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

[2025] SGHC 78

Criminal Case No 63 of 2024

Between

Public Prosecutor

And

Chong Shiong Hui

GROUNDS OF DECISION

[Criminal Procedure and Sentencing — Sentencing — Attempted murder]
[Criminal Law — Offences — Attempted murder]

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Public Prosecutor
v
Chong Shiong Hui

[2025] SGHC 78

General Division of the High Court — Criminal Case No 63 of 2024
Aidan Xu @ Aedit Abdullah J
28 November, 6 December 2024

28 April 2025

Aidan Xu @ Aedit Abdullah J:

1 On the afternoon of 30 November 2019, a woman (the "victim") was attacked viciously in a residential area, suffering multiple injuries.

2 The accused who had attacked her pleaded guilty to a charge of attempted murder under s 307(1) Penal Code (Cap 224, 2008 Rev Ed) (the "Penal Code"), with two other charges (under ss 426 and 427 of the Penal Code) taken into consideration for the purpose of sentencing. He was sentenced to 16 years' imprisonment and five strokes of the cane. He has appealed against the sentence imposed.

The facts

3 The accused admitted to the statement of facts, which disclosed the circumstances of the offence.

4 The accused and the victim were in a relationship around 20 years ago. Sometime in August 2017, they reconnected while they were both married to their respective spouses. The accused and the victim became involved in an extramarital affair.[1]

5 On 28 November 2019, the victim informed the accused over a WhatsApp message that she wanted to take a break from their relationship. The accused got upset and they quarrelled over WhatsApp. Late in the evening of 29 November 2019, the accused drank half a bottle of cognac and a glass of red wine, before sending multiple messages to the victim over WhatsApp, threatening that he would kill or hurt himself, the victim, the victim's then 6-year-old daughter and her husband. The accused then went to bed after taking two tablets of Stilnox (zolpidem).[2]

6 Early in the morning on 30 November 2019, at 4.00 am, the accused tried to call the victim. When the victim did not pick up, he decided to go to her home. He brought a chopper that he had concealed in a shoe bag, as well as two tins of petrol and cigarettes that he bought, intending to intimidate the victim. At the victim's apartment block, he took a few sips from his quarter-full bottle of cognac which had been mixed with water. He saw the victim's husband's car and loosened the air valves in its tyres to deflate them. This was the subject of the charge under s 426 of the Penal Code.[3]

7 The accused then went up to the victim's apartment, bringing the chopper and the two tins of petrol to intimidate her. He also had a lighter in his

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1 Statement of Facts dated 14 November 2024 ("SOF") at para 6.

2 SOF at paras 7–9.

3 SOF at paras 9–10.

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side pocket. Outside the unit, he switched off the main electrical switch of the unit, and this formed the charge under s 427 of the Penal Code. When nobody responded, the accused went back down with the tins of petrol and slept inside his car after taking a few sips from his bottle of cognac and water.[4]

8 Later in the morning at 7.00 am, he went back to the unit calling for the victim and her husband. Her husband said he would call the police and told the accused that the victim was not in. Subsequently, the accused sent further threatening messages that he would kill anyone who blocked him, the victim, her family, and her parents, and sent photographs of the petrol and the chopper. The accused then left for home, where he continued sending messages to the victim while drinking cognac.[5]

9 When the victim arranged to meet the accused at the accused's parents' home, the accused continued to send threatening messages to the victim stating that he would kill the victim and himself. At around 1.00 pm, he went home to take a fruit knife from his kitchen. A tote bag with the chopper and petrol was already in his car. At his parents' home, he left the two tins of petrol at the porch, took a kitchen knife from his parents' kitchen, and the chopper from his tote bag and placed them at a table. He also took a glove from his car for a better grip on the knife.[6]

10 When the victim arrived at 1.25 pm, the victim asked if they could speak outside his parents' home but the accused asked her to come inside to the car porch area. He abruptly pulled her inside and closed the gate, confining her. The

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4 SOF at paras 10–11.

5 SOF at paras 12–14.

6 SOF at paras 15–17.

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accused then wore his glove on his right hand, grabbed the chopper from the table and pointed it at her. While they argued, the accused swung the chopper at her and slashed her on her right upper forearm. He continued slashing her with the chopper at her forearms, head, and thigh. The attack was continuous and persistent.[7]

11 At one point, the accused dropped the chopper and the victim managed to kick it away. The accused then took the kitchen knife and threatened to kill the victim. He attempted to slash the victim on her neck and chest but the victim managed to dodge the knife, although she was still slashed on her back and the back of her head multiple times. The victim screamed for help. A neighbour heard her shout and saw her hold a flowerpot to shield herself from the accused. The accused continued chasing her, swinging and thrusting the knife towards her. The victim tried to throw the flowerpot at the accused but the accused took it and put it down. The victim then pushed the accused, causing him to drop the knife. The accused subsequently switched to a handsaw he found, although this proved cumbersome for him to use in his attack of the victim.[8]

12 At about this time, the accused's parents returned. They were told by another neighbour of what was happening. They opened the gate and the victim managed to escape the premises. Even as she tried to get away, the accused slashed her on the back with the chopper. He then chased her through the streets and made her fall, at which point he stamped on the victim's body a few times as she struggled.[9]

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7 SOF at paras 19–20.

8 SOF at paras 20–22.

9 SOF at para 23.

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13 The attack only stopped when the victim's mother came and persuaded him to. At the time of the offence, the accused was intoxicated.[10]

14 The victim suffered lacerations on her scalp, below her eyebrow, near her ear and her pelvic bone; she had stab and slash wounds on her neck and chest, over her vertebrae, and limb wounds with tendon injury. There were multiple fractures on her skull. The victim was left with permanent disfigurement.[11] The victim was afraid and had many flashbacks of the assault. Her family had moved, out of fear of the accused's revenge.[12]

The Prosecution's case

15 The Prosecution submitted for a sentence of 16 to 18 years' imprisonment and five to six strokes of the cane (before mitigation), given the egregious nature of the assault and the numerous aggravating factors.[13]

16 The Prosecution argued that the premeditated and brutal violence exhibited by the accused must be met with deterrence and retribution. Specifically, the offence involved serious physical violence and public disquiet and thus warranted general deterrence. As the accused had also carried out the offence with premeditation, specific deterrence was a key sentencing consideration. The seriousness of the accused's offence – in the infliction of injuries to vulnerable parts of the victim's body (her head, neck and chest), the use of three different weapons and the persistence in the attacks despite the

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10 SOF at paras 23 and 27.

11 SOF at paras 28–31.

12 SOF at para 34.

13 Prosecution's Address on Sentence dated 14 November 2024 ("PAS") at para 4.

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victim's pleas – would also mean that retribution must feature in sentencing. The accused's assault was also ascertained by the pathologist to be very dangerous because there was a real potential and serious risk of causing the loss of body parts and death.[14]

17 As for the aggravating factors, these were: (a) the serious harm inflicted on the victim, including permanent scarring and psychological harm; (b) the high degree of premeditation; (c) the viciousness and sustained nature of the attack which displayed the accused's blatant disregard towards human life; (d) the disquiet caused to the public; (e) the accused's voluntary intoxication of alcohol and Stilnox; and (f) the two charges taken into consideration for sentencing which showed that the accused cynically sought to harm the victim's husband and family as well.[15]

18 The Prosecution also submitted that limited weight should be given to the accused's plea of guilt, following the High Court's observation in *PP v Shoo Ah San* [2021] SGHC 251 ("*Shoo Ah San*") where the viciousness of the attack and the fact that it was committed in the open called for a strong signal of deterrence and retribution which outweighed the mitigating value of a plea of guilt. There were also no mitigating factors apart from his plea of guilt – even if full restitution had been made by the accused, little mitigating value should be given as it was made late in the day, which would speak less of genuine remorse.[16]

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14 PAS at paras 5–13.

15 PAS at paras 14–27.

16 PAS at paras 28–33.

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19 Lastly, a sentence of 16 to 18 years' imprisonment and five to six strokes of caning was consistent with the cases that have been decided since the amendments to s 307(1) of the Penal Code. These were *PP v Ravindran Annamalai* [2013] SGHC 77, *PP v BPK* [2018] 5 SLR 755 ("*BPK*") and *Shoo Ah San*.[17]

The Defence's case

20 The Defence argued that the Prosecution's proposed sentence was excessive and instead submitted that a sentence of not more than 10 years' imprisonment and five strokes of the cane was appropriate.[18]

21 The Defence argued that the accused never intended to hurt the victim and had only wanted her to change her mind about the breakup.[19] The Defence also raised several mitigating factors which they argued outweighed the need for deterrence and retribution. First, the accused was extremely remorseful and hoped to reunite with his family and make it up to his wife and son. He was determined to remain faithful to his wife and had also stopped relying on Stilnox or any form of medication.[20]

22 Second, the accused had an extensive history of mental disorder (Chronic Dysthymia) and substance dependence, which was poorly managed. The accused's alcohol and Stilnox intoxication impaired his judgment and self-control at the material time. His actions on the day of offending were

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17 PAS at paras 34–43.

18 Plea-in-mitigation dated 14 November 2024 ("PIM") at para 3.

19 PIM at para 15.

20 PIM at paras 43–46.

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uncharacteristic and inconsistent with the testimonies of his good character by his sister, friend and mother.[21]

23 Third, the accused was also at a very low risk of reoffending and was ready and willing to attend counselling sessions with his family to ensure that his psychiatric conditions could be adequately monitored and supervised after his release from prison. His strong support system would diminish the need for specific and general deterrence, following *Public Prosecutor v Soo Cheow Wee* [2024] 3 SLR 972 ("*Soo Cheow Wee*"). Furthermore, the accused and his wife also had plans to relocate to Beijing, the People's Republic of China, after his release, where he had secured employment, and this would reduce the need for specific deterrence. The protection of the public should be given negligible weight as there was no evidence that the accused would have any sort of propensity to display any acts of violence towards others in Singapore, given that he was committed to reform and would relocate to Beijing.[22]

24 As for retribution, it should not be given excessive weight as the accused shared a tumultuous history with the victim and was suffering from poorly managed Substance Use Disorder.[23]

25 Finally, a sentence of not more than ten years' imprisonment would be consistent with *BPK* and *Shoo Ah San*.[24]

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21 PIM at paras 51–54.

22 PIM at paras 47–50, 56–60 and 63.

23 PIM at paras 61–62.

24 PIM at paras 66–84.

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The decision

26 In imposing a sentence of 16 years and five strokes of the cane, I found that retribution and general deterrence required a sentence of that level, bearing in mind the various aggravating factors present, such as the persistence of the accused's threatening conduct, the planning involved, the viciousness of the attack and the harm caused, as well as the absence of any operative mitigation aside from his plea of guilt. I concluded that the circumstances of the commission of the offence, as well as the factors that were present, pointed to the need for retribution and general deterrence which far outweighed any rehabilitative aspects or any mitigatory factors in his favour.

27 In calibrating the sentence and determining what was condign, I factored into account the general sentencing objectives of general deterrence and retribution as well as the factors indicating high culpability and harm, while giving the appropriate reduction for his plea of guilt.

General sentencing objectives

28 In a violent crime of this nature, both deterrence and retribution would clearly come to the fore, displacing other considerations. I did not find anything that would lessen or weaken the imperative for a heavy sentence furthering both deterrence and retribution.

Whether deterrence and retribution were displaced by rehabilitation

29 First, the Defence, in response to the Prosecution's argument in support of a sentence reflecting deterrence and retribution, argued that the presence of good support (above at [23]) would weaken the need for deterrence, following *Soo Cheow Wee* at [68]. It was noted by the Chief Justice in that case that exceptional support and commitment by the offender's family and caregivers

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may lead to rehabilitation being given greater weight (citing *Goh Lee Yin v PP* [2006] 1 SLR (R) 530 at [49]), and additionally that incapacitation is relevant for those who are severely mentally ill but are not amenable to treatment (citing *Public Prosecutor v Lim Ah Liang* [2007] SGHC 34 at [41]).

30 I was not persuaded by the Defence and agreed with the Prosecution, which distinguished *Soo Cheow Wee* from the present case. Firstly, *Soo Cheow Wee* involved a very different set of facts. The offender there suffered from schizophrenia, polysubstance dependence and psychosis triggered by his substance abuse, as shown by psychiatric reports tendered into court (*Soo Cheow Wee* at [20]–[21]). The Defence in this case relied on the accused's poorly managed Chronic Dysthymia and Substance Use Disorder (above at [22]). As considered (below at [37]), the accused here did not suffer from mental disorder of a similar gravity as that in *Soo Cheow Wee*; there was no psychiatric report linking his attack of the victim and violence to the mental conditions he was supposedly suffering from.

31 Second, the need for deterrence, and indeed retribution, could not be lessened by any rehabilitative or supportive prospects here. The scale and nature of his attack on the victim and the injuries he caused to her were different than what was committed by the offender in *Soo Cheow Wee*. In *Soo Cheow Wee*, while the offender tried to attack a few victims, one victim suffered a traumatic laceration (*Soo Cheow Wee* at [12]). Here, the victim suffered more extensive injuries, at multiple parts of her body, and of varying degrees. The victim was also permanently disfigured (above at [14]).

32 Moreover, the criminal behaviour of the accused was escalating and persistent. Even if the accused's actions on the night before the attack were not

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intimidating to the victim, as she herself said,[25] it showed a clear, egregious and sustained intent to commit harm. The accused eventually lured the victim to his parents' place, where she intended to speak to him to end the relationship, but he chose instead to make use of the premises to trap, threaten and then attack her when she did not give in to his plea to continue the relationship.[26]

33 Given the vicious and sustained attack, as well as his cunning trap for the victim, it was clear that the main sentencing objectives were retribution and deterrence. Any scope for rehabilitation was displaced. These were not the misguided actions of a young immature person. I saw nothing else that could point to rehabilitation being the dominant consideration.

Whether there was premeditation which warranted specific deterrence

34 The Prosecution argued that specific deterrence was required as the offence was premeditated (above at [16]). I found however that specific deterrence was not in play. However, this was not because of the good support for the accused or his plans to relocate as alleged by the Defence (above at [23]), as neither of these were convincing. Instead, I did not find that the acts by the accused pointed to any predilection or a tendency to offend in order for specific deterrence to be featured in sentencing.

Whether there was undue emphasis on retribution

35 In arguing against the Prosecution's undue emphasis on retribution, the Defence pointed to the tumultuous history of the relationship between the accused and the victim (above at [24]). The argument by the Defence went

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25 SOF at para 15.

26 PIM at para 29.

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towards the culpability of the accused, which was in turn a relevant factor in assessing the retributive justice of the case (*Public Prosecutor v ASR* [2019] 1 SLR 941 ("*ASR*") at [128]). The Court of Appeal in *ASR* held (at [128]) that:

> The principle of retribution holds that the punishment imposed should reflect the degree of harm that has been occasioned by the offence and the offender's culpability in committing it: see *PP v Loqmanul Hakim bin Buang* [2007] 4 SLR(R) 753 at [46]. Harm is generally measured by looking at the consequences of the offence, for example, the degree of trauma and degradation suffered by the victim in this case. Culpability, on the other hand, is generally assessed by looking at the offender's state of mind when he committed the offence, for example, whether he committed the offence with premeditation, out of rashness or under an afflicted mind.

36 However, I could not see how the relationship between the accused and the victim would be material to the question of retribution. The one who made the relationship tumultuous was the accused and nothing the victim did within the relationship could be any justification or excuse for the attack committed by the accused or reduce to any degree the punishment that should be visited upon him. As will be discussed below, I found that the accused had, contrary to the Defence's arguments, exhibited high blameworthiness or culpability.

37 Another point relied upon by the Defence against retribution was that the accused was suffering from what was described as poorly managed Chronic Dysthymia and Substance Use Disorder (above at [22]). This, again, went towards the culpability of the accused. However, the expert report did not show that there was any actual link between any Chronic Dysthymia and substance abuse *vis-à-vis* the commission of the offence.[27] I was satisfied that the accused undertook those heinous acts voluntarily. I could not see then how the substance

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[27] SOF at Tab H, see, especially SOF at p 101, para 8 (Institute of Mental Health Report).

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abuse (if any) would lessen the accused's culpability and could weaken the need for retribution, which remained an important aspect of the overall sentencing objective.

Aggravating factors

38 Next, I examined the aggravating factors of the case, namely, the accused's high culpability and the significant harm he caused.

High degree of blameworthiness or culpability

39 His high culpability was manifested in several factors, namely, his:

(a) persistence in threatening conduct;

(b) planning and preparation;

(c) the viciousness of the attack;

(d) voluntary intoxication; and

(e) two charges taken into consideration for sentencing.

These factors will be discussed in turn.

Persistence in threatening conduct

40 First, the accused had escalated and persisted in his criminal conduct from the evening before the offence, all the way to the morning of the offence. While some of the specific actions he took were the subject of the two charges taken into consideration for sentencing and that the victim herself said she did not take the accused's threats seriously then, the accused's behaviour nevertheless showed a clear intent to disregard the law and behave in a

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dangerous way towards others. This would definitely show a higher blameworthiness on his part.

41 On the facts, he prepared attack implements (including procuring the petrol) from the evening before to the morning of the offence and pestered the victim and her family before the offence was committed. This persistent threatening behaviour to my mind was a distinct aggravating factor indicating high blameworthiness and remained relevant for the accused's proceeded charge of attempted murder.

Planning and preparation

42 Second, the accused's planning and preparation involved sustained and prolonged criminality, and thus a deepened degree of blameworthiness that should attract a heavier sentence than a criminal act done in the spur of the moment. This is because the culpability of an offender who facilitates or lays the groundwork for the commission of the act, or in other words, who plans or plots, is clearly higher (*Shoo Ah San* at [18]). An offence committed with planning will be more aggravated than one which is committed opportunistically or on impulse, as the presence of planning evinces a considered commitment towards law-breaking and therefore reflects greater criminality (see *Logachev Vladislav v Public Prosecutor* [2018] 4 SLR 609 at [56]).

43 In this case, the accused intended and planned to have the means at hand to attack and harm the victim. He brought along a chopper and fruit knife from his home to his parents' place, where there was an additional knife from the kitchen made ready. He placed the tins of petrol he brought at the porch of his parents' home. That preparation of weapons and procurement of petrol showed that far from intending to just have a discussion with the victim, which she was

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led to believe, he intended to set up a trap, that the victim was lured into. Indeed, when she arrived, the accused pulled her into the premises, closed the gate and kept her in without means of escape. The accused's planning and preparation for the offence would thus be an aggravating factor.

Viciousness of attack

44 Third, the attack on the victim was vicious, continuous and persistent. This was a relevant factor for sentencing because, as the Prosecution had highlighted, the way the offender had acted would be indicative of the offender's regard for human life (or lack thereof). The number of stabs and blows, the area of the injury suffered and the force used would be considered by the sentencing court (see *PP v Kho Jabing* [2015] 2 SLR 112 at [45]).[28]

45 In this case, the accused cycled through his arsenal of different weapons, including more dangerous ones such as the chopper and handsaw, despite the victim's pleas for him to stop. The viciousness of the attack was evident by how the slashing caused multiple injuries (above at [14]). The extent of the injuries was primarily weighed in respect of the harm caused, but the fact that so many injuries were caused by a variety of different weapons also reflected the accused's desire and intention to persistently attack her, implicating the accused with a large degree of criminal responsibility. The accused had put the victim at risk of being killed.

46 While it was not very clear from the statement of facts exactly how long the whole incident took, there were multiple attacks over several minutes, which were made by several weapons. This was not just a single slash borne out of a

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[28] PAS at [20].

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temporary loss of control in the midst of a quarrel. Again, the manner in which the accused carried out the offence imported a high degree of criminal responsibility.

Persistence in attacking the victim after she had fallen on the streets

47 Fourth, the accused continued to attack the victim after she had fallen to the ground, and this would be a relevant factor in sentencing. In *Janardana Jayasankarr v Public Prosecutor* [2016] 4 SLR 1288, Menon CJ held (at [16(b)]) that the accused's act of repeatedly kicking the victim while she was on the ground was an aggravating factor. This was because the victim would have less ability to defend or shield herself from further injuries once she had fallen; and also because the act of kicking was more likely to cause more serious injuries and pain having regard to the greater strength of the legs. In this case, the accused stamped on the victim's body after she had already fallen on the streets from the chase. The victim struggled to stop the accused before the accused's mother caught up with him and intervened. These acts of inflicting further injury on the victim after his attempt to murder her, in the circumstances that she would not have been able to defend herself (given that the injuries she had already suffered were grave and she was unable to get up from the ground), would certainly constitute an aggravating factor.

The voluntary intoxication

48 Fifth, the accused's voluntary intoxication would also feature in sentencing. In *Wong Hoi Len v Public Prosecutor* [2009] 1 SLR(R) 115 ("*Wong Hoi Len*"), it was held that a sentencing judge should ordinarily take into account an offender's intoxication as an aggravating consideration, having regard to the need to discourage an alcohol-related offending in Singapore. No

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intoxicated individual must be given the license to roam public streets spoiling for trouble (*Wong Hoi Len* at [44]).

49 Similarly, I had regard for the fact that the accused was intoxicated through his own actions and decision. The accused drank alcohol in the evening of the day before, as well as in the morning of the day of the commission of the offence. This was on top of having taken Stilnox above the prescribed dose.[29] He would have known that his consumption of Stilnox would have caused him to be drowsy, having taken it since he was in National Service.[30] Yet, he consumed alcohol and put himself in a state of heightened intoxication from night until morning. To my mind, far from reducing his guilt, his voluntary intoxication indicated a high level of blameworthiness. Thus, the accused's voluntary intoxication was an aggravating factor, and an especially significant one given that the egregious nature of his offending while intoxicated and the public distress caused by such offending were precisely the outcomes that *Wong Hoi Len* cautioned against.

The charges taken into consideration

50 Sixth, the charges taken into consideration contributed further to his high blameworthiness, namely, the interference with the switchboard of the victim's unit and deflating the tyres of the victim's husband's car. The accused did those acts to gain the attention of the victim in a perverted way, at the expense of the victim's family. Accordingly, he was more culpable for the offence.

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29 SOF at p 101, para 8 (Institute of Mental Health Report).

30 See SOF at p 95, paras 5–6 (Institute of Mental Health Report) and PIM at para 7 and 9–11.

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Significant harm caused

51 As for the harm caused by the accused, the accused's attack caused a high degree of harm to the victim both physically as well as psychologically, and to the public.

Physical harm

52 In terms of physical harm, the Defence's argument that there was no injury to the victim's major organs unlike in *Shoo Ah San* must be rejected. The harm on the victim was indeed great, as evinced by the multiple injuries and permanent disfiguration she suffered (above at [14]).

53 At the oral hearing, the Defence pointed to the victim not having followed up with restorative treatment. The Prosecution averred to the possibility of this being a result of the Covid-19 pandemic. In either case, the Defence's arguments did not carry force. There may be many reasons why a person may choose not to pursue follow-up treatment. The court is not concerned here with whether the victim should be entitled to compensation for the harm caused to her, in which case, her omission to follow up may be relevant. The court here was concerned with assessing the harm; regardless of whether the victim followed up medically, she was indeed harmed greatly and it was not for the Defence to take issue with her for any lack of follow up.

Psychological effect

54 Apart from her physical injuries, the victim was left with substantial psychological impact. She suffered flashbacks of the incident (above at [14]). While her impact statement made it clear that time had healed her to some

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extent, there remained fear on the part of the victim and her family, leading to the victim's moving to avoid the possibility of being found by the accused.[31]

Public harm

55 Harm was caused as well to the security and peace of the public space. The public is entitled to expect that the law will preserve order, security and peace. Acts which go against this will attract a commensurate response. In determining the level of public disquiet or concern, police reports are not the only measure. The court will look to the time and place of the incident and will readily infer a substantial impact where an incident occurs in a residential neighbourhood.

56 The Prosecution highlighted the public disquiet caused by the accused's offence. The Defence countered their argument, stating that there was less public alarm, and hence public harm here, as there were fewer calls to the police than in *BPK*.[32] While complaints or calls to the police would be one measure, it was not the only one. The incident here occurred in the midst of a residential neighbourhood and would have affected the sense of security and peace among the residents there and the residents generally. Indeed, one neighbour witnessed the attacks from the second floor of her very own house.[33] No crime is ever to be tolerated, but those who commit crimes in residential areas must face severe consequences simply because they disturbed the peace that all residents should expect.

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31 SOF at Tab G.

32 PIM at paras 72(h) and 73(f).

33 SOF at para 21.

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Mitigatory factors

57 As for his mitigatory factors, the only real mitigatory factor in the accused's favour was the plea of guilt.

58 The effect of the plea of guilt was to attract a lower sentence than what would have been imposed after trial. The Guidelines on Reduction in Sentences for Guilty Pleas (the "Sentencing Guidelines") published by the Sentencing Advisory Panel at paragraph 9 prescribe a discount for up to 30% for pleas of guilt before trial. But as argued by the Prosecution, only a limited reduction should be given where deterrence and retribution are required, particularly where there is a vicious attack affecting the public peace (*Shoo Ah San* at [24]–[25]).[34] Paragraph 13(b) of the Sentencing Guidelines does allow for a departure where public interest is affected.

59 The Defence pointed to the accused being intoxicated by alcohol and Stilnox, which they say impaired his judgment and self-control, leading to the display of uncharacteristic behaviour. The Defence relied on the accused suffering from Chronic Dysthymia and Substance Use Disorder, which was poorly managed. As I had held above at [49], the intoxication of the accused was not a mitigatory factor at all, as the accused chose to put himself in such a state. There was no evidence that any Substance Use Disorder was in fact linked to the commission of the offence. There was nothing in the medical reports which indicated actual impairment and loss of control.[35]

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34 PIM at para 29.

35 SOF at Tab H, see, especially SOF at p 101, para 8 (Institute of Mental Health Report).

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60 The Defence also relied on the accused relocating to Beijing to take up an offer for work. It was hard to see what there was to have such a long offer period for what would seem to be a middle managerial role, in a country with a large pool of professionals in the area.[36] I could only conclude that this letter was a brazen attempt, not involving counsel, to clothe the accused's proposed move to Beijing with some respectability. This was close to abuse of process, which would have merited an uplift in the sentence imposed.

Cooperation, restitution and remorse

61 The Defence argued that there was cooperation, restitution and remorse by the accused. He immediately admitted to the Police that he was the assailant when they arrived at the scene.[37] The accused also pointed to restitution given by him, namely, that he had made full restitution of the victim's medical expenses and the property damage caused to the victim and her family, and that he had also written a personal apology to the victim.[38]

62 I was of the view that the accused's cooperation, restitution and remorse, if any at all, did not operate to mitigate his guilt. The cooperation rendered by the accused was not anything out of the ordinary. The accused had only been arrested at the scene of the crime after a vicious attack had taken place, which was stopped only by his mother. I could not see what further substantive cooperation there could be that could operate in his favour.

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36 See Tab 4 of the Defence's Bundle of Documents dated 14 November 2024 at p 19, paras 2.6–2.7.

37 PIM at para 73(g).

38 PIM at para 44.

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63 Furthermore, whatever restitution he had given was too little too late, and could not undo the severe physical and psychological harm inflicted on the victim.

64 Moreover, the remorse shown by the accused, if any at all, was of little effect in mitigation. The significant harm from the brazen and persistent attack could not be undone by his remorse. Any such remorse could not lessen his culpability for his actions.

65 Finally, I should also mention that the letters testifying to character would rarely help an accused person: they do not assist except in very limited circumstances. Some mitigating value may be given to good character if it supports a high potential for rehabilitation and a lesser need for specific deterrence (*Public Prosecutor v Thompson, Matthew* [2018] 5 SLR 1108 at [72]–[73]). However, an offender's good character is most relevant where rehabilitation is the main sentencing consideration and there is no countervailing need for retribution, deterrence or prevention to feature in sentence (*Niranjan s/o Muthupalani v Public Prosecutor* [2023] SGHC 181 ("*Niranjan*") at [78]). In *Niranjan*, the Judge held that the appellant's good character and subsequent progress after the offence, as stated in his testimonials and sporting achievements, bore no relationship to the offence. Further, deterrence remained the dominant sentencing consideration given the seriousness of the offences (*Niranjan* at [78]).

66 Similarly, in the present case, I had found that the heinous nature of the offence warranted deterrence and retribution. Rehabilitation would not feature in sentencing at all. Furthermore, the referrals provided by the accused's family members likewise bore no relationship to the offence. I was of the view that these referrals carried little to no mitigating value.

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Calibration of sentence

67 All the factors above pointed to a substantial sentence, far above the sentence of ten years' imprisonment submitted by the Defence. A ten-year sentence would not adequately reflect the aggravating features. And as noted, there was little by way of mitigation.

68 Since the Penal Code (Amendment) Act 2007 (No 51 of 2007) came into force, s 307(1) of the Penal Code was amended to provide for a statutory sentencing range of mandatory imprisonment for life or up to 20 years, and liability for caning and / or fine. This was a change from the pre-2007 statutory sentencing range of mandatory imprisonment for life or up to ten years, and liability for caning. Thus, the maximum statutory sentence (apart from imprisonment for life) was doubled, and this has been held to indicate that the offence is taken more seriously (*BPK* at [44]–[48]). The cases decided post-amendment, which were applicable in the present case, are discussed immediately below.

69 In *Ravindran*, the accused claimed trial to five charges, one of which was a charge of attempted murder under s 307(1) of the Penal Code (*Ravindran* at [2]–[3]). A sentence of 12 years and six strokes of the cane was imposed *(Ravindran* at [4]). The victim was strangled with the offender's hands and raffia string, leading to urinary incontinence (*Ravindran* at [75]). There was no evidence of premeditation. In my judgment, that decision did not seem to be particularly relevant to the present case.

70 A more apposite case was *BPK*, where the offender was sentenced to 14 years and six strokes of the cane on conviction after the trial (*BPK* at [3]). The offender had been in a relationship with the victim and had visited the victim's home thrice over a two-month period (*Public Prosecutor v BPK*

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[2018] SGHC 34 ("*BPK (Conviction)*") at [9] and [30]). There was an argument with the victim, whom the offender accused of infidelity (*BPK (Conviction)* at [313]). The offender was intoxicated and had demonstrated some premeditation in bringing along a 20 cm knife from home (*BPK (Conviction)* at [59]–[69] and [253]-[266]). The victim was stabbed all over, but primarily in the back and abdomen; she suffered extensive injuries at her head, neck, chest, abdomen, back and arms, with several large wounds spanning five to ten cm (*BPK (Conviction)* at [39] and [285]). After the attack, the offender sat on her abdomen (*BPK (Conviction)* at [40]). The victim would have bled to death (*BPK* at [15]). She suffered from scars, had a facial nerve injury and had difficulties smiling, talking and even closing her left eye (*BPK* at [16]).

71 The trial Judge there found that general deterrence and retribution were engaged but specific deterrence was not paramount as the offender was not a local citizen (*BPK* at [10]). The Judge gave weight to the extensive injuries caused, the high culpability of the offender, the public disquiet at the attack with 15 first information reports to the police, and the planning involved (*BPK* at [14]–[24]). No weight was given to his expression of remorse (*BPK* at [32]).

72 The Defence here argued that there was lower criminality shown by the accused. It was said that the intention was not to hurt the victim – I interpreted this to mean that there was no prior intention to hurt. The accused had only wanted to intimidate the victim initially (above at [21]). Further, he did not try to flee after and allowed himself to be arrested. Full restitution was made, and he had also apologised to the victim. Unlike the offender in *BPK*, the accused did not claim trial and pleaded guilty.[39]

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[39] PIM at para 73(i).

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73 As noted by the Prosecution, in *Shoo Ah San*, I indicated that I thought the sentence in *BPK* was on the low side (*Shoo Ah San* at [39]). The full range provided under the law is a maximum of 20 years' imprisonment as well as caning and fine. Given the scale of the attack in *BPK*, the injuries caused, and the offender's culpability there, and that the sentence was imposed after a trial, I would, with respect, have considered a condign sentence to be higher in the range. I would, again with respect, not thus follow *BPK* or regard it as a constraint on the sentence here.

74 In *Shoo Ah San*, I imposed 15 years' imprisonment with no caning on a 65-year-old offender, on his plea of guilt (*Shoo Ah San* at [2] and [20]). The attack arose out of a property dispute between the offender and his adult children. The offender came down from Malaysia, waited in the neighbourhood where his daughter was, and attacked her when he spotted her and thought she was ignoring him. He aimed at her neck but ended up stabbing her in the shoulder and upper chest with a ten cm knife. When a passerby intervened, he left, but came back once again to stab the daughter on the chest, upper arm and abdomen (*Shoo Ah San* at [3]). She had a collapsed lung and was in danger for her life (*Shoo Ah San* at [12]).

75 In my decision, I determined that the starting point was some 17 years, calibrated downwards to 15 years' imprisonment (*Shoo Ah San* at [45]–[46]).

76 The Prosecution in the present case argued that there was more premeditation in the present case compared to *Shoo Ah San*, although the injuries in *Shoo Ah San* might have appeared to be a bit more serious.[40]

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[40] PAS at para 40.

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77 The Defence argued that the harm in the present case is lower, as the injuries were less significant, and the victim in *Shoo Ah San* suffered from a collapsed lung. There was also less impact on the public as the attack took place within the confines of the accused's parents' house. The culpability was less in the present case, as the accused here attacked less viciously, and did not plan to kill or injure. Unlike the offender in *Shoo Ah San*, he readily admitted his crime to the police, and there was restitution unlike in *Shoo Ah San*.[41]

78 I was satisfied that a heavier sentence should be imposed as compared to *Shoo Ah San*. Here, the circumstances pointing to a heavier sentence in comparison to *Shoo Ah San* were that the victim was lured and confined, there was a use of multiple weapons, and there was an escalation of criminal behaviour. The fact that the victim here did not suffer as serious an injury as in *Shoo Ah San* was fortuitous, and did not lead me to conclude that a lower sentence was appropriate.

79 The charges taken into consideration also pointed to some uplift, though given the nature of those charges, which were relatively minor, the uplift given for this factor should not be significant.

80 Bearing all these factors in mind, I concluded that the sentence should be higher and imposed 16 years' imprisonment and five strokes of the cane.

81 I had mentioned in *Shoo Ah San* (at [45]) that perhaps sentences above 17 years should be reserved for a trial case. This remains my view in general, but I would clarify that there may be instances of such grievous and serious degree that even in a plea of guilt case the maximum should be imposed. I did

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[41] PIM at paras 80–84.

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not however consider the present case as one of that nature, though the attack was indeed vicious and persistent. Unfortunately, one can readily imagine worse cases easily.

Conclusion

82 The sentence imposed is 16 years' imprisonment with five strokes of the cane and the accused's term of imprisonment was backdated to the date of his arrest, *ie*, 30 November 2019.

Aidan Xu
Judge of the High Court

Andre Chong Wei Min and Kay Boon Khai Jordy (Attorney-General's Chambers) for the Public Prosecutor;
Sunil Sudheesan, Khoo Hui-Hui Joyce and Teh Ryan Christopher Wei Jun (Quahe Woo & Palmer LLC) for the Accused.

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