

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

[2024] SGHC 66

Magistrate's Appeal No 9185 of 2023

Between

(1) Fahd Siddiqui

... Appellant

And

(1) Public Prosecutor

... Respondent

GROUND OF DECISION

[Criminal Law — Statutory offences — Prevention of Corruption Act 1960 —
Corruptly attempting to obtain gratification]
[Criminal Procedure and Sentencing — Sentencing — Young offenders]

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Fahd Siddiqui
v
Public Prosecutor

[2024] SGHC 66

General Division of the High Court — Magistrate's Appeal 9185 of 2023
Tay Yong Kwang JCA
8 March 2024

13 March 2024

Tay Yong Kwang JCA:

Introduction

1 The appellant, Fahd Siddiqui, is a 21-year-old Singaporean. He completed his national service duties with the Singapore Police Force on 4 January 2024. At the time of his offences in November 2022, he was deployed as a Ground Response Force officer.

2 On 1 November 2022, when the appellant was 20 years old, the appellant called a number listed on the website “Locanto” to enquire about the sexual services of a social escort (“R”). He agreed with the price of \$400 quoted and went to R’s hotel room at around 9pm the same day. Upon meeting R, the appellant told R that he was not interested as she was not the same person he had seen on the advertisement on “Locanto”. He then left the hotel room.

3 A short while later, after the appellant was informed by the “agent” through Whatsapp that the price of \$400 for R’s sexual services could be lowered, he returned to the hotel room. On his return, the appellant showed R his warrant card and identified himself as a police officer. He told R that he would report her to the police unless they could reach some sort of “arrangement”. By this, he meant that if R provided him with free sexual services, he would not report her to the police.

4 R did not agree. She started crying and called her “agent” as she was afraid. While she was speaking on the phone, the appellant left the room without receiving any sexual services from R.

5 The appellant pleaded guilty to an offence under s 6(a) of the Prevention of Corruption Act 1960 for corruptly attempting to obtain gratification in the form of sexual services from a social escort. The charge is as follows:

You, [Fahd Siddiqui] are charged that you, a full-time Police National Serviceman (PNSF) of the Singapore Police Force, on or about 1 November 2022, at Robertson Quay Hotel in Singapore, did corruptly attempt to obtain gratification in the form of sexual services from one [R], a social escort, as an inducement for doing an act in relation to your principal’s affairs, to wit, to refrain from taking enforcement action against [R], and you have thereby committed an offence punishable under Section 6(a) of the Prevention of Corruption Act 1960.

6 The appellant also admitted a similar offence that occurred three days later on 4 November 2022. He once again corruptly attempted to obtain gratification in the form of sexual services from two other social escorts. This was as an inducement for refraining from taking enforcement action against them. This charge was taken into consideration for the purposes of sentencing.

The District Court's decision

7 The district judge (“DJ”) sentenced the appellant to reformatory training (“RT”) with a minimum period of six months. Before reaching his decision, the DJ called for pre-sentence reports for both RT and for probation. The appellant was assessed to be suitable for both. The prosecution sought a sentence of RT because of the seriousness of the defendant’s abuse of police authority. The defence asked for probation because rehabilitation was the dominant sentencing consideration for young offenders and probation would be the appropriate sentence to rehabilitate the appellant fully.

8 The DJ accepted that rehabilitation was a dominant sentencing consideration because of the appellant’s age and the absence of prior convictions. He also accepted that the appellant’s rehabilitative prospects were good and that there was a low risk of him reoffending. However, the DJ held that deterrence was also an important sentencing consideration because the offences involved an abuse of police power and authority. The appellant, a police officer, had abused his position in an attempt to obtain free sexual services. Such an offence had the potential to erode public trust and confidence in the integrity of law enforcement. The DJ decided that the sentence imposed on the appellant had to satisfy the twin needs of rehabilitation and deterrence. Therefore, the more appropriate sentence would be RT.

The appeal

9 The appellant appealed against the sentence of RT ordered by the DJ. The appellant contended that in balancing the twin needs of rehabilitation and deterrence, probation would be the more suitable sentence.

Rehabilitation

10 I agreed with counsel for the appellant, Mr Quek Mong Hua, that rehabilitation was an important sentencing consideration in the present case. The appellant was assessed to be suitable for probation. He was remorseful for his actions, he showed good potential for reform, he has strong familial support and he was focusing on starting his tertiary education after completing his National Service. He had also adhered to a “trial probation” schedule for the past few months, which included him reporting to the probation officer and keeping to a curfew. These were all factors favouring probation as the appropriate sentence.

11 I found the appellant’s counsel’s submissions about the appellant’s personal circumstances of having grown up in the Middle East since the time he was about three years old (because his father was working there) and his education there in international schools “with more liberal values” to be unhelpful. Counsel’s suggestions in his submissions about the young appellant’s “raging hormones” and being “teased and taunted by his undesirable peers” for being “unexposed to the ways of the world” somehow having a part to play in his commission of the offences were similarly unhelpful and irrelevant. The appellant was not charged for having sexual urges or seeking commercial sex. There was no judgment on his morality. If he wished, he could have paid the social escorts for their services and he would not have the present legal problems.

12 What was reprehensible was the fact that he used his warrant card and flaunted his police powers in a corrupt attempt to obtain gratification by way of free sexual services from the social escorts. The offences in issue concerned the

abuse of official authority as a law enforcement officer in his attempt to obtain corrupt gratification. It did not matter that the appellant was not on official duty and was not in police uniform then. It also did not matter that he did not specify the offence(s) that the social escorts had allegedly committed. What was important was that he showed his police warrant card and made clear his intentions.

Deterrence and retribution

13 In cases such as this where a young police officer abused his police powers to try to obtain corrupt gratification, rehabilitation has to walk side by side with deterrence and even retribution. Deterrence is necessary because corrupt acts by police officers have “far-reaching and detrimental consequences” where they could erode “the trust and rapport that have been tirelessly built over time between the public” and the police (*Public Prosecutor v Loqmanul Hakim bin Buang* [2007] 4 SLR(R) 753 at [34]). It is important that corruption or attempted corruption by errant police officers be deterred by punishment so that the public can continue to trust law enforcement officers.

14 Retribution must be considered in sentencing such cases as well. Police officers have special powers which grant them authority and control over members of the public. For instance, police officers have the power to arrest. The public needs to know that police officers will only use their powers in the rightful discharge of their duties. As such, the “public is entitled to expect the highest standards from the police force” (*Public Prosecutor v Gurmit Singh s/o Jaswant Singh* [1999] 1 SLR(R) 1083 at [11]). When a police officer violates this trust and uses his or her police powers as an instrument to commit an offence, there is certainly public interest in punishing such violations.

15 In the circumstances, given that the appellant was a police officer who misused his police powers in a corrupt attempt to obtain gratification, deterrence and retribution must feature as equally important sentencing considerations alongside the rehabilitation of young offenders. Notwithstanding the favourable probation report, the need for deterrence and retribution in the present case means that probation is not appropriate here. Although the probation report is an important part of assessing whether an offender is suitable for probation, it does not and cannot advise the Court on whether general deterrence and retribution should feature in the particular case before the Court. That is a matter for the sentencing Court to determine after considering all aspects of the case.

Whether RT is an appropriate sentence

16 The question in this appeal was whether the DJ should have ordered RT when he decided that the appellant's offences "called for a strong measure of deterrence" and that the sentence to be imposed "had to meet the twin needs of rehabilitation and deterrence" (see *Public Prosecutor v Fahd Siddiqui* [2023] SGDC 244 ("GD") at [39]). The minimum duration of RT which the appellant would be subject to would be six months.

17 I was not satisfied that RT was an appropriate sentence in the present case. The purpose of RT "is to reform and rehabilitate an offender within a rigorous and structured environment" (*Public Prosecutor v Ong Jack Hong* [2016] 5 SLR 166 at [19]). In the present case, there was nothing to suggest that there was a need to reform and rehabilitate the appellant "within a rigorous and structured environment" for a minimum period of six months. The appellant was assessed to have a low risk of re-offending. He had positive achievements in school and in national service. He had no previous conviction and no

disciplinary issues. He has already begun serious efforts to better himself and he has strong familial support. His family relocated to Singapore in order to be with him in his journey ahead.

18 In my judgment, it was not appropriate to sentence the appellant to RT just because probation was not the appropriate sentence. RT should be used as a sentencing option where there is a need to place an offender in “a rigorous and structured environment” for rehabilitation. In situations such as this, a short-detention order may be more appropriate. Where that sentencing option is not available, as in the present case, a short term of imprisonment may also serve the purpose. A short term of imprisonment fulfils the need for deterrence and retribution while taking into account the appellant’s age when he committed the offences. It allows the appellant to receive his due punishment and then move on with his young life while emphasising to the public and to other law enforcement officers that the appellant’s conduct was totally unacceptable.

19 Equally, contrary to the submissions made by counsel for the appellant, probation was not the only appropriate alternative order simply because RT was not the appropriate sentence on the facts here. A conditional discharge was suggested by former defence counsel in the District Court and the DJ quite rightly pointed out that such an order would be inappropriate given the seriousness of the offences (GD at [19]).

20 I therefore allowed the appeal and substituted the sentence of RT with an imprisonment term of seven days. At the appellant’s request, the sentence was ordered to commence on Monday 11 March 2024 in order to give him the

weekend to adjust mentally to the new reality. Bail on the existing terms was extended until then.

Tay Yong Kwang
Justice of the Court of Appeal

Quek Mong Hua, Jacqueline Chua and Faith Quek (Lee & Lee) for
the appellant;
Leong Kit Yu (Attorney-General's Chambers) for the respondent;
