

No miscarriage of justice

By Khushwant Singh



Ex-Informatics chief executive officer Ong Boon Kheng (left), 53, was fined \$445,000 last August. -- ST PHOTO: ASHLEIGH SIM

ALTHOUGH specialist judge Tan Cheng Han had failed to amend two of the charges against ex-Informatics chief executive officer, there was no miscarriage of justice, a High Court judge ruled on Monday.

Justice Tay Yong Kwang also upheld the lower court's convictions for Ong Boon Kheng's role behind misleading statements that bolstered the school's financials.

Arguing Ong's appeal against the convictions, his lawyer, Mr Michael Khoo said that the district judge had committed a grave error by not amending the amounts Ong had overstated.

'As such the convictions cannot be allowed to stand,' insisted Senior Counsel Khoo.

Justice Tay disagreed and said that the district judge was right to convict on the four charges.

He noted: 'The only procedural flaw was that the second and third charge were not formally amended and re-read to the accused.'

'I'm of the view that there had been no miscarriage of justice by this omission.'

Ong, 53, was fined \$445,000 last August.

Three charges related to the release of the education firm's financial reports for the first, second and third quarters in 2003, which showed that the profits were overstated by \$5.45 million, \$8.78 million and \$1.54 million respectively.

The fourth charge concerned a statement issued to the Singapore Exchange in April 2004 together with a profit warning. It stated that 'the directors and senior management of Informatics were not aware of the overstatement of revenue and profit.'

When defence was called, Ong declined to testify or call any witnesses to rebut the prosecution case.

Besides the fine, he was also ordered to pay the prosecutions's costs of \$45,400.

The co-founder of Informatics, Wong Tai, pleaded guilty to two similar charges in 2006 and was fined \$240,000.

Mr Khoo said that Ong is considering making an application to Justice Tay to take the case to the Court of Appeal on a point of law of public interest.