in passing sentence the second charge which he admits to having committed. That charge in itself is a more serious one than that to which he has pleaded guilty. But the prosecution has accepted the stand taken by the accused. In those circumstances the sentence I impose is one day's imprisonment and a fine of \$4,000

Exhibits  
"SV.3" -  
Grounds of  
Decision  
(continued)

or in default 15 months' imprisonment. The  
accused will serve the one day in Court.

Dated this 25th day of October, 1972.

Sd. T.S. Sinnathuray

(T.S. Sinnathuray)  
Senior District Judge.

"SV.4" -  
Statement of  
the Case

"SV.4" - STATEMENT OF THE CASE

IN THE MATTER OF ISAAC PAUL RATNAM AN ADVOCATE AND  
SOLICITOR

AND

10

IN THE MATTER OF THE LEGAL PROFESSION ACT (CAP.217)

STATEMENT OF THE CASE

1. Isaac Paul Ratnam (hereinafter referred to as  
the said "Isaac Ratnam") is an Advocate and  
Solicitor of the Supreme Court of the Republic of  
Singapore and of about 2 years' standing. He was  
in the legal service of the Government of Singapore  
for about 5 years until February 29, 1972. From  
March 1, 1972 to August 15, 1972 he was practising  
as an advocate and Solicitor as a partner or profit-  
sharing member of the firm of Francis T. Seow of  
6A, Raffles Place, Singapore.

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2. At all material times the firm of Francis T.  
Seow acted as solicitors for Gemini Chit-Fund  
Corporation Limited, now in liquidation.

3. On the 31st day of July, 1972 the Minister for  
Finance presented a petition to the High Court of  
the Republic of Singapore in Companies Winding Up  
No.31 of 1972 for the winding up of the said Gemini  
Chit-Fund Corporation Limited (hereinafter called  
"the said Company") under the provisions of the  
Chit Fund Act, 1971.

30

4. On or about the 29th day of July, 1972 two  
directors of the said Company, namely S.M. Abdul  
Gaffar s/o Mohd. Ibrahim and V.K.S. Narayanan were  
arrested and they were charged on the 31st day of  
July, 1972, in the First Magistrates' Court for  
abetting the said Company in the commission of the

offence of criminal breach of trust of certain funds entrusted to the said Company.

Exhibits

"SV.4" -  
Statement  
of the Case  
(continued)

5. The said Petition was duly served on the said Company on the said 31st day of July, 1972, and notice of hearing of the said Petition was advertised in the issue of the "Straits Times" appearing on the 1st day of August, 1972.

10 6. The said Isaac Ratnam at all material times knew or was aware or ought reasonably to have known or been aware of the facts stated in paragraphs 3, 4 and 5 above.

20 7. On or about the 2nd day of August, 1972 the said Isaac Ratnam caused certain evidence to wit, files containing the said Gemini Chit-Fund Corporation Limited's correspondence, vouchers, bank statements, chit fund receipts and the said S.M. Abdul Gaffar's personal correspondence, to disappear with the intention of screening the said Gemini Chit-Fund Corporation Limited, the said S.M. Abdul Gaffar and the said V.K.S. Narayanan from legal punishment.

30 8. On the 3rd day of August, 1972 the firm of Francis T. Seow by the said Isaac Ratnam acting on instructions of the said S.M. Abdul Gaffar, wrote a letter (hereinafter referred to as "the said letter") to the General Manager of the said Company's branch office in Kuala Lumpur advising or directing the disposal of five cars and other movable properties belonging to the said Company's branch office in Kuala Lumpur advising or directing the disposal of five cars and other movable properties belonging to the said Company. A copy of the said letter is annexed hereto and marked "A".

9. By the said letter the firm of Francis T. Seow intended to instigate or assist and did instigate or assist in the unlawful disposal of the said properties belonging to the said Company.

40 10. The said letter was written by the said Isaac Ratnam and after its despatch a copy thereof was read by with the approval or consent, or in the alternative with the knowledge of Mr. Francis T. Seow a partner of the said firm of Francis T. Seow. The said Mr. Francis T. Seow initialled a copy of the said letter as appears from Annexure A hereto.

## Exhibits

—  
 "SV.4" -  
 Statement  
 of the Case  
 (continued)

11. Neither the said Isaac Ratnam nor any member of the said firm of Francis T. Seow at any time took any or any reasonable steps or actions to withdraw, countermand or retract the said letter and/or dissociate the said firm or any member thereof from the contents thereof.

12. On the 15th day of August, 1972 the said Isaac Ratnam was arrested and he was charged in the First Magistrates' Court as follows:-

- "(1) That he, Isaac Paul Ratnam, on or about the 3rd day of August, 1972, did instigate the General Manager, Gemini Chit-Fund Corporation Limited, Malaysia Branch, Kuala Lumpur, to dishonestly remove property, to wit, five cars and other moveable properties, belonging to the said company, and he had by virtue of Section 108A of the Penal Code committed an offence punishable under Section 424 read with Section 116 of the said code. 10
- (2) That he, Isaac Paul Ratnam, on or about the 2nd day of August, 1972, having reason to believe that a certain offence, to wit, criminal breach of trust by an agent has been committed by the Gemini Chit-Fund Corporation Limited, and that such offence was abetted by its directors, Abdul Gaffar and V.K.S.Narayanan, which offences are punishable with imprisonment for life or with imprisonment for a term which may extend to ten years and also with a fine, did cause certain evidence of the said offence to disappear, to wit, files containing the Gemini Chit-Fund Corporation Limited's correspondence, vouchers, bank statements, chit fund receipts and Abdul Gaffar's personal correspondence, with the intention of screening the said Gemini Chit-Fund Corporation Limited, Abdul Gaffar and V.K.S. Narayanan from legal punishment, and he had thereby committed an offence punishable under Section 201 of the Penal Code. 20 30 40

13. On the 24th day of October, 1972 in the First Magistrates' Court the said Isaac Ratnam pleaded



guilty to the first charge. He admitted to the second charge and with the consent of the Prosecution he applied for the second charge to be taken into consideration under the provision of Section 171(1) of the Criminal Procedure Code.

Exhibits  
—  
"SV.4" -  
Statement  
of the Case  
(continued)

14. The Court convicted the said Isaac Ratnam and sentenced him to one day's imprisonment and a fine of \$4,000/- or in default 15 months' imprisonment.

10 15. The said Isaac Ratnam has therefore been convicted of a criminal offence, implying a defect of character which makes him unfit for his profession.

16. Further by reason of the foregoing the said Isaac Ratnam was guilty of grossly improper conduct in the discharge of his professional duty within the meaning of Section 84(2)(b) of the Legal Profession Act (Cap.217).

20 17. The said Isaac Ratnam was also guilty of such conduct as would render him liable to be disbarred or struck off the Roll of the Court or suspended from practice or censured if a barrister or solicitor in England due regard being had to the fact that the two professions are fused in Singapore.

18. Accordingly the said Isaac Ratnam should be dealt with under Section 84(1) of the Legal Profession Act.

Dated this 27th day of November, 1972.

Sgd: L.P. Thean

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Solicitor for the Council of  
The Law Society of Singapore

Exhibits

"SV.4" -  
Annexure "A"

A

IPR/CR/34/72/s1

BY HAND

CONFIDENTIAL

3rd August, 1972.

The General Manager,  
 Gemini Chit-Fund Corpn. Ltd.,  
 Malaysia Branch,  
 No.41, Melayu Street,  
 Kuala Lumpur,  
 Malaysia.

Attn: Mr.K.K. Kumaran

10

Dear Sir,

We act for Mr. Gaffar who has instructed us to dispose off the five cars owned by the company, as well as other moveable properties immediately.

In this connection, we have instructions from our clients to appoint Mr. S. Francis Retnam as the agent to effect the aforesaid transactions. Please take proper inventory and acknowledgment prior to handing over these properties to Mr. Retnam and keep them confidentially in your control. At a later date, when the transactions have been completed, please let me have these documents. You may want to note that Mr. Retnam has given specific instructions as to the disposal of the funds realized from these properties and as such, he has to be allowed custody thereof. 20

We have been instructed to inform you that Mr. Retnam has been authorized by Mr. Gaffar to proceed to form a Malaysian based Gemini Chit-Fund Corporation Limited and to discontinue operations as a branch of the Singapore company. These instructions are equally applicable to Gemini Travel Service. 30

..... 2/

Intld.

(Page 2)

Please co-operate with Mr. Retnam and do the needful to effect Mr. Gaffar's instructions.

Yours faithfully,

Sd: Francis T. Seow

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"SV.4"- REPLY

Exhibits

IN THE MATTER OF ISAAC PAUL RATNAM AN ADVOCATE AND  
SOLICITOR

"SV.4" -  
Reply

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT (CAP.217)

REPLY

- 10 1. The Respondent admits paragraphs 1, 2, 3, 4, 5  
and 6 except to say that he was a legal assistant  
in the firm of Francis T. Seow receiving a fixed  
salary or 10 per centum of the annual profits,  
whichever sum was the greater.
- 20 2. Regarding paragraph 7 the Respondent states  
that he indicated to the staff of Gemini Chit-Fund  
Corporation Limited that certain files in the  
Malayan Bank office of Gemini Chit-Fund Corporation  
Limited may be useful in the defence of the two  
directors. Accordingly the secretaries of both  
the directors brought these files to Respondent's  
office and there wrote out a list of these files.  
(Copies of these acknowledgements are attached  
herewith and marked IPR 1 and IPR 2). These were  
subsequently handed over to the police on their  
request and properly acknowledged by them. (A copy  
of the acknowledgements are attached herewith and  
marked IPR 3).
3. The Respondent admits paragraph 8.
- 30 4. Regarding paragraph 9 the Respondent states  
that his actions were done in the best interests of  
his client without any intentions to violate the  
law.
5. The Respondent admits paragraphs 10, 11, 12,  
13 and 15.
6. The Respondent states that his actions were  
prompted strictly in the interests of his clients  
and that his conduct has not caused damage or loss  
to anyone. On the contrary, the Respondent has been  
under a self-imposed suspension from the 15th day  
of August 1972.
- 40 7. The Respondent apologies to the Society for  
his conduct which were due to his inexperience in

## Exhibits

"SV.4" -  
Reply  
(continued)

the profession and prays that the Society will be lenient as it possibly can.

Dated this 27th day of December, 1972.

Sd: George Sandorsham & Co.

Solicitors for the Respondent.

"SV.4" -  
Exhibit  
IPR 1 in  
Reply

"SV.4" - EXHIBIT IPR 1 IN REPLY

<u>No.</u>	<u>Name of File</u>	<u>General Contents</u>	
1	Memorandum	Misc. Memorandum from Mrs. Lee to internal staff requesting payment for road tax, hire purchase instalments of scooters etc.	10
2	A/cs to MAS (Monetary Authority of Singapore)	Accounts prepared by Accountant Mr. Rahman for submission to MAS.	
3	Charity/ Publicity	Correspondence of some donations from the Company to both Malaysian and Singapore Governments.	20
4	Chit Funds Act	All correspondence between MAS and the Company.	
5	Circulars to Subscribers	Some of the circulars issued by the Company to subscribers.	
6	Executives	Overdraft of Mr. Kuek Choon Chuan.	
7	Gemini Chit Fund Resolutions	Resolutions passed by the Board of Directors since 1.5.70.	
8	Gemini Realty Pte. Ltd.	General Correspondence.	30
9	Gemini Realty Pte. Ltd. Resolutions	Resolutions passed by the Board of Directors since 25.3.72.	

<u>No.</u>	<u>Name of File</u>	<u>General Contents</u>	"SV.4" - Exhibit IPR 1 in Reply (continued)
10	Minutes of Gemini Realty Pte. Ltd.	File copies only - the minutes proper are with Messrs. Zaman & Co.	
11	Gemini Holdings Ltd.	General Correspondence.	
12	Gemini Holding Resolution	Resolutions passed by Board of Directors since 26.6.72.	
10	13 Minutes of Gemini Holding	File copy of Board of Directors' Meeting.	
14	Gemini Recreation Club - Special Flights	Some correspondence on Charter Flight kept in Singapore.	
15	Charter Flight	Correspondence on Charter Flight kept in Kuala Lumpur.	
16	Southern Cross Airways (M) Bhd. Accounts File	This File was kept in ... .. sent to Singapore recently.	
20	17 Gemini Travel Ltd.	General Correspondence.	
18	Gemini House - Architects	Correspondence with BEP Akitek and Seow Lee Heah & Partners	
19	Minutes of Management Meeting	Meetings between the Management and Executive of the Company on matters relating to the running of the day to day business of the Company.	
30	20 Merchant Credit Pte. Ltd.	Correspondence with Mr. Arthur Lipper II and Merchant Credit Private Limited.	
31	Managing Director	1. Mr. Narayanan's memo to Mr. Gaffar 2. Circulars and Directives issued by Mr. Gaffar to staff executives.	
22	Malaysian Australian Finance	Correspondence regarding fixed deposits with them.	

Exhibits	No.	Name of File	General Contents	
"SV.4" - Exhibit IPR 1 in Reply (continued)	23	Zennet Corpn. (Pte.) Ltd.	General Correspondence.	
	24	Zennet Chit-Fund Pte. Ltd.	General Correspondence.	
	25	Mortgage for \$½ Million	Mortgage with Hong Leong Finance	
	26	Mortgage for \$1 Million	- do -	
	27	Press Cutting	On Chit Fund	10
	28	Press Cutting	On Charter Flights	
	29	Schedule of Title Deeds	re: Properties mortgaged to Mr. Gaffar for loan.	
	30	Singapore Tontine & Chit Fund Companies Assn.	General Correspondence.	
	31	Travel Section	Travel Section is a Dept. of Gemini Chit Fund not connected with Gemini's Travel Service. The Corres- pondence within is about Chartered Flight Operation performed by this Dept.	20
	32	Victor & Mendez (Pte.) Ltd.	Bills and correspondence relating to valuation of company's properties.	
	33	Valuation Report	Nos. 216, 237 and 260 People's Park Complex.	
	34	Valuation Report	No. 502 People's Park Complex	30
	35	Valuation Report	No. 190 East Coast Road.	
	36	Valuation Report	Lands off Bukit Tunggal Road Lots 338, 339 and 59-29 T.S.XXVIII	
	37	Valuation Report	Land at Thomson Road T.S. XXVIII Lot 59-16	

		Exhibits
	38 Valuation Report Lands at Bras Basah Road	
	39 Valuation Report Land at Tanah Merah Kechil	—
	40 Valuation Report Lands at Upper East Coast Road and Nallur Road	"SV.4" -
	41 Valuation Report Lands at Woodlands Lot 568 and 569 of MK.13	Exhibit
	42 Valuation Report Malaysian Properties	IPR 1 in
	(a) Medan Tuanku, Lots 54, 55, 56 and 57, Jalan Tuanku Abdul Rahman, K.L.	Reply
	(b) 45 Jalan Leman, Seremban.	(continued)
10	(c) 6 Station Road, Ipoh.	
	(d) 31 Laxamana Road, Malacca.	
	43 Survey Report A research project by the Public Relations Division.	
	44 Audited Accounts Accounts for year ended 30.11.71 Audited by Zaman & Co.	
	45 Abdul Gaffar & Co. Ltd. Case handled by Mr. Narayanan. Companies Winding Up No. 4 of 1963.	
20		
	46 Gemini Bulletins All copies of Gemini Bulletins published by the Company from September 71 to July 72.	
	47 VKSN - Past Chit (1) Correspondence between Fund Correspondence Mr. Narayanan and Gemini Chit Fund before he joined Gemini as fulltime Chairman.	
30	(2) Power of Attorney prepared by Mr. Narayanan.	
	48 VKSN - Personal Personal Matters:	
	(a) Singapore Cricket Club	
	(b) Petrol Bill	
	(c) Keppel Club	
	(d) Diner's Club	
	(e) Properties.	
	49 VKSN - Personal General Correspondence regarding his personal matters.	

Exhibits	<u>No.</u>	<u>Name of File</u>	<u>General Contents</u>	
"SV.4" - Exhibit IPR 1 in Reply (continued)	50	VKSN - Personal	Rotary Club.	
	51	Master File	Extra copies of Correspondence from the Chairman's Office.	
	52	Secretarial File	Correspondence relating to Company's Secretary work.	
			(a) General Correspondence.	
			(b) Chairman's Speech.	
			(c) Registration of K.L. Office	10
		(d) Minutes of Meeting		
		(e) Registration of Gemini Chit Fund.		
	53	Chit Fund Matters - Malaysia	Correspondence with Malayasian Branch in K.L.	
			(a) General Office	
			(b) Sales Dept.	
			(c) General Matters	
			(d) Minutes of Executive Meeting	20
			(e) Legal	
			(f) Govt. Ban.	
	54	United Overseas Bank	All correspondence with UOB relating to mortgage of properties	
			(i) with Gemini Chit Fund	
			(ii) with Gemini Realty Pte. Ltd.	
	55	Note of Actions	Note on matters attended by Mr. Narayanan.	30
			Misc. Items taken from the Chairman's Office.	
	A	Correspondence taken from Mr. Narayanan's drawers.		
	B	From the Chairman's drawers -		
		i) Insurance Certificate (given to Mr. Retnam on 3.7.72)		
		ii) Insurance Companies' advice and correspondence.		
		iii) C.P.F.		
		iv) Income Tax Forms.		40



Misc. Items taken from the Chairman's Office  
(contd.)

Exhibits

- C From the Chairman's drawers -
- i) Bank Statements and advices
  - ii) One Indian Bank cheque No.142008 for  
₹5,000/-
  - iii) 2 Air tickets.
- D From the Chairman's drawers -  
Cheque books and paying-in books.
- 10 E Bank Statements received after 29.7.72.
- F Some correspondence received after 29.7.72.  
Two bundles of Share Certificates and Share  
Transfers.

"SV.4" -  
Exhibit  
IPR 1 in  
Reply  
(continued)

"SV.4" - EXHIBIT IPR 2 IN REPLY

S.M. ABDUL GAFFAR - Personal Files

"SV.4" -  
Exhibit  
IPR 2 in  
Reply

- 20
1. 119 Greenfield Drive No. 1 Bills, receipts
  2. - do - No. 2 - do -
  3. - do - No. 3 Insurance, Legal  
correspondence -  
Mortgage  
Oversea Union  
Trust Property  
Tax Bills.
  4. S.M. Abdul Gaffar - Chit Fund receipts (in Box  
file)
  5. - do - (in grey  
folder)
  6. - do - - Tamil Correspondence
  - 30 - do - - Personal - (1) Power of  
Attorney  
(2) Kum Hing Court  
(3) Ukay Heights
  7. 63 Jalan Buloh Perindu - (1) Norma Gaffar Bills  
(2) Insurance, Legal  
Correspondence  
(3) Property Tax Bills  
(4) Mortgage - Overseas  
Union Trust.

## Exhibits

S.M. ABDUL GAFFAR - Personal Files

"SV.4" - Exhibit IPR 2 in Reply (continued)	8.	S.M.A. Gaffar - General vouchers	
	9.	- do -	Correspondence A - E
	10.	- do -	- do - F - L
	11.	- do -	- do - M - S
	12.	- do -	- do - T - Z
	13.	(Folders) Indian Overseas Bank	
		(1) Reconciliation Statements.	
		(2) Bank Statements.	
		(3) Bank Slips ' Advices.	10
	14.	( - do - ) The Chartered Bank	
		(1) Bank Statements.	
		(2) Reconciliation Statements.	
		(3) Stop Payment Advice.	
		(4) Bank Advices.	
	15.	( - do - ) The Chartered Bank - Telegraphic Transfers.	
	16.	( - do - ) The Chartered Bank - Bank Slips.	
		119 Greenfield Drive No. 1 General vouchers, Bills, Receipts (2 files)	20
		- do - No.2 Insurance, Legal correspondence, Mortgage - Oversea Union Trust & Property Tax Bills.	
		Chit Fund receipts (in box file & grey folder)	
		Tamil Correspondence	
		Personal - (1) Power of Attorney	30
		(2) Kum Hing Court	
		(3) Ukay Heights.	
		63 Jalan Buloh Perindu -	
		S.M.A.G.'s - General Vouchers	
		- do - - Correspondence A- E (2) F - L	
		(3) M - S(4) T - Z	
		Folders - Indian Overseas Bank -	
		1. Recons. Stmts.	
		2. Bank stmts.	
		3. Slips & Adv.	

S.M. ABDUL GAFFAR - Personal Files

Exhibits

Folders - Chartered Bank containing -  
 (a) Bank stmts.  
 (b) Recon. stmts.  
 (c) Stop payment advice  
 (d) Bank Advice  
 - do - - do - - T.T. file  
 - do - - do - - Bank slips

"SV.4" -  
 Exhibit  
 IPR 2 in  
 Reply  
 (continued)

GEMINI CHIT FUND FILES

- 10 1. Ring file - Gemini Realty & G. Holdings  
 2. - do - - Lands & Properties  
 3. Box File - Secretarial Matters  
 4. Folders - M.A.S.  
 5. - do - - Confidential Administrative Accounts  
 - Mr. Rahman's all not there except  
 one dated 28.2.72.  
 6. Malaysian Australian Finance.  
 7. Chit Fund Payment - Lists.  
 8. List of Formation of Chit Fund Groups.  
 20 9. Registrar of Moneylenders.  
 10. \$1 Million Dept. with MAS press cutting only.  
 11. S.M.A.G. Correspondence.  
 12. Masterfile of Correspondence.  
 13. Inter-Asia Masterfile.  
 14. Folder containing Memos. of Art. of Assoc. of  
 Gemini Holdings, Gemini Travel Service Pte.  
 Ltd. (2 copies) G.C.C. S'pore Gemini Chit Fund  
 (H.K.) Ltd. - Cert. of Incorps. plus copy of  
 Govt. Gazette.
- 30 File - containing matters not filed - to be  
 filed in Cabinet - mostly memos - internal.

## Exhibits

GEMINI CHIT FUND Files

"SV.4" -  
Exhibit  
IPR.2 in  
Reply  
(continued)

1. Gemini's Realty & Gemini Holding
2. Lands & Properties - Singapore & Malaysia
  - (1) Bras Basah Road
  - (2) Bukit Tunggul
  - (3) Tanah Merah Kechil
  - (4) Thomson Road
  - (5) Woodlands
  - (6) Nallur Road
  - (7) Malaysia
3. Secretarial Matters
  - (1) Chit Fund Agreement
  - (2) Memo. & Articles of Association
  - (3) Notes on Chit Fund Act
  - (4) Photo copies - Cert. of Incorporn.
  - (5) Staffs - Income Tax - Zaman & Co. Ltd.
  - (6) Department of Statistics - 3rd Oct. '70 on Questionnaire - Survey of Selected Financial Institutions 1970.
  - (7) Second Pref. Dividend 1970 Aug. - S.M.A. Gaffar; V.K.S. Narayanan; Mdm. Mohamed Aisha Ummal w/o Md. Rashad; Harjinder Singh.
4. M. A. S. Information supplied to them during their investigation.
5. Confidential Administrative Accounts.
6. Malaysian Australian Finance - \$1,000,000/- deposit.
7. Chit Fund Payment Lists - Payments for Terminated Group from 1st Jan '71 to 31st Aug. '72.
8. List of Formation of Chit Fund Groups:-  
From April 1972 to 10th July 1972.
9. Registrar of Moneylenders:-
  - (1) Licence for January '71 - December '71
  - (2) Statements of Cash & Loan position for every quarter year from 1968.

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10. \$1 Million Deposit with M.A.S. - press cutting only.
11. S.M. Abdul Gaffar - correspondence.
12. Masterfile of S.M.A. Gaffar's correspondence.
13. Inter Asia - Masterfile of S.M.A.G's correspondence to Overseas I.A. office.
14. Folder - Containing - Memo. of Art. of Assoc. of Gemini Holding; Gemini Travel Service Private Limited (2 copies) & G.C.C. 1 copy Government Gazette, Memo. & Articles of Assoc. of Singapore Gemini Chit Fund (Hongkong) Ltd. & Cert. of Incorporation.

Exhibits  
 "SV.4" -  
 Exhibit  
 IPR 2 in  
 Reply  
 (continued)

10

"SV.4" - EXHIBIT IPR 3 IN REPLY

The following files were taken by me from the office of Messrs. Francis T. Seow, No. 6-A Raffles Place.

"SV.4" -  
 Exhibit  
 IPR 3 in  
 Reply

20

- 1) Personal - S.M. Abdul Gaffar - Correspondence  
 No.1 A-E
- 2) Personal - " - Correspondence  
 No.2 F-L
- 3) Personal - " - Correspondence  
 No.3 M-S
- 4) Personal - " - Correspondence  
 No.4 T-Z
- 5) No. 3A Gaffar - Personal
- 6) S.M. Abdul Gaffar - General Vouchers.
- 7) Personal letters.
- 8) File for No.63, Jalan Buloh Perindu.
- 9) S.M. Abdul Gaffar - Indian Overseas Bank
- 30 10) - do - - Advices & Reconciliation  
 State. from July.
- 11) Gemini Chit-Fund Corpn. Ltd. - Minute Book
- 12) - do - - Directors minutes
- 13) - do - - Shareholders  
 minutes.
- 14) S.M. Abdul Gaffar - Tamil Correspondence.
- 15) File for No.119 Greenfield Drive 1972 No. 3.
- 16) S.M.A. Gaffar, Chit-fund receipts.

Exhibits  
 "SV.4" -  
 Exhibit  
 IPR 3 in  
 Reply  
 (continued)

- 17) File for No.119 Greenfield Drive No. 1 and 2.
- 18) United Overseas Ltd.
- 19) Chit-fund matters - Malaysia.
- 20) VKSN Personal file.
- 21) Secretarial.
- 22) Masterfile.
- 23) VKSN - Personal - General Matters.
- 24) VKSN - Personal.
- 25) VKSN - Past Chit-Fund correspondence.
- 26) Southern Cross Assurance (M) Ltd. - Account File. 10
- 27) Charter flight.
- 28) Valuation of land at Tanah Merah Kechil.
- 29) Gemini Chit-Fund Corpn. Ltd. accounts for the year ended 30.11.71.
- 30) File No. SN.110969. Companies Winding Up. No.4 of 1963.
- 31) Gemini Bulletin.
- 32) Valuation Report.
- 33) In all action. 20
- 34) A/c. of MAS.
- 35) Memorandum.
- 36) Malaysia and Australian Finance.
- 37) Mortgage for \$1 million.
- 38) Schedule of debtor deeds.
- 39) Victor & Mendez Pte. Ltd.
- 40) Minutes of Gemini Holding.
- 41) Gemini Holding Resolution.
- 42) Gemini Holding Ltd.
- 43) Minutes of Gemini Realty Pte. Ltd. 30
- 44) Gemini Realty Pte. Ltd. Resolution.
- 45) Gemini Realty Ltd.
- 46) Gemini Chit-Fund - Resolution.
- 47) Executives.
- 48) Mortgage Loan of \$1 million.



Exhibits  
—  
"SV.4" -  
Exhibit  
IPR 3 in  
Reply  
(continued)

to the aforesaid files and documents whenever you  
require them and that they will be returned after  
the police have completed their investigation.

Signed:- Illegible

A.I.O.  
4th August, 1972.

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IN THE PRIVY COUNCIL

No. 10 of 1974

O N A P P E A L

FROM THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

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IN THE MATTER OF THE LEGAL PROFESSION ACT (Cap. 217)

and

IN THE MATTER OF ISAAC PAUL RATNAM an Advocate and  
Solicitor

B E T W E E N :

ISAAC PAUL RATNAM

Appellant

- and -

THE LAW SOCIETY OF SINGAPORE

Respondent

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RECORD OF PROCEEDINGS

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CHARLES RUSSELL & CO.,  
Hale Court,  
Lincoln's Inn,  
London WC2A 3UL.

JAQUES & CO.,  
2 South Square,  
Gray's Inn,  
London WC1R 5HR.

Solicitors for the Appellant

Solicitors for the Respondent.