IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2024] SGHC 175

Criminal Case No 19 of 2024

Between

Public Prosecutor

And

CJK

GROUNDS OF DECISION

[Criminal Law] — [Offences] — [Rape]
[Criminal Law] — [Offences] — [Sexual offences]

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Public Prosecutor
v
CJK

[2024] SGHC 175

General Division of the High Court — Criminal Case No 19 of 2024
Audrey Lim J
2–5, 23, 25–26 April; 14, 26 June 2024

9 July 2024

Audrey Lim J:

Introduction

1 The Accused ("D") faced three charges of sexual offences relating to the Complainant ("V"). V's mother ("K") was at the material time in a romantic relationship with D. V and K resided at a flat (the "Flat") where the alleged offences occurred in 2014.

2 The charges (respectively the "1st Charge", "2nd Charge" and "3rd Charge") were as follows:

> (1st Charge)
>
> That you, [D], on a day sometime in 2014, in the living room at [the Flat], did commit rape on [V], a female who was then under 14 years old … , to wit, by penetrating her vagina with your penis, without her consent, and you have thereby committed an offence under Section 375(1)(*b*) punishable under Section 375(3)(*b*) of the Penal Code (Cap 224, 2008 Rev Ed) ("Penal Code").

> (2nd Charge)
>
> That you, [D], on a day sometime in 2014, in the living room at [the Flat], did use criminal force, intending to outrage the modesty of [V] … , a female who was then under 14 years old, to wit, by touching her breasts, buttocks, vagina and vulva, and licking her vagina, and you have thereby committed an offence punishable under Section 354(2) of the Penal Code.
>
> (3rd Charge)
>
> That you, [D], on a second occasion on a day sometime in 2014, in the living room at [the Flat], did use criminal force, intending to outrage the modesty of [V] … , a female who was then under 14 years old, to wit, by touching her breast over her clothes, and rubbing your finger on her vulva, and you have thereby committed an offence punishable under Section 354(2) of the Penal Code.

3 At the beginning of the trial, D stated that he was admitting to the 2nd and 3rd Charges. Defence counsel, Mr Eoon, also confirmed that D accepted his wrongdoing and was taking a certain course in relation to those charges. However, during the trial, D qualified his admissions. Hence, I disregarded his intent to take a certain course of action to those charges. I explained this to D, who indicated that he agreed and understood.[1] However, the Defence in closing submissions again urged me to accept D's admission to the 2nd and 3rd Charges, which I did not.[2] As will be seen below, D's position even in closing submissions remained fundamentally inconsistent with an intention to admit to the 2nd and 3rd Charges without qualification (see [99] below).

4 I thus found that the Prosecution had proved beyond a reasonable doubt the 1st, 2nd and 3rd Charges, and I convicted D on the Charges.

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1 2/4/24 Notes of Evidence ("NE") 2–3, 64; 4/4/24 NE 17; 26/4/24 NE 12, 14, 39–40.

2 Defence's Closing Submissions dated 14 June 2024 ("DCS") at [3], [7], [46], [169].

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Background

5 In around late 2012 or early 2013, D came to know K. At that time, K was a divorcee who lived with her three children (V, and V's older brother and sister) at the Flat. D and K subsequently formed a romantic relationship in 2013, and K introduced D as "Uncle [D]" to the children. As K worked full time, D assisted her to cook for the children, clean the Flat, fetch V from school or after-school care and bring her home to the Flat, and babysit V when no one was home. D stated that he was at the Flat almost every day. K trusted him and gave him a key to the Flat.[3] The Flat comprised a hall (or living room), a kitchen with a toilet, and one bedroom.

6 When V was in upper primary school, she would ask K to massage her neck and shoulder area, as she felt pain due to carrying a heavy school bag. K would give her massages, sometimes with her clothes on and sometimes by lifting her shirt up, whilst V was lying down. Sometime in 2013, K started to ask D to massage V, and he would do so.[4] It was on an occasion when D massaged V, that led to the first incident of sexual assault.

Prosecution's case

7 The 1st and 2nd Charges relate to matters that occurred on one occasion ("1st Occasion"), whilst the 3rd Charge relates to matters that occurred on a separate occasion ("2nd Occasion"). I will further refer to the acts forming the subject of the 1st, 2nd and 3rd Charges as the "Alleged Rape", "1st Molest Incident" and "2nd Molest Incident" respectively.

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3 K's Conditioned Statement ("CS") at [2]; V's CS at [4]; 2/4/24 NE 21, 26; 4/4/24 NE 6–8, 17, 20; 23/4/24 NE 58–59, 91; 25/4/24 NE 18–20, 25–27, 29.

4 V's CS at [5]; K's CS at [5]; 2/4/24 NE 21–26; 4/4/24 NE 11.

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8 The Prosecution's case was largely based on V's testimony, and various statements made by D after his arrest which I will refer to in my findings. I will also refer to the testimony of other Prosecution witnesses where necessary.

V's testimony

9 V attested as follows pertaining to the 1st Occasion. In 2014, during a school vacation period, she was home alone when D went to babysit her at the Flat in the morning. V was then in Primary 5 and would turn 11 years old in August later that year. That day, V did not attend school as she had a fever. Whilst watching television in the hall, she asked D to massage her. After massaging her shoulders from behind while she was in a seated position, D asked V to lie face-down so that he could massage her back, and V lay face-down on a mattress in the hall. At that time, she was wearing a shirt and a pair of skorts (a skirt with inner shorts), but no undergarments.[5]

10 D then lifted V's shirt up to her armpits and lowered her skorts to her thighs. He massaged her back, neck and shoulder with oil. At that time, D was sitting on V's body near her buttocks, and she could feel his weight. D then put his hands on both her breasts and massaged them (with one hand on each breast). He then proceeded to massage her buttocks, used his hand to rub her vulva and vagina and "dig" her vulva with his finger, and thereafter he licked her vagina.[6] This was essentially the 1st Molest Incident.

11 V then heard D unbuckle his belt and unzip his pants. He then penetrated V's vagina with his penis. She knew this although she was lying face-down as she could feel D's penis "piercing through" her and it was painful and "slimy".

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5 V's CS at [7]–[9]; 2/4/24 NE 26–28, 30.

6 V's CS at [10]–[11]; 2/4/24 NE 28–37.

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D moved his penis in and out of V's vagina. V felt disgusted but did not know at that time that D was having sex with her. After a while, D stopped penetrating V.[7] This formed the Alleged Rape.

12 Thereafter, D went to the bathroom, and V quickly hid in the bedroom. However, she did not inform anyone, nor confront D, about this matter.[8]

13 The 2nd Molest Incident also occurred in 2014, on a different school vacation period, again before V's 11th birthday in August. She was in the Flat alone with D babysitting her as K was at work and her siblings were in school. On that day, V was wearing a shirt and long track pants as it was raining, but she was not wearing undergarments. She was playing computer games in the bedroom and, when she felt tired, went to the hall to lie on a mattress.[9]

14 On the mattress, V lay on her left side, facing the television. D went over and lay behind her in the same position. He put his right hand over her waist and grabbed her right breast over her clothes. He then slipped his right hand into her track pants and rubbed her vulva with his finger. V felt disgusted and used her elbow to push D's shoulder away. D then got up and went to the toilet. He subsequently told V not to tell K about what had happened and V complied.[10]

15 After the above incidents, V learnt about sex in sex education at school in Primary 5 later that year and realised that what D had done to her was wrong. This started to affect V when she was older and she had suicidal thoughts. In 2020, she approached the counsellor ("X") at the institution where she was then

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7 V's CS at [11]; 2/4/24 NE 37–40.

8 V's CS at [11]–[12]; 2/4/24 NE 39–41.

9 V's CS at [13]; 2/4/24 NE 41–42, 47–48; 3/4/24 NE 48–49.

10 V's CS at [14]–[15]; 2/4/24 NE 43–49.

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studying (the "College") and subsequently shared with X that she had been sexually assaulted by K's ex-boyfriend. She also shared with X that her brother had also sexually assaulted her in around 2014. Subsequently, on 19 November 2020, V broke down before four of her course-mates at the College and essentially shared with them that D had raped her. Later that same evening, V informed K that she had been sexually assaulted by D.[11]

16 On 22 November 2020, K accompanied V to lodge a police report (the First Information Report) stating that she had been raped by D.[12]

Statements recorded from D and other documents

17 D was arrested on 24 November 2020. During investigations, the following statements were recorded from D, the admissibility or accuracy of which he did not challenge:[13]

(a) Two statements recorded on 24 November 2020 pursuant to s 22 of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) ("CPC") by video-recorded interviews ("VRI(s)") starting at about 5.00pm and 5.50pm respectively ("1st VRI" and "2nd VRI"). These statements were recorded in the presence of DSP Liao Chengyu ("DSP Liao") and ASP Muhammad Fadzridin Fadzil Bin Amir ("ASP Fadzridin").[14]

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11 V's CS at [15]–[18]; X's CS at [4]–[5]; K's CS at [7]–[10]; 2/4/24 NE 49–50, 53–57, 71; 4/4/24 NE 12–14; 5/4/24 NE 4–6.

12 V's CS at [19]; Agreed Bundle ("AB") 5; K's CS at [11]; 2/4/24 NE 57.

13 25/4/24 NE 9, 84, 88; Statement of Agreed Facts dated 1 April 2024 ("ASOF") at [12].

14 AB 30–80 (1st VRI); AB 81–117 (2nd VRI).

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(b) A cautioned statement recorded on 25 November 2020 pursuant to s 23 of the CPC ("1st Cautioned Statement"), in relation to the 1st Charge (of the Alleged Rape).[15]

(c) A statement recorded on 26 November 2020 pursuant to s 22 of the CPC by VRI, in the presence of DSP Liao and ASP Fadzridin ("3rd VRI").[16]

(d) Two cautioned statements recorded on 22 August 2022 pursuant to s 23 of the CPC, in relation to the 2nd and 3rd Charges ("2nd Cautioned Statement" and "3rd Cautioned Statement" respectively).[17]

18 At the trial, the Prosecution also tendered the Case for the Defence dated 11 August 2023 ("Defence Case"). This was filed by Mr Eoon after D was charged in court, and in which D had set out a summary of his defence pertaining to the three charges. D accepted that the Defence Case was prepared based on his instructions to Mr Eoon and that the contents were accurately recorded.[18]

19 Finally, a Statement of Agreed Facts ("ASOF") was agreed between the Prosecution and Defence pursuant to s 267 of the CPC, filed on 1 April 2024 and admitted for the trial. D confirmed the ASOF was shown to him by Mr Eoon before it was tendered to and read in court, and he did not dispute the ASOF.[19]

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15 AB 118–123 (1st Cautioned Statement).

16 AB 124–161 (3rd VRI).

17 AB 162–167 (2nd Cautioned Statement); AB 168–173 (3rd Cautioned Statement).

18 Exhibit P12 (Defence Case); 25/4/24 NE 10; 26/4/24 NE 37.

19 2/4/24 NE 6–8; 25/4/24 NE 55–56.

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The Defence

20 I set out D's version of events based on his evidence-in-chief, and deal with his defence and assertions in more detail in my findings.

1st and 2nd Charges

21 In March 2014 on a school day, D had (on K's request) fetched V from school and took her back to the Flat at about 2.00pm. After taking a shower, V sat on the mattress in the hall and asked D to massage her. At that time, she was wearing a shirt and a pair of shorts (with no undergarments).[20]

22 V sat down, facing D, when he started massaging her neck. D then asked V to lie down on the mattress face-up, and he sat by her side near her waist. He then massaged V's neck and shoulders, then pulled her shirt up to her armpits and massaged her shoulders down to her breasts. D massaged V with his left hand as he was holding a container of "Vicks" ("Vicks") in his right hand and which he used to massage V. D then pulled down V's shorts to her knees, and licked her vulva for a few seconds; however, he did not rub her vagina.[21]

23 Thereafter, D asked V to lie face-down on the mattress. He massaged her neck, shoulders, back and waist for a few minutes. He then kneeled on top of V, putting his knees on her thighs below her buttocks, and started rubbing his penis against V's buttocks in the region "in the middle of [V's] anus and vagina". However, he then realised his "mistake" and quickly stopped. He pulled up his drawstring shorts, pulled back up V's pants and pulled down V's

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20 23/4/24 NE 60–64; 25/4/24 NE 17; AB 86, 102–103 (2nd VRI).

21 23/4/24 NE 64, 67–68, 73–76; 25/4/24 NE 13.

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shirt, and leaned against the wall adjoining the bedroom to "[ask] God for forgiveness". V went to the bathroom to shower and D left the Flat.[22]

24 D denied the Alleged Rape completely. He claimed he could not have penetrated V's vagina with his penis as his penis was not erect at all.[23]

3rd Charge

25 About a week after the 1st Occasion, also in March 2014, D was at the Flat on a Saturday afternoon. V and her siblings were in the hall. V's brother was playing with a Playstation (facing the television) whilst V's sister was using her laptop. V was leaning against the wall adjoining the bedroom and using her handphone, and D was also leaning against the same wall.[24]

26 V then went to the bedroom and returned to the hall with a mattress and bedsheet. She placed the mattress alongside the wall in the hall (adjoining the bedroom), lay down on it and covered herself with the bedsheet. D went to lie down beside her, on the floor. Suddenly, V "guided" D's right hand underneath the bedsheet and into her pants to touch or stroke her private part (at the top of her vulva) for a few seconds, and then guided D's right hand to touch her breasts (which he stated in cross-examination was skin-on-skin), for a few seconds. D then went to the kitchen to wash his hands and left the Flat as he was "scared".[25]

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22 23/4/24 NE 77–80.

23 23/4/24 NE 80.

24 23/4/24 NE 80–85; 26/4/24 NE 19, 48–49.

25 23/4/24 NE 85–91; 26/4/24 NE 19–20, 39, 51.

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27 D claimed that, on this occasion, he did not intend to touch V at all and it was V who had caused his hand to touch her private part and breasts.[26]

My decision

28 There were no eyewitnesses to the Alleged Rape, 1st Molest Incident or 2nd Molest Incident. Where no other evidence is available, a complainant's testimony can constitute proof beyond a reasonable doubt when it is so unusually convincing as to overcome any doubts that might arise from the lack of corroboration (*AOF v Public Prosecutor* [2012] 3 SLR 34 ("*AOF*") at [111]). A witness's testimony may be found to be unusually convincing by weighing the witness's demeanour alongside the internal and external consistencies found in the witness's testimony (*AOF* at [115]). Essentially the scrutiny is directed toward the sufficiency of a witness's testimony, which is inextricably linked to the ultimate inquiry of whether the case against the accused has been proved beyond a reasonable doubt (*Public Prosecutor v GCK and another matter* [2020] 1 SLR 486 ("*GCK*") at [91]).

29 It should also be emphasised that an individual's capacity for observation and memory recall may not always lie on a continuum even when the account in question concerns events occurring within the same episode. While a victim may remember some aspects of the experience in exquisitely painful detail, and indeed spend decades trying to forget them, the victim may remember other aspects not at all, or only in jumbled and confused fragments (*GCK* at [113], citing James Hopper & David Lisak, "Why Rape and Trauma Survivors Have Fragmented and Incomplete Memories" (*Time*, 9 December 2014)). It follows that the inability of a victim to remember every aspect of his

[26] 23/4/24 NE 90; 26/4/24 NE 12.

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or her traumatic experience does not in itself undermine the credibility of his or her testimony (*Loh Siang Piow (alias Loh Chan Pew) v Public Prosecutor* [2023] SGHC 74 at [79]). A related point is that a victim of sexual assault cannot always be expected to provide a completely similar and full account every time he or she discloses the offence to another person. This is bearing in mind that disclosures of abuse "are often tentative, may involve some telling and then retracting, may be partial or full, and may occur over time" (*Public Prosecutor v Mohd Ariffan bin Mohd Hassan* [2019] 2 SLR 490 ("*Ariffan*") at [78]–[79]).

30 Where the complainant's evidence is not unusually convincing, an accused's conviction is unsafe unless there is some corroboration of the complainant's story (*AOF* at [173]). A liberal approach is adopted to determine whether a particular piece of evidence can amount to corroboration. What is important is the substance and relevance of the evidence, and whether it is supportive of the weak evidence which it is meant to corroborate (*AOF* at [173]–[174] and [177]; *GCK* at [96]). In this regard, the prior statements of an accused to the police can constitute corroborative evidence (*Public Prosecutor v Yap Pow Foo* [2023] SGHC 11 at [56] and *Public Prosecutor v Ridhaudin Ridhwan bin Bakri and others* [2019] SGHC 105 at [115]–[116]).

General observations

31 Having examined the evidence holistically, I found V's testimony to be unusually convincing. Despite the offences having occurred more than nine years prior to her testimony in court, V was coherent and consistent in the material aspects of her testimony even if she could not recall precisely the dates of the 1st and 2nd Occasions. In contrast, D contradicted himself and changed his position on the material aspects of his version of events. In any event, there

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was independent evidence available in relation to the 2nd and 3rd Charges in that D had substantially admitted to the offending acts in those charges.

32 At this stage, I make some preliminary observations. First, it was undisputed that V was quiet and introverted by nature. K attested that V was a very quiet person and did not have many friends. V's course-mates at the College observed the same. One "Y" stated that V was a "quiet person … like[d] to do things on her own … introvert … like[d] to be all by herself"; and one "Z" described V as "very quiet" and "not very close to people".[27] Likewise, D admitted that V was a very quiet person, an introvert and kept to herself.[28]

33 Second, D stated that whilst he was in a relationship with K and saw K's children almost every day, he was not close to V and hardly spoke to her. V similarly confirmed that, when D was at the Flat, he would mostly talk to K or be assisting with the household chores.[29]

34 Third, and importantly, K trusted D. After they began a relationship, K gave him the key to the Flat because she trusted him. She also subsequently asked D to massage V from time to time. V similarly stated, and I accepted, that she trusted D and regarded him like a father.[30] In this regard, I did not accept the Defence's submission that D could not have been a father figure to V because of his limited interactions with her.[31] That V was rather quiet and introverted in nature did not mean that she did not look to D as a father figure. It was

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27 4/4/24 NE 5; 5/4/24 NE 20, 35.

28 23/4/24 NE 60, 91; 26/4/24 NE 22; AB 66 (1st VRI); AB 104 (2nd VRI).

29 3/4/24 NE 27; 23/4/24 NE 60, 91; 25/4/24 NE 19–20; 26/4/24 NE 35; AB 104 (2nd VRI); DCS at [15]–[22].

30 K's CS at [2]; V's CS at [4]; 2/4/24 NE 21, 61; 4/4/24 NE 7, 11–12.

31 DCS at [15]–[22].

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undisputed that D was at the Flat very often, and he helped K with the household chores and to look after V (see [5] above). D himself admitted that he "considered [K's family] like family" (his own words in the 1st VRI); that he was a trusted family friend; that he informed DSP Liao in the 3rd VRI that he wanted to "apologise to them" for what he had done because "they [gave] the trust to [him]"; and that he knew he had broken the trust that K's family placed in him when he had sexually assaulted V.[32]

35 I turn now to the various incidents.

The 1st Occasion – Alleged Rape and 1st Molest Incident

36 I was satisfied that the Prosecution had proved the 1st and 2nd Charges beyond a reasonable doubt.

V's testimony

37 I found V's account of the Alleged Rape and 1st Molest Incident to be consistent and clear in the material aspects. V had attested in a consistent manner as to how the assault occurred. She stated that it happened in 2014 when she was in Primary 5 (and before she turned 11 years old); she was alone with D who was babysitting her as K was at work; she had asked D to massage her; and he had used oil to do so. This was largely consistent with D's account that the first sexual assault occurred in March 2014 before V's 11th birthday; they were alone at the Flat; it started with a massage; and he had used massage oil (which he later claimed was Vicks)[33] to massage her.

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32 AB 68 (1st VRI); AB 149 (3rd VRI); 25/4/24 NE 31–33.

33 AB 48–49 (1st VRI); AB 87 (2nd VRI); 23/4/24 NE 74–75; 25/4/24 NE 34–35, 39, 42, 47–49.

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38 Importantly, D had admitted on various occasions to sexually assaulting V as described in the 2nd Charge, although he denied the Alleged Rape.

(a) In the VRIs, D admitted to rubbing his penis against V's vagina or "private area" and licking V's vagina.[34]

(b) In both the Defence Case (filed as recently as August 2023) and the ASOF (admitted for the trial), D stated that he had touched V's breasts, buttocks, vagina and vulva; licked her vagina; and rubbed his penis around the outside of V's vagina.[35]

(c) In court, D admitted he had massaged V's breasts, touched her vulva with his hand, licked her vulva, and rubbed her buttocks in the middle of the anus and vagina with his penis. He then confirmed that he had touched V's breasts, buttocks, vagina and vulva, and admitted to licking her vagina.[36]

39 V also attested consistently that she lay face down throughout when the 1st Molest Incident and Alleged Rape occurred, and I accepted she was certain that D had unbuckled his belt and unzipped his pants because she could hear him doing so. That D had unzipped his pants was admitted by D: (a) a few times, in the 3rd VRI, that he had "unzip[ped]" and rubbed his penis against her vagina; and (b) in the Defence Case where he said that he had "unzipped his pants".[37] I rejected D's assertion that he was wearing a pair of drawstring shorts instead. I disbelieved that he was nervous during the 3rd VRI. Even if D had been nervous

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34 AB 90, 94 (2nd VRI); AB 128–129, 132, 134–138, 144 (3rd VRI).

35 Defence Case at [7]–[8]; ASOF at [6]–[7].

36 25/4/24 NE 13–14, 51–53, 58–59.

37 AB 128–129, 132, 134 (3rd VRI); Defence Case at [7].

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then, he would not have been nervous when he instructed his lawyer as to the contents of the Defence Case nearly three years later. Indeed, he could not offer a satisfactory explanation in court as to his statement in the Defence Case. I disbelieved D's vague and unsubstantiated assertion, raised for the first time in court, that he had subsequently corrected the Defence Case at an interview with his lawyer. Conveniently, he could not recall when the interview occurred, and his assertion was also contradicted by his earlier confirmation that the Defence Case had been prepared based on his instructions.[38]

40 I thus accepted V's account that D had penetrated her vagina with his penis. I accepted that V knew D did so as she could feel his penis piercing through her, moving in and out of her vagina, and she felt pain.[39]

41 I also accepted V's evidence, consistent throughout, that D had used oil (and not Vicks) to massage her, and that she could feel the oil on her body. V had also referred to the use of oil during the 1st Occasion in her accounts to Dr Unarkar Ami Jay ("Dr Unarkar") and Dr Parvathy Pathy ("Dr Pathy").[40]

42 D's explanation for massaging V with Vicks did not make sense. D accepted that Vicks is not a massage oil but is used to alleviate respiratory and other symptoms. His use of Vicks to massage V was thus inexplicable when he claimed that she was not sick during the 1st Occasion. When further probed, D then stated that V had breathing difficulties as she had a blocked nose or a flu. But it was inexplicable why D had purportedly massaged V with Vicks *all over her body (including her breasts)*, when he would have used it only to massage

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38 25/4/24 NE 10, 62–64.

39 2/4/24 NE 37–40.

40 V's CS at [10]; 2/4/24 NE 31, 33, 39–40; 3/4/24 NE 31–32; AB 194; AB 198.

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the chest of a person with breathing difficulties. I disbelieved D that he had massaged V's breasts with Vicks because "[i]t happen[ed] all of a sudden".[41] D's assertion of having used Vicks (which he described as having a "cream" texture) was also inconsistent with his initial version in the 1st VRI where he stated that he had used massage oil which he described as "Pandan oil", although he later stated in the 2nd VRI that he had used Vicks. In court, he claimed he had said Pandan oil because "that just c[ame] up in [his] mind".[42]

43 I add that V had also recounted the material particulars of the 1st Molest Incident and/or the Alleged Rape to multiple persons. Further, where V had related the Alleged Rape, she was clear that this had happened on the same occasion as the 1st Molest Incident.

(a) X gave evidence that, during a counselling session conducted on 27 August 2020, V had related that her mother's ex-boyfriend had sexually assaulted her and put his private part on her while massaging her back from behind.[43]

(b) Z, V's course-mate who was present when V broke down at the College on 19 November 2020, attested that V told them then that a person related to K as her ex-boyfriend or ex-husband "did something to her". Z asked V what had happened and she replied that this person had "raped" her. Y, also present at that time, testified that V had told them that her mother's boyfriend had molested her and done something sexually to her.[44] I saw no reason for Z and Y to lie. They were not close

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41 3/4/24 NE 17; 25/4/24 NE 17, 23, 27, 35–41.

42 25/4/24 NE 35, 42, 47–48; AB 48–49 (1st VRI); AB 87, 92 (2nd VRI).

43 X's CS at [5]; 5/4/24 NE 4–5, 13–15.

44 Y's CS at [4]; Z's CS at [4]; 5/4/24 NE 22–23, 28–30; 36–37, 40–41.

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to V, and subsequently lost contact with her after they graduated from the College.[45] Whilst the accounts of Z and Y were not identical,[46] it must be remembered that the complaint occurred some years back before they gave their account.

(c) According to K, V told her on 19 November 2020 that D had put his "thing" in her when massaging her. Although K did not probe further because V was then crying and looked very scared, K understood this to mean that D had inserted his penis into V's vagina or anus.[47] The Defence pointed out that V had not used express words to this effect. However, K's evidence was that she and her children would ordinarily use the word "thing" to refer to a person's private part.[48] I therefore accepted that V had meant to convey to K that D had inserted his penis into her, although it was unclear which orifice he had inserted it into.

(d) Dr Unarkar, from KK Women's and Children's Hospital, had examined V on 13 January 2021. According to Dr Unarkar, V told her that D had touched her breasts and private parts and "forcibly penetrated inside [her] without her consent"; that this penetration was "inside her vagina"; and that oil was used.[49]

(e) Dr Pathy, from the Institute of Mental Health, had examined V on 14 and 22 June 2021. According to Dr Pathy, V told her that, whilst

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45 Y's CS at [5]; Z's CS at [5]; 5/4/24 NE 20, 25, 35, 38.

46 DCS at [138]–[145]; Prosecution's Closing Submissions dated 14 June 2024 ("PCS") at [59].

47 K's CS at [7], [9]; 4/4/24 NE 12–13, 21.

48 DCS at [132]–[133]; K's CS at [7]; 4/4/24 NE 12, 21.

49 Dr Unarkar's CS at [1]–[2]; AB 194; Exhibit P10A; 23/4/24 NE 32–33.

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> she was lying face down, D had lifted her shirt, used oil to massage her back, groped her buttocks, pulled down her pants and rubbed her vaginal area. V then heard D's pants being unzipped, and D put his penis inside her vagina and moved his body before stopping. V also stated that D had licked her private part and "dig[ged]" her vagina. She reported feeling pain in her private part during the incident.[50]

44 I thus found, weighing V's demeanour alongside her testimony, that V's testimony was unusually convincing. This is even if V did not provide a completely similar and full account of what had occurred every time she disclosed the 1st Molest Incident (and Alleged Rape) to various persons (see [29] above). To avoid doubt, I did not regard V's accounts to the above persons as corroborative evidence. These statements were made six to seven years after the 1st and 2nd Occasions.[51] The requirement in s 159 of the Evidence Act 1893 (2020 Rev Ed) of the statement having been made "at or about the time when the fact took place" was thus not satisfied (see *AOF* at [175]–[176] and [194]).

45 Importantly, D himself admitted at various points to having sexually assaulted V in the manner as described in the 2nd Charge (see [38] above) and which constituted corroborative evidence of the 1st Molest Incident. Hence, even if V's testimony alone had not been found (contrary to my assessment) to be unusually convincing, I would nevertheless have found the 2nd Charge proven beyond a reasonable doubt.

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50 Dr Pathy's CS at [1]–[2]; AB 198; Exhibit D3; 23/4/24 NE 7.

51 DCS at [125]–[127].

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D's testimony and assertions pertaining to the 1st Molest Incident

46 On the other hand, I found D's testimony to be inherently inconsistent and shifting.

47 When the trial commenced, D stated that he was admitting to the 2nd Charge (and 3rd Charge), and which Mr Eoon also confirmed. Essentially, the 2nd Charge (as elaborated in the ASOF and consistent with the Defence Case) stated that D had touched V's breasts, buttocks, vagina and vulva, and licked her vagina. In court, D's testimony was shifting, as to whether he touched V's vagina and buttocks, and whether he licked V's vagina. These inconsistencies, which related to the offending acts alleged in the 2nd Charge, could not simply be dismissed as peripheral (contrary to the Defence's submissions). Nor could they be reconciled with D's intention to admit to the offence without qualification.[52] I elaborate.

(a) D initially stated that he had touched V's breasts, licked her vulva, and rubbed his penis on her buttocks in the middle of her anus and vagina. However, he claimed he *did not touch V's vagina at all*.[53] When pointed to the 2nd VRI where he had agreed that he had massaged V's vagina, he claimed he was nervous when he was interviewed by the police. But he could not explain why he again stated in the Defence Case that he had touched V's vagina, nor why he had admitted to this in the ASOF (that he had touched V's vagina, in addition to licking it). D also, somewhat incoherently, claimed to have admitted to the 2nd Charge (when it was read in court for his plea to be taken) "[b]ecause the

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52 DCS at [3], [7], [167].

53 23/4/24 NE 74–76, 79; 25/4/24 NE 13, 43, 51–54, 67–68; 26/4/24 NE 30, 43.

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incident happened, I admit", but then went on to say that he did not touch V's vagina and he did not know why he had admitted to doing so.[54]

(b) D also prevaricated between admitting to licking V's vagina and denying this by stating that he merely licked her *vulva*. However, he could not explain in court why he had stated in the 3rd VRI that he had "lick[ed] the vagina".[55] D subsequently admitted that he had licked V's vagina, before changing his story again to say that he merely licked the vulva (which story the Defence maintained in closing submissions).[56] I rejected the Defence's explanation that D was unaware of the distinction between the vagina and vulva and found that he knew the difference. D could articulate in court that the vulva was at the top of, and outside of, the vagina. Further, the Defence Case and ASOF, like the 2nd and 3rd Charges, drew a distinction between the vagina and vulva, *ie*, that D had touched V's vagina *and* vulva and licked her vagina (on the 1st Occasion) and that D had rubbed V's vulva (on the 2nd Occasion).[57]

(c) D vacillated between admitting that he had touched V's vulva with his hand, and later denying this and claimed that he had only done so with his tongue (which was contradicted by his admission in the Defence Case and ASOF that he had "touched" V's vulva).[58]

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54 25/4/24 NE 52–56; AB 87 (2nd VRI).

55 25/4/24 NE 13–14, 17, 28, 51–52, 58–60, 68, 73.

56 26/4/24 NE 30, 32, 42–44; DCS at [30], [105]–[106].

57 DCS at [166]; 25/4/24 NE 59–60; Defence Case at [7], [12]; ASOF at [6], [9].

58 25/4/24 NE 28, 43, 51, 55–56, 65–67; 26/4/24 NE 30, 42–43; Defence Case at [7]; ASOF at [6].

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(d) D further (and repeatedly) claimed that he did not touch V's buttocks at all, even when it was brought to his attention that he had admitted to this act in the Defence Case and ASOF. But at the same time, he admitted in court that he had touched V's buttocks with intent to outrage her modesty, then prevaricated as to whether he did so. Even the Defence conceded in closing submissions that D's evidence had "wavered" on this point.[59]

48 D could not make up his mind as to his version of events. I found that he attempted to minimise the severity of his acts, such as by denying that he had touched V's vagina and by stating that he had merely licked V's vulva (and not vagina).[60] Even if I accepted D's explanation in court (which I did not) that he was nervous during the VRIs, this could not explain his admissions to all the acts constituting the 2nd Charge in the Defence Case and ASOF. It must be remembered that the Defence Case was prepared based on his instructions to Mr Eoon and he had accepted the contents of the ASOF before it was tendered in court. That his credibility was in doubt, was further supported by the fact that he had taken inconsistent positions on whether he was wearing a pair of pants with a zip, or a pair of drawstring shorts as he claimed (see [39] above).

49 In the above regard, I rejected the Defence's suggestion in closing submissions, that D had wavered in his testimony because he was confused, nervous or fatigued.[61] To begin with, D did not himself suggest or assert as such in court. I also did not accept the Defence's suggestion in closing submissions that D, who sometimes answered without waiting for the court interpreter's

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59 25/4/24 NE 16, 28, 48–51, 55–57, 65–68, 72; 26/4/24 NE 30, 43; DCS at [168].

60 25/4/24 NE 71–73, 75–77.

61 DCS at [162]–[167].

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interpretation of the questions posed to him, may not have understood the questions he was answering.[62] Mr Eoon stated at the commencement of the trial that D did not require an interpreter. This was confirmed by D at the start of his examination-in-chief and again in cross-examination. I also observed that D could understand and answer the questions that were posed to him in English. Even when D requested for a Malay interpreter midway through his cross-examination (and was provided with one), Mr Eoon informed the court that D was nevertheless happy to give his answers in English.[63]

Whether D had the necessary intention in relation to the 2nd Charge

50 For completeness, I deal briefly with whether D had the necessary intention to outrage V's modesty. D claimed in cross-examination that he never intended to molest V, but later clarified that his acts were done on "a spur of a moment" and were not pre-planned.[64]

51 I found that D had intended to outrage V's modesty. D was aware that V had not agreed to the acts and that they were wrong; and thus, he purportedly then prayed to God immediately for forgiveness. He had also intended to admit to the 2nd Charge (at the commencement of trial) because he knew he had done something wrong and felt guilty. D also accepted under cross-examination that he had touched V's buttocks, breast and vulva; used his penis to touch the region between V's anus and the top of her vagina; and licked her vagina – all with the intention to outrage her modesty.[65]

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62 DCS at [163].

63 2/4/24 NE 6; 23/4/24 NE 58; 25/4/24 NE 11, 45–46.

64 25/4/24 NE 13–16.

65 25/4/24 NE 14–17, 28, 51; 26/4/24 NE 42–45.

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52 Further, I rejected D's assertion that the 1st Molest Incident "happened suddenly" and on the spur of the moment.[66] At the very least, as D admitted, he had formed sexual thoughts about V after lifting her shirt and seeing her exposed breasts (see further [54(a)] below). There was also no plausible explanation for massaging V all over her body with Vicks on the 1st Occasion (see [42] above).

D's testimony pertaining to the Alleged Rape

53 I further found that D proceeded to rape V, after the 1st Molest Incident. D had admitted that he went on to use his penis to rub V's buttocks "in the middle of [V's] anus and vagina". I disbelieved that he then stopped short of raping V because he realised his mistake.

54 Whilst D claimed initially that he used his penis to rub her buttocks in the middle of her anus and vagina for a few seconds,[67] he also maintained that he never touched V's buttocks at all (see [47(d)] above). That said, I found, as the Prosecution put to him, that D's actions, such as using his penis to rub on V and licking her vagina, were intended to lead to sexual intercourse with V (which I found D to have ultimately performed without V's consent).[68]

(a) Although D initially denied having sexual thoughts towards V when he was massaging her during the 1st Occasion, he later admitted to forming sexual thoughts about her after lifting her shirt and seeing her exposed breasts. D accepted that rubbing someone's breasts was a form

66 25/4/24 NE 15–16, 41, 58, 79.

67 23/4/24 NE 79.

68 25/4/24 NE 41–42, 58–59, 61, 78.

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of foreplay to sexual intercourse, which he had previously performed before engaging in sexual intercourse.[69]

(b) D further accepted that he would lick a person's vagina as part of foreplay preceding sexual intercourse, and he admitted to licking V's vagina to lubricate the vaginal area.[70]

(c) D conceded further that when he rubbed his penis in the middle of V's anus and vagina, he was actuated by the desire to have sexual intercourse with V, but claimed that he thereafter managed to control his desire and stop. Rather contradictorily, D later claimed that he never intended to penetrate V and claimed that the rubbing of his penis against V's private part "happened out of sudden".[71]

55 I proceed to deal with several assertions raised by D to support his defence that the Alleged Rape could not have occurred.

56 To begin, it was suggested to V in cross-examination that she could not have seen what D had put into her vagina as she was lying face down. V agreed. However, V's consistent evidence was that she had felt something pierce through her vagina, moving in and out for some time and causing her pain. She could also feel D moving up and down.[72]

57 It was then suggested that the pain experienced by V was in reality only a feeling of pressure around her vaginal region caused by the rubbing of D's

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69 25/4/24 NE 30, 34, 41–42.

70 25/4/24 NE 58, 61.

71 25/4/24 NE 78, 80–81.

72 V's CS at [11]; 2/4/24 NE 38–39; 3/4/24 NE 39–40.

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penis near her vagina and anus, and thus V was mistaken about D's penis having penetrated her vagina. I did not accept this. V was unequivocal that this was not an accurate description of the sensation she had felt. Rather, she was certain that she had felt something pierce through her vagina,[73] and I accepted that it was the penetration by D's penis which had caused her pain.

58 Next, D claimed that he could not have penetrated V's vagina because he did not achieve an erection at that time as he was afraid.[74] I rejected D's claim, that he did not achieve an erection, as nothing more than an unsubstantiated assertion. In preferring V's evidence that she had felt something pierce through her vagina, I further observed that D's reliance on this apparently material defence was belated and inconsistent. It was not raised in the 1st or 2nd VRI on 24 November 2020 (despite D having been informed at the beginning of the 1st VRI that he was being investigated for an allegation of rape) or in the 1st Cautioned Statement to the 1st Charge on 25 November 2020,[75] but arose for the first time in the 3rd VRI on 26 November 2020. Even so, this claim was not volunteered by D but raised in response to DSP Liao's specific question as to whether his penis was erect at the time.[76] Pertinently, before D's response in the 3rd VRI in such manner, he had consistently maintained that he stopped short of penetrating V's vagina because he felt "uncomfortable",[77] without mentioning the state of his penis at that time. The Defence drew upon V's description of the object that penetrated her as "soft and slimy" to buttress the submission that D's penis was not erect, and thus it could not have penetrated

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73 3/4/24 NE 39–41.

74 3/4/24 NE at 41–42; 23/4/24 NE 80.

75 AB 34 (1st VRI); 25/4/24 NE 87.

76 AB 140 (3rd VRI).

77 AB 135, 137 (3rd VRI).

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V's vagina. I rejected this submission. V elaborated that the object (that penetrated her) was harder than "Play Dough".[78] It was thus not impossible that an object with that degree of firmness could have penetrated V's vagina.

59 Further, Mr Eoon suggested that it was unbelievable that V had not pushed D away despite her evidence that she felt pain during the Alleged Rape and that the alleged penetration had lasted for about five minutes.[79] That V had not pushed D away immediately when he raped her was not in the circumstances at all unusual, such as to cast doubt on her credibility. Despite stating in her conditioned statement that the penetration had lasted for about five minutes, V candidly admitted in court that she could not be sure how long this had lasted, although "it felt a long time".[80] It is also important to remember that V was then only ten years old and did not know what sexual intercourse was. It was only later that year during sex education class in school that she learnt about sexual intercourse. I therefore accepted V's explanation that she did not stop D because she "had no idea what was going on" and did not know that he was raping her.[81]

60 In the round, I accepted V's account that D had raped her.

Miscellaneous matters

61 I address some other issues D raised regarding V's account of the 1st Occasion to undermine V's credibility.

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78 DCS at [113]–[114]; 3/4/24 NE 40–43.

79 3/4/24 NE 44–47; 25/4/24 NE 81; DCS at [110]–[112].

80 V's CS at [11]; 2/4/24 NE 38; 3/4/24 NE 38–39, 46–47.

81 2/4/24 NE 49–50; 3/4/24 NE 47.

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62 First, V was unclear as to the month of the 1st Occasion and whether it was during a school vacation or on a school day. V stated in her conditioned statement that this was during a school vacation in 2014, when she was in Primary 5 and before her 11th birthday, and that she was alone with D in the Flat. In court, V elaborated that the 1st Molest Incident occurred during a one-month school vacation, possibly in June; she had a fever that day; and her siblings were in school.[82] This was not entirely consistent with her other accounts.

(a) The First Information Report lodged on 22 November 2020 recorded that the Alleged Rape occurred "[a]bout 5 years ago" and on 1 June 2015. In court, V explained that she had informed the police officer that it was about five years ago as she mistakenly believed that was the year when she was in Primary 5. As that was the first time she was reporting the case to the police at the police station, she was emotional and her head was "cloudy". V further explained that she did not inform the police officer of the month of the Alleged Rape but told him that it had occurred during a school vacation but not at the year-end. Based on that information, the police officer recorded the date as 1 June 2015.[83]

(b) V prepared a handwritten note on 26 November 2020 (the "Note"), subsequently produced to the investigating officer on 27 November 2020 when her statement was recorded.[84] In the Note, V recorded the dates of the one-week March vacation as 15 to 23 March 2014. She also wrote that she had fallen sick on 23 March 2014 (being

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82 V's CS at [6]–[7]; 2/4/24 NE 28, 106–110, 116; 3/4/24 NE 16–17, 28.

83 AB 5 (First Information Report); 2/4/24 NE 58–59, 93–94.

84 3/4/24 NE 7–8; Exhibit D1.

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a Sunday) and, after visiting the doctor, had received a medical certificate for 24 and 25 March 2014. The 1st Occasion had taken place on 25 March 2014. V also explained in court that, while she had initially recorded the month of the 1st Occasion as June in the Note, she then erased this as she knew that she did not fall sick during the June vacation.[85]

(c) Dr Unarkar attested that during her examination of V on 13 January 2021, V had stated that the 1st Occasion was during the school holidays in March 2014. In court, V could not recall whether she had told Dr Unarkar this.[86] Dr Unarkar's medical report also stated that V's siblings were away at work, but Dr Unarkar clarified in court that V had merely informed her that her siblings were away (which was consistent with the Medical Form for Complaint of Sexual Offences ("Medical Form") which Dr Unarkar had filled contemporaneously).[87]

(d) Dr Pathy stated that, during her examination of V on 22 June 2021, V had told her that she was sick and did not attend school on the day of the 1st Occasion, and that her siblings were in school that day. However, V did not mention to Dr Pathy that it was the school vacation period.[88] The Defence interpreted V as having told Dr Pathy that the 1st Occasion occurred on a school day, but V could not recall in court whether she had expressly told Dr Pathy as such.[89]

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85 Exhibit D1; 3/4/24 NE 9–12.

86 AB 194; Exhibit P10A at p 4; 2/4/24 NE 95–96.

87 AB 194; Exhibit P10A at p 4; 23/4/24 NE 32.

88 AB 197–198; Exhibit D3 at pp 1–2; 23/4/24 NE 19.

89 2/4/24 NE 105; DCS at [82].

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63 However, I found V's inability to recall the date of the 1st Occasion did not undermine her credibility; neither did it assist D. Crucially, D's own position was that he *had* sexually assaulted V on the 1st Occasion by committing some of the acts constituting the 1st Molest Incident. V's account was also largely consistent in its material particulars. She was clear that the 1st Occasion was when she was in Primary 5, *ie*, in 2014; that she did not attend school and was sick that day; and that her siblings were in school. D agreed that the 1st Occasion occurred in 2014 on a day when V's siblings were in school, and he eventually alluded to V then having a blocked nose or a flu.[90] Whilst D claimed that the 1st Occasion was on a school day after he had fetched V home from school, I accepted V's version that she had been home alone when D came over to babysit her. This was not implausible, as D had previously visited the Flat when V was home alone to look after her and he had a key to the Flat.[91]

64 I found that the 1st Occasion was likely in March 2014, consistent with V's recollection in the Note (prepared in 2020) and to Dr Unarkar in January 2021. It was also D's evidence that the 1st Occasion was in March 2014. I found that the 1st Occasion was likely on a school day immediately after the end of the March school vacation, which would have explained why V's siblings were in school on that day. V was likely confused that the 1st Occasion was during a school vacation because she did not attend school that day as she was sick and the date of the 1st Occasion was a continuum from the end of the March school vacation (as she had obtained a medical certificate to be exempted from attending school for the first two days immediately thereafter) (see also [62(b)] above).[92] The confusion on V's part was entirely explicable.

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90 23/4/24 NE 60–61; 25/4/24 NE 36–38.

91 25/4/24 NE 18–19, 27, 29.

92 3/4/23 NE 59–60; PCS at [78].

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65 I thus found V to be an honest and a forthright witness. She readily admitted that she could not recall the date of the 1st Occasion and that she might have been wrong in her recollection that this was during the school vacation. She also conceded to being unsure that the 1st Occasion was during a one-month school vacation.[93] In the round, I did not consider V's credibility to have been undermined by these gaps in her memory. In any event, the precise date of the 1st Occasion had no material bearing on whether the alleged acts had taken place. I reiterate that D himself admitted to performing some of the acts forming the subject of the 1st Molest Incident.

66 Second, there was some dispute as to V's position whilst D was massaging her on the 1st Occasion. V stated that she was lying face-down throughout the 1st Molest Incident and Alleged Rape (see [9]–[11] above). Conversely, D claimed that he had initially asked V to lie face-up. While V was in that position, D had sexually assaulted her in some respects, and continued to do so when he then asked V to lie face-down (see [22]–[23] above).

67 I had earlier found V to be a credible witness in relation to her account of the 1st Molest Incident and Alleged Rape, whereas D's account tended to shift and evolve under scrutiny (see particularly, [46]–[48] above). I thus preferred V's evidence that she was lying face-down throughout the 1st Molest Incident and Alleged Rape. I rejected Mr Eoon's suggestion that D could not have touched and massaged both of V's breasts if she was lying face-down. On V's account, D was then sitting on top of her and it was not physically impossible for his hands to reach under her body to touch her breasts.[94] I also rejected the Defence's submission that, if V had been lying face-down, her

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93 2/4/24 NE 109–110; 3/4/24 NE 12–15.

94 3/4/24 NE 33–37.

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vagina would "largely have been pressed against the mattress" making it physically awkward or challenging for D to have licked it or penetrated it with his penis.[95] I accepted V's evidence that her legs were spread apart at the material time.[96] Thus, D would have been able to access her vagina despite her lying face-down. There was no evidence that it would have been physically impossible for D to have licked or penetrated V's vagina even if it would have been physically challenging to do so.

68 On a related point, X attested in court that V had said to her that D was "standing behind her" when he put his private part on her. The Defence submitted that this was inconsistent with V's evidence which did not suggest that D was at any point standing behind her during the 1st Molest Incident or Alleged Rape.[97] I found this discrepancy to be immaterial. X could have been mistaken on her recollection of this point, and in any event, V was not cross-examined on what X had attested in court on this issue. Importantly, D himself stated that he was kneeling on top of V when he rubbed his penis against V's buttocks around the region of V's anus and vagina (see [23] above).

69 Third, Mr Eoon suggested that V was not mature enough to "recall everything that happened at that point in time" as she was very young, to cast doubt on the accuracy of V's recollection of what had transpired on the 1st and 2nd Occasions.[98] Mr Eoon also asked Dr Pathy to comment on the phenomenon of "infantile or childhood amnesia", the effects of which could include the tendency of human adults to have sparse recollection of episodic experiences

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95 DCS at [105]–[109].

96 3/4/24 NE 36.

97 5/4/24 NE 5; DCS at [98]–[99].

98 3/4/24 NE 54.

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that occurred before age ten. In response, Dr Pathy stated (and which I accepted) that it would still be possible to remember significant events despite infantile or childhood amnesia.[99] I thus found Mr Eoon's reliance on this phenomenon in itself was insufficient to raise a reasonable doubt pertaining to V's account of what transpired on the 1st and 2nd Occasions. The 1st and 2nd Occasions would have been significant events in V's early life, and I was satisfied that she could and had recalled important details of them. In any event, V was already ten years old then, and no evidence was led as to the extent to which and if so, how, her memories would have been affected by infantile or childhood amnesia, which by Mr Eoon's description related to experiences occurring before that age.[100]

70 Next, on the basis that partial memory loss was not uncommon following severe stress and emotional trauma, Mr Eoon suggested to Dr Pathy that V could have confused her memories of the incidents involving D with incidents of sexual assault committed by her brother.[101] The Defence submitted there were "striking similarities" between the Alleged Rape and an incident of sexual assault by V's brother as the latter incident had occurred also in 2014 and involved the penetration of V's vagina while she was lying down in the hall of the Flat.[102] Dr Pathy accepted as a general proposition that partial memory loss could happen following severe stress and emotional trauma. However, she described the possibility of any confusion by V as "very remote" as the incidents involving D were different from those involving V's brother and that she had not seen any "mix-up" on V's part. Again, I accepted Dr Pathy's evidence. Dr Pathy had examined V on two separate occasions on 14 and 22 June 2021,

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99 23/4/24 NE 21–22.

100 PCS at [89(a)].

101 23/4/24 NE 23–24; DCS at [122].

102 2/4/24 NE 75; DCS at [116]–[118].

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focusing on the first occasion on the incidents involving V's brother and on the second occasion on the incidents involving D. She was thus well placed to detect any confusion on V's part but was of the view that no such confusion had occurred. Whilst Dr Pathy did not completely exclude this possibility, it was insufficient to raise a reasonable doubt over the occurrence of the Alleged Rape.[103] In any event, as the Prosecution observed, this was not a case in which V could recall that she had been penetrated by one of her two assailants but was confused as to which of them had done so. Rather, V was clear that she had been penetrated by D *and* her brother.[104]

71 Relatedly, the Defence raised an inconsistency in Dr Unakar's Medical Form, which recorded V's "last coitus date" as March 2014 while also stating V's brother had forced her to touch his private parts and penetrated her multiple times from March to September 2014. The Defence suggested that V had suffered memory loss from the sexual assaults in 2014 which cast doubt on her ability to recall the 1st Occasion.[105] I did not find the inconsistency in the Medical Form affected V's credibility and veracity pertaining to her recollection of what had transpired on the 1st Occasion. Dr Unakar explained in court that she did not clarify with V on her last coitus date, because a last coitus date would have been relevant for a person who was sexually active (which V was not).[106] In any event, it was clear from the Medical Form that V had informed Dr Unarkar during the medical examination of two distinct assailants (*ie*, D and her brother), recounted that D had forcibly penetrated inside her, and further recounted that the incidents involving her brother had occurred from March to

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103 23/4/24 NE 18, 24, 26; Dr Pathy's CS at [2]; Exhibit D2; Exhibit D3.

104 Prosecution's Reply Submissions (dated 26 June 2024) at s/n 6.

105 Exhibit P10A at pp 3–4; 23/4/24 NE 38–39; DCS at [121]–[122].

106 23/4/24 NE 38–39.

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September 2014. V also candidly admitted in court that she could not recall the exact dates, in 2014, that her brother had sexually assaulted her.[107] But this did not mean that she could not remember what had occurred during those incidents.

72 Further, Dr Unarkar's medical report and Medical Form recorded the 1st Occasion as having occurred in the "bedroom", and Mr Eoon appeared to suggest that V's memory was suspect as she could not recall consistently where in the Flat the 1st Occasion had occurred. However, Dr Unarkar clarified in court that V had merely described the acts as having taken place "on the bed", and she had assumed that V was referring to the bedroom.[108] The Defence submitted that Dr Unarkar could not possibly have remembered what V had said to her about three years prior, and that she had embellished her evidence after catching wind of V's evidence earlier given in court.[109] I rejected this speculative and unsubstantiated allegation. I accepted Dr Unarkar's explanation that V's case stood out in her memory because there were two assailants, one of whom was V's own brother.[110] I found Dr Unarkar had no reason to lie and I accepted her evidence that V had informed her that the acts occurred on the bed (and not in the bedroom). For completeness, although V attested that she told Dr Unarkar that the 1st Occasion had taken place in the living room (which was how V sometimes referred to the hall), Dr Unarkar stated that V did not mention the living room.[111] I did not regard this as a material discrepancy. V readily admitted in court that she generally could not recall what she had told Dr

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107 2/4/24 NE 71–77.

108 AB 194; Exhibit P10A at p 4; 2/4/24 NE 97; 23/4/24 NE 39–42.

109 DCS at [100]–[104].

110 23/4/24 NE 41.

111 2/4/24 NE 97; 23/4/24 NE 40.

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Unarkar.[112] In any event, it was undisputed that the 1st Molest Incident occurred in the hall on a mattress.

73 Finally, the Defence described V's willingness to be in close proximity with D on the 2nd Occasion (by lying down in the hall where D was present) as odd if the Alleged Rape had indeed taken place.[113] I disagreed. V had felt tired and it was natural for her to have gone to the hall to lie on a mattress even if D was present. She was in her own home and this was where she would normally sleep.[114] Further, V was at this point still unaware that what D had done to her during the 1st Occasion was rape (see [59] above). V trusted D and regarded him like a father. That she did not completely shun D after the 1st Occasion, despite the Alleged Rape, was thus not inexplicable.

Conclusion on the 1st Molest Incident and Alleged Rape

74 Overall, I found V to be a forthright and truthful witness. As mentioned earlier, she readily admitted in court when she could not recall certain matters, such as the date of the 1st Occasion, or what she had told her course-mates on 19 November 2020.[115] However, I found V to be consistent on the material particulars of the 1st Occasion, including, importantly, that it had comprised not only the 1st Molest Incident but also the Alleged Rape. This was unlike D, whose evidence shifted and was inherently inconsistent on the material matters. This included back-pedalling in court in relation to which parts of V's body he had touched (and how) in an attempt to minimise the severity of his actions.

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112 2/4/24 NE 96.

113 DCS at [115].

114 2/4/24 NE 42–43.

115 2/4/24 NE 79–88; 3/4/24 NE 12–13, 15.

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75 Hence, I was satisfied that the Prosecution had proved beyond a reasonable doubt the 1st and 2nd Charges.

The 2nd Occasion – 2nd Molest Incident

76 I was also satisfied that the Prosecution had proved the 3rd Charge (*ie*, the 2nd Molest Incident) beyond a reasonable doubt.

77 To begin with, D did not dispute that he had touched V's vulva and breast. The dispute centered essentially on whether he had done so of his own volition.

D's version of events

78 D asserted that he did not touch V's vulva and breast(s) voluntarily and that he did not intend to outrage V's modesty, as he claimed that it was V who had guided his hand to touch her vulva and breasts and that he would not otherwise have done so (the "Involuntary Defence").[116] I wholly rejected D's account. To begin, it was inexplicable that such a material aspect of D's version of events was not raised in any of his VRIs but only thereafter.

79 The first time D admitted to having touched V on the 2nd Occasion, was in the 2nd VRI when D decided to admit to having rubbed the outside of V's vagina. In the 3rd VRI, D admitted that he had reached his hands into V's shorts and touched her vagina with his finger.[117] Yet, D did not (in the VRIs) say that it was V who had caused him to do so. In fact, when DSP Liao in the 3rd VRI asked why D continued to "go and touch" V on the 2nd Occasion despite having

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116 23/4/24 NE 88–90; 26/4/24 NE 12, 14, 19–21, 40, 45.

117 AB 98, 100–102 (2nd VRI); AB 129, 132–133 (3rd VRI).

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known after the 1st Molest Incident that such touching was wrong, D did not say that it was V who had caused him to touch her on the 2nd Occasion; instead he told DSP Liao that he "regret[ted]" his mistake and apologised for what had happened. D agreed in court that he had told the police officers during the 3rd VRI of what he had done, and it was not the case that they had put words in his mouth.[118] D's account in the 2nd and 3rd VRIs, and his omission to the police of the Involuntary Defence, tellingly showed that he had initiated touching V inappropriately, and not that V had caused him to do so.

80 In court, when presented with the VRIs, D accepted that he had the opportunity to raise the Involuntary Defence to the investigating officers. I rejected D's explanation in court that during the VRIs, he "just admit[ted] [to] what [he said]" as he was then nervous and thus admitted to whatever happened even if it did not happen. As the Prosecution observed, D had the presence of mind throughout the VRIs to repeatedly deny the Alleged Rape.[119] Further, this was not a case in which D had passively admitted (in the VRIs) to touching V inappropriately based on pointed questions asked by the investigating officers; rather he had volunteered to come clean and admit to what he had done after initially denying all the allegations in the 1st VRI (see also [79] above).[120] D's further explanation in court, that he wanted to plead guilty to the 3rd Charge rather than to raise the Involuntary Defence because he did not wish to bring "more shame" on V, was also unbelievable.[121] Given the seriousness of the

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118 AB 147–148 (3rd VRI); 26/4/24 NE 24–27.

119 26/4/24 NE 27–28; AB 92, 94–95, 98, 106 (2nd VRI); AB 134–138, 142–146 (3rd VRI).

120 AB 83 (2nd VRI).

121 26/4/24 NE 10–11.

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alleged acts, it was unbelievable that D would simply have admitted to them, much less on the basis of avoiding shaming V.

81 I was cognisant that in December 2020 (also after the three VRIs), D had recounted to one Dr Koh from the Institute of Mental Health (who examined D to determine whether he was fit to plead in court), that it was V who had "pulled his hand and put it inside her pants" and that he was "shocked and retracted his hand" (the "1st Recount").[122] D knew that Dr Koh was, during that examination, questioning him about the 1st Charge of Alleged Rape, consistent with Dr Koh's evidence that he was given only the 1st Charge to examine D.[123] If the Prosecution was attempting to show that D was changing his story in relation to the 1st Occasion (because Dr Koh had only interviewed D pertaining to the Alleged Rape), I gave D the benefit of the doubt that he was also explaining to Dr Koh his version of events relating to the 2nd Molest Incident in the 1st Recount.[124] This was having considered Dr Koh's report in totality and the fact that D had revealed in the 2nd and 3rd VRIs (prior to being examined by Dr Koh) that he had on two occasions sexually assaulted V.

82 I was also cognisant that D had subsequently in the 2nd Cautioned Statement (taken on 22 August 2022) said that it was V who had taken his hand and put it "inside her trousers to her private part and then bring up to the top" (the "2nd Recount").[125] Whilst the 2nd Cautioned Statement pertained to the 1st Molest Incident, D claimed in court that he had raised this defence in relation to

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122 AB 203 (Exhibit P8); Dr Koh's CS at [2]; 23/4/24 NE 48.

123 23/4/24 NE 49–50; 26/4/24 NE 7–8.

124 26/4/24 NE 50.

125 AB 165 (2nd Cautioned Statement).

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the 2nd Molest Incident.[126] Although the Prosecution sought to show that, by the 2nd Recount, D kept changing his version of events and further that D did not raise such a defence in the 3rd Cautioned Statement (which pertained to the 2nd Molest Incident),[127] I also gave D the benefit of the doubt that the 2nd Recount was in response to the 2nd Molest Incident. It was likely that D might have been confused at the material time, as the 2nd and 3rd Cautioned Statements (which pertained to the 1st and 2nd Molest Incidents respectively) were recorded from him one after the other on the same day.

83 Likewise, I was cognisant that D then took the same position in his Defence Case, as in the 1st and 2nd Recounts, namely, that "V guided [D's] hand to inside her pants" and, "[a]fter rubbing V's vulva for a few minutes, V then brought [D's] hand to touch her breast over the clothes".[128]

84 That said, it was inexplicable why D then decided, at the commencement of trial, to admit to the 3rd Charge and Mr Eoon had also informed both V and K during his cross-examination of them that D accepted he had done wrong in relation to the 3rd Charge and that his focus in cross-examination was on the Alleged Rape.[129] As D agreed, his admission necessarily meant that he knew he had committed the relevant acts with intent and that he knew the acts were wrong.[130] Pertinently, as the Prosecution observed, the Involuntary Defence was never put to V in her cross-examination.[131] Instead, Mr Eoon had merely put to

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126 25/4/24 NE 90; 26/4/24 NE 6–7, 47–48.

127 25/4/24 NE 94–95; 26/4/24 NE 6.

128 Defence Case at [12].

129 2/4/24 NE 2–3, 64; 4/4/24 NE 17.

130 26/4/24 NE 9–10.

131 PCS at [120].

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V that D's position was that he had touched V's vulva before touching her breasts over her clothes (which was different from V's position that D had touched her breast over her clothes before touching her vulva).[132]

85 D's conduct in this regard, of intending to admit to the wrongdoing without qualification (and particularly having agreed to the ASOF before trial wherein it was stated that "he slid his hand" into V's pants, used his finger to rub her vulva, and touched her breast (over her clothes) with his hand) but then raising the Involuntary Defence, showed his lack of credibility.

86 In any event, D's account of what had transpired was clearly unbelievable. He claimed the chronology of events was as follows: (a) he and V were leaning against the same wall in the hall; (b) V went to get a mattress and bedsheet and placed it on the floor in the hall; (c) V lay on the mattress and covered herself with the bedsheet; (d) D then went to lie beside her on the floor; (e) V then guided D's right hand underneath the bedsheet into her pants to touch the top of her vulva; and (f) V then guided D's right hand to touch her breasts under her shirt (skin-on-skin) (see [26] above).

87 There was simply no reason for D to lie down beside V in the hall. Although D's position in the Defence Case was that D had lain down before V did so (and which would seem to be his position also in the 2nd VRI), he stated in court that he was the one who had lain down next to V.[133] Even if I had accepted his version of events (which I did not), he could not explain why he had chosen to lie down when V did so, and *beside her* when he could have done so at other locations in the Flat. All D could say was that he "just lie down there"

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132 3/4/24 NE 49; 26/4/24 NE 21.

133 AB 100 (2nd VRI); Defence Case at [11]; 26/4/24 NE 16–17, 39.

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to "relax [himself]", but he could not explain why he had chosen to do so next to V.[134] D's behaviour was at odds with his explanation that: (a) he had felt guilty about the 1st Molest Incident, which according to him occurred only about a week before the 2nd Occasion; (b) the 1st Molest Incident was thus still fresh in his mind and he was afraid; and (c) hence he was more careful to keep a distance from V after the 1st Molest Incident.[135] D's conduct (of choosing to lie down beside V) was all the more unbelievable given his assertion that he did not have a close relationship with V and hardly spoke to her all throughout the time he had known her.[136] D's explanation that he "just went there and [he] just lie down" without a thought about what he was doing[137] was clearly ludicrous.

88 I also found it improbable that V would have initiated the sexual touching by D. By D's own admission, V was quiet and introverted by nature. D's description of their relationship was also that they would do their own thing and "never communicate". The fact that such behaviour would have been wholly out of character for V was implicitly acknowledged in D's claim that it had purportedly left him "speechless".[138]

89 Additionally, I found it inexplicable, especially against the backdrop of the 1st Molest Incident (which according to D occurred just about a week prior) and D's apparent guilt in its aftermath, that D did not respond by withdrawing his hand when V had purportedly guided it to inside her pants. Instead, if D were to be believed, he had allowed V to use his hand to rub her vulva for *a few*

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134 26/4/24 NE 16–17, 39.

135 26/4/24 NE 19, 35, 39.

136 3/4/24 NE 26–27; 23/4/24 NE 60, 91; 26/4/24 NE 22, 35; AB 66 (1st VRI); AB 104 (2nd VRI).

137 26/4/24 NE 39.

138 23/4/24 NE 60; 26/4/24 NE 20, 22, 23.

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minutes (as stated in his Defence Case and admitted in court) before allowing her to use his hand to touch her breasts.[139] Strangely, during this entire time, D made no attempt to resist although he knew this was inappropriate behaviour. Given that the touching of V's vulva had (according to D) lasted for a while, D would have had time to react by withdrawing his hand from her vulva.

90 Finally, there were some significant inconsistencies in D's evidence that cast doubt on his account and credibility. As stated earlier, D claimed in the Defence Case (and 2nd VRI) that V had lain beside him but conceded in court that it was he who had lain beside her (see [87] above). D could not make up his mind whether he had touched V's breast (or breasts) over her clothes or under her clothes (skin-on-skin). D's position in the Defence Case, as confirmed in the ASOF and put to V by Mr Eoon during cross-examination, was that D had touched V's breast over her clothes, but in court, D claimed that he had touched both breasts under her clothes, skin-on-skin.[140]

91 I found D to be an untrustworthy witness and I thus disbelieved his version of events, including the Involuntary Defence.

V's account and miscellaneous issues

92 I preferred V's account of what had transpired, namely, that she was lying sideways when D went over and lay behind her in the same position; and he then placed his right hand over her waist, grabbed her right breast over her clothes and subsequently moved his right hand into her pants and rubbed her vulva with his finger. I accepted that V then felt disgusted and used her elbow to push D's shoulder away because she did not want him to repeat what he had

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139 Defence Case at [12]; 26/4/24 NE 23.

140 Defence Case at [12]; ASOF at [9]; 3/4/24 NE 49–50; 26/4/24 NE 20–21, 23, 51.

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done on the 1st Occasion.[141] Additionally, V's account that D had touched her breast over (and not under) her shirt was supported by D's own evidence in the Defence Case and confirmed in the ASOF. I found V's account of what transpired to be consistent in the material particulars.

93 In the above regard, I also accepted V's account that the 2nd Molest Incident occurred when she was home alone with D, and rejected D's account that it was on a Saturday when V's siblings were in the hall of the Flat. I could not but infer that D's account was intended to show that he would not have attempted on his own volition to touch V inappropriately as this would have put him at risk of being caught out. Interestingly, this detail was not mentioned by D in the VRIs or cautioned statements.

94 I also rejected D's account that the 2nd Occasion occurred on a Saturday. Whilst D had mentioned this in the 2nd Cautioned Statement (albeit which pertained to the 1st Molest Incident and which I had accepted that D might have been confused (see [82] above), he then stated in the Defence Case that the Second Occasion was on a "public holiday". D attempted unconvincingly in court to explain that he described it as such because it was not a schooling day but then admitted that this was not an accurate description and that he knew what a "public holiday" was by giving an example of one such holiday.[142] Regardless of whether it was a public holiday (*ie*, D's version) or school holiday (*ie*, V's version), D had in the 2nd and 3rd VRIs admitted to touching V's vagina and breast on the 2nd Occasion without qualification, which was corroborative evidence of V's account. Hence, even if V's recollection of the day of the 2nd Occasion was not accurate (and having readily admitted that her memory of the

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141 2/4/24 NE 48–49.

142 26/4/2 NE 48–49.

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2nd Molest Incident might have been hazy) she was nevertheless clear that she could recall what D had done to her.[143]

Miscellaneous matters

95 Finally, I deal with some miscellaneous issues which the Defence raised to demolish V's overall credibility. However, I did not find that these matters undermined her credibility.

96 First, the Defence attempted to show V's account to her course-mates (that she had been raped by D) was doubtful, to argue that the Alleged Rape could not have occurred.[144] In court, V stated that she had told her course-mates that she had been "sexually assaulted"; and when one of her female course-mates "whispered" to ask whether the perpetrator had inserted his penis into her, she replied in the affirmative; but she could not recall whether she had told the whole group as such.[145] In this regard, Y stated that V had said that her mother's boyfriend had molested her and "did something sexually" to her. However, Z stated that V had specifically informed him that her mother's ex-boyfriend or ex-husband had raped her (see [43(b)] above). I accepted that V had mentioned the rape when she broke down in front of her course-mates. Contrary to the Defence's submission, that V could not recall with certainty who she had informed, did not undermine her credibility.[146] Z distinctly remembered V saying she had been raped, and I had found that he had no reason to lie. V had also consistently reported this contemporaneously to K later that day, and to the police on 22 November 2020.

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143 3/4/2 NE 52–53.

144 2/4/24 NE 82–83.

145 2/4/24 NE 80–86.

146 DCS at [146]–[149].

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97 Second, there was no evidence that V revealed the Alleged Rape to X during their counselling sessions. According to X, at the counselling session on 27 August 2020, V said that K's ex-boyfriend had sexually assaulted her and put his private part "on" her while massaging her back from behind. X confirmed in court that V did not mention that he had put his private part "in" her.[147] I did not find this omission troubling. This was the first occasion V was sharing the sexual assault, by D, to someone.[148] As X had observed, V was "paused" in her sharing and had difficulties articulating herself, and she did not probe further when V revealed the sexual assault because she considered that it was more important to provide emotional support to V then.[149] Hence, it was unsurprising that V had been tentative and reticent in her narration of events, given her feelings of shame and guilt. As V explained in court, she was unwilling or unable to tell X at that time that D had penetrated her.[150] As I observed earlier, a victim of sexual assault cannot always be expected to provide a completely similar and full account every time he or she discloses the offence to another person (see [29] above). Pertinently, X was not investigating the case and it was not her purpose to elicit from V exactly what had happened (see *Public Prosecutor v Koh Rong Guang* [2018] SGHC 117 at [93]). As X explained, she did not probe into the matter as her role as counsellor was to provide V emotional support and it was more crucial to allow V to share at her own pace.[151]

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147 X's CS at [5]; 5/4/24 NE 4–5, 13; DCS at [95]–[97].

148 5/4/24 NE 5.

149 X's CS at [5]; 5/4/24 NE 4–5.

150 2/4/24 NE 57, 61, 74.

151 PCS at [54]; X's CS at [5]; 5/4/24 NE 5.

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98 Third, I did not find that V's failure to complain about the 1st and 2nd Occasions for some six years after they occurred in 2014, affected her credibility. A victim of sexual assault, especially a youthful one assaulted in a familial context, may not report the offence in a timely manner due to empirically supported psychological reasons such as feelings of shame and fear, and may in fact only make a report after a delay of years. Thus, a delay in reporting is not, on its own, reason to disbelieve the complainant and his or her allegations (*Ariffan* at [63] and [65]–[66]). V had attested to feeling guilty after the 1st and 2nd Occasions and said she did not inform K earlier out of fear that she would be thought of as a "dirty girl".[152] I also believed V that D had told her after the 2nd Occasion not to tell anyone about what had happened and that she had complied (see [14] above). It must be remembered that V was a child of only ten years when the 1st and 2nd Molest Incidents and Alleged Rape occurred. It was also common ground between V and D that two distinct occasions of sexual touching had taken place.

Conclusion on the 1st, 2nd and 3rd Charges

99 I now explain why I declined to accept D's intended admission to the 2nd and 3rd Charges despite the Defence urging me to do so in closing submissions. This was because D's position, even in closing submissions, was fundamentally inconsistent with V's account and the particulars of the 2nd and 3rd Charges (which would have qualified his plea).[153]

(a) In respect of the 2nd Charge, the Defence maintained that D did *not* lick V's vagina.[154]

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152 2/4/24 NE 50–51, 53–55, 57, 61.

153 26/6/24 NE 6.

154 DCS at [30], [105]–[106].

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(b) In respect of the 3rd Charge, the Defence maintained that D had touched *both* of V's breasts *under* her clothes *after* touching her vulva.[155] In this regard, I declined to exercise my powers under s 128 of the CPC to amend the 3rd Charge because this would mean accepting D's account of the 2nd Molest Incident, namely: (i) that D touched both breasts under V's clothes (when V's version was that D had touched her right breast over her clothes); and (ii) that it was V who had guided D's hand to touch her inappropriately. However, I have rejected D's account in favour of V's version, and the Prosecution had confirmed during the trial that it was adhering to V's version of events.[156]

(c) In respect of the 3rd Charge, the Defence also maintained that it was V who had guided D's hand to touch her inappropriately. It submitted that this was not inconsistent with an intention to outrage V's modesty because D had allowed his hand to be so guided. However, if it was V who had guided his hand, the issue arose as to whether D could be said to have used criminal force on V (an element of the offence under s 354 of the Penal Code).[157]

100 Further, irrespective of whether I would have accepted D's intended admission to the 2nd and 3rd Charges, it would have been necessary for me to make certain findings of fact about the 1st and 2nd Molest Incidents. This was because the Defence in closing submissions continued to challenge V's account of the 1st and 2nd Molest Incidents to show that she was an unreliable witness

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155 DCS at [45]–[46]; 26/6/24 NE 6–7.

156 26/4/24 NE 45; 26/6/24 NE 7.

157 DCS at [45]–[46] and [169]; 26/6/24 NE 7.

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who could not be believed about the Alleged Rape.[158] For example, the Defence submitted that V was inconsistent as to when the 1st and 2nd Occasions had occurred.[159] It also challenged or pointed out alleged inconsistencies in V's account about the 1st Occasion, including which parts of V's body D had touched (and how), and whether V was lying face-down all throughout the 1st Molest Incident.[160] In the same vein, the Defence drew on V's hazy recollection of the 2nd Occasion to cast doubt on her ability to recall the 1st Occasion.[161] Hence, it would have been necessary for me to decide between D's and V's respective versions of events pertaining to the 1st and 2nd Molest Incidents, which would have had a bearing on V's credibility and the veracity of her evidence in general, including in relation to the Alleged Rape. Particularly, what transpired at the 1st Molest Incident was inextricably linked to whether the Alleged Rape had occurred, as the latter would have taken place immediately after the former if V's testimony were to be believed.

101 In conclusion, I was satisfied that the Prosecution had proved beyond a reasonable doubt the 1st, 2nd and 3rd Charges, and I convicted D on the charges. I found V to be a credible and honest witness who was consistent in her account of the material matters relating to the incidents. This was even if there were gaps or inconsistencies in V's recollection and account of matters.

102 In contrast, I found D to be an untruthful witness who could not narrate a straight story. From the 2nd VRI, D started to reveal the 1st and 2nd Molest Incidents and admitted that he had made "mistakes"; and said that he wanted to

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158 26/6/24 NE 7–8.

159 DCS at [79]–[89].

160 DCS at [29]–[31], [105]–[106].

161 DCS at [90]–[92].

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ask for forgiveness from V's family, he knew he would eventually get caught and it was his fault.[162] But after the 3rd VRI was recorded, he then raised the Involuntary Defence by the 1st and 2nd Recounts, which he repeated in the Defence Case (see [81]–[83] above). However, he then decided to admit to the 1st and 2nd Molest Incidents at the commencement of trial (and in the ASOF) before he proceeded to change his position again during the trial. Even so, D's account in court of what had transpired during the 1st and 2nd Occasions tended to shift and evolve, and was not internally consistent.

103 Finally, I add that the offences committed by D amounted to a gross violation of trust. V trusted D and regarded him as a father figure. D himself admitted that he "considered them like family" and he knew that he had broken the trust that K's family put in him when he sexually assaulted V (see [34] above). By D raising the Involuntary Defence (and maintaining in closing submissions that V had caused him to touch her inappropriately on the 2nd Occasion), and further mentioning (in the 3rd Cautioned Statement) that V had "exposed herself" previously to him (which D claimed in court was deliberate), I found that D was attempting to cast aspersions on V's character.[163]

104 I will determine the appropriate sentence after hearing submissions from the Prosecution and Defence.

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162 AB 83, 85, 114 (2nd VRI); AB 147–148, 150, 156 (3rd VRI).

163 AB 171 (3rd Cautioned Statement); 26/4/24 NE 2–6.

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Audrey Lim J
Judge of the High Court

Christina Koh, Niranjan Ranjakunalan and Yee Jia Rong (Attorney-General's Chambers) for the Prosecution;
Eoon Zizhen Benedict (Wen Zhizhen) and Tanjeetpal Singh Khaira (Oon & Bazul LLP) for the Defence.

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