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

[2026] SGHC 121

Magistrate's Appeal No 9162 of 2025/01

Between

Public Prosecutor

… *Appellant*

And

Annamalai Kokila Parvathi

… *Respondent*

Magistrate's Appeal No 9163 of 2025/01

Between

Public Prosecutor

… *Appellant*

And

Siti Amirah Binte Mohamed Asrori

… *Respondent*

Magistrate’s Appeal No 9164 of 2025/01

Between

Public Prosecutor

… *Appellant*

And

Mossammad Sobikun Nahar

… *Respondent*

GROUNDS OF DECISION

[Criminal Law — Statutory offences — Public Order Act 2009]

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Introduction

1 Ms Annamalai Kokila Parvathi ("Kokila"), Ms Siti Amirah Binte Mohamed Asrori ("Siti") and Ms Mossammad Sobikun Nahar ("Sobikun") (collectively, "Respondents") were each charged with an offence under s 15(1) of the Public Order Act 2009 (2020 Rev Ed) ("POA") for organising a procession to the rear gate of the Istana along a route which they ought reasonably to have known was a prohibited area. After the conclusion of the trial, the District Judge ("DJ") acquitted the Respondents as he found that there were doubts that the Respondents ought reasonably to have known that the route taken was a prohibited area. The DJ's decision can be found in *Public Prosecutor v Annamalai Kokila Parvathi* [2025] SGMC 76 ("GD").

2 The Prosecution appealed against the DJ's decision to acquit the Respondents. Having considered the parties' submissions, I allowed the appeal and sentenced each of the Respondents to a fine of $3,000 (in default one week's imprisonment). The grounds of my decision are set out below.

Factual background

Parties

3 The Respondents were all involved in the organisation of an event called "Letters for Palestine" ("Event"), which ultimately culminated in a procession. It was undisputed that Siti and Sobikun were the principal organisers for the Event. Amongst other tasks, Siti created publicity materials for the Event, while Sobikun drafted the confirmation email sent to persons who had signed up for the Event ("Confirmation Email").

4 Kokila assisted the organisers of the procession by giving advice and sharing her prior experience delivering letters to the Istana, as well as gathering people before the procession set off on the day of the Event. The DJ found Kokila to be an organiser under the POA.

Background to the charges

5 On 18 October 2023, the Singapore Police Force issued an advisory ("P14") stating, among other things, that "the Police will not grant any permit" for events or assemblies relating to the Israel-Hamas conflict.

6 Sometime in January 2024, Siti and Sobikun decided to organise the Event, which involved encouraging Singaporeans to write letters to the Prime Minister calling for the Singapore government to put pressure on Israel and to meet up with other participants to hand-deliver these letters to the Istana.

7 Around mid-January 2024, Sobikun spoke to Kokila on the telephone, ostensibly seeking advice from Kokila on the legality of the Event.

8 In late January 2024, Siti created publicity materials for the Event. Sobikun drafted and sent out the Confirmation Email to participants of the Event.

9 Also in late January 2024, Siti created publicity materials for another event, "Show Up for Palestine" ("SUFP"). SUFP was purportedly cancelled because the organiser failed to obtain the required permit from the Police.

10 The Event took place on 2 February 2024. At about 1.30pm, Kokila and Sobikun met up for a pre-event discussion. Shortly before 2.00pm, Kokila and Sobikun proceeded to the space in front of the entrance of Plaza Singapura, where participants of the Event had started to gather. At about 2.29pm, Siti, Sobikun and the approximately 70 participants formed up in rows of two or three persons and walked towards the rear gate of the Istana. Kokila did not join the procession. At about 3.00pm, the letters were delivered to the Istana's mailroom.

The proceedings below

11 Since the DJ's findings regarding the *actus reus* elements were not on appeal, I will not elaborate on these elements any further, save to mention that in the proceedings below, the Respondents contended that the Event did not constitute a procession and that Kokila was not an "organiser" of the Event.

12 For the *mens rea* element, the Prosecution argued that "ought reasonably to know" concerns an *objective* test of what an honest and reasonable person in their circumstances should have done. It requires consideration of whether the

accused had "wilfully and recklessly fail[ed] to make such enquiries as an honest and reasonable person would have made".[1] The Prosecution had expressly excluded "wilfully shutting one's eyes to the obvious", which is tantamount to actual knowledge, from this test.[2] The Prosecution argued that the Respondents satisfied this test. The Prosecution further argued that the *mens rea* requirement could also be satisfied by publication in the *Gazette*, which imputed constructive knowledge of its contents to the Respondents.[3]

13 In contrast, the Respondents argued that the standard required is that of "constructive knowledge" and "does not require the terms 'wilfully' and/or 'recklessly'".[4] The Respondents contended they could not reasonably have known that the procession occurred in a prohibited area as: (a) their prior letter-delivery actions had not faced any action from the police or public advisory stating that these were not to be done; (b) there was only one route to be taken to deliver letters by hand from Plaza Singapura to the Istana rear gate; and (c) the Prosecution's submission regarding publication in the *Gazette* would render s 15(1) of the POA a strict liability offence.[5]

14 The DJ set out three elements for an offence under s 15(1) of the POA to be established:[6]

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1 Prosecution's Written Submissions dated 20 April 2026 ("AWS") at para 24(c); Notes of Evidence ("NEs") (4 July 2025) at p 20 line 8–p 21 line 12 (Record of Appeal filed 6 February 2026 ("ROA") at pp 222–223).

2 NEs (4 July 2025) at p 20 lines 16–28 (ROA at p 222); *cf* Respondents' Written Submissions dated 20 April 2026 ("RWS") at para 36(i).

3 AWS at para 24(d).

4 RWS at para 38(i).

5 RWS at paras 38(ii), 38(iii), 38(vii).

6 GD at [7].

(a) First, the activity of the movement of the group organised on that day was a procession under the POA.

(b) Second, the accused person had organised the procession.

(c) Third, the accused person ought reasonably to have known that the procession took place in a prohibited area.

15 The DJ found that the Prosecution had proved the *actus reus* for the offence of organising a procession. The key issue was thus whether the *mens rea* requirement was established, *ie*, whether the three accused persons ought to have known that the route taken was a prohibited area.[7]

16 The DJ referred to the cases of *Public Prosecutor v Teo Ai Nee* [1995] 1 SLR(R) 450 ("*Teo Ai Nee*") and *Public Prosecutor v Saleem S/O Sadrudin Hasanali Jivabhai* [2024] SGMC 27 in holding that the phrase "ought reasonably to know" contemplates a state of mind where the knowledge of the actual circumstances of the case would put an honest and reasonable man on inquiry.[8]

17 The DJ found that the Prosecution had failed to prove the *mens rea* beyond a reasonable doubt since:

(a) the route taken was *via* a pavement regularly used by members of the public;[9]

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7 GD at [9], [10].

8 GD at [12]–[13].

9 GD at [14].

(b) there were no signages or notices to indicate or inform pedestrians that the public path was part of a prohibited area;[10]

(c) there had been several similar walks in the past to deliver letters to the Istana rear gate which did not give the Respondents any inkling that using that route would be illegal or prohibited;[11] and

(d) the *mens rea* requirement could not have been satisfied simply by virtue of the Public Order (Prohibited Areas) Order 2009 ("PAO 2009") being published in the *Gazette*. Chan Sek Keong JC's (as he then was) holding in *Cheong Seok Leng v Public Prosecutor* [1988] 1 SLR(R) 530 ("*Cheong Seok Leng*") (at [63]) that "[p]ublication in the Gazette is … a means of providing judicial proof of the public having knowledge of such subsidiary legislation" was limited to the legislative effect of the publication of the subsidiary legislation in the *Gazette*. Furthermore, accepting publication in the *Gazette* as being dispositive of the *mens rea* element would render it nugatory for the offence provision in s 15(1) of the POA to use the phrase "ought reasonably to know" as an element of the offence.[12]

The parties' cases on appeal

The Prosecution's case

18 On appeal, the Prosecution argued that the DJ erred in law regarding the interpretation of the phrase "ought reasonably to know". The DJ had failed to consider that the phrase encompasses the objective test of whether a person had

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10 GD at [14].

11 GD at [15].

12 GD at [17]–[21].

wilfully and recklessly failed to make enquiries that an honest and reasonable person would have made.[13]

19 The Prosecution further argued that the DJ erred on the facts. First, the DJ erred by placing undue weight on facts that are relevant only to the question of whether the Respondents had *actual* knowledge of the prohibited area.[14] Second, the DJ erred in finding that the Respondents had acted honestly and reasonably, despite having refused to make enquiries with the Police or to check whether the Event was in compliance with the POA.[15]

20 Even if the DJ had not erred in acquitting the Respondents, the DJ erred in failing to consider if he should exercise his discretion under s 128(1) of the Criminal Procedure Code 2010 (2020 Rev Ed) ("CPC") to amend the Respondents' charges to offences under s 16(1) of the POA.[16]

The Respondents' case

21 In gist, the Respondents argued that the threshold for appellate intervention had not been met. The DJ had not erred in law, and the DJ's findings of fact were not plainly wrong or against the weight of evidence.[17]

22 The Respondents also contended that the Prosecution never put a question to Kokila regarding whether she should have made enquiries or

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13 AWS at para 31(a).

14 AWS at para 31(b).

15 AWS at para 31(c).

16 AWS at para 31(d).

17 RWS at paras 56–58.

whether she had knowledge of the PAO 2009. In these circumstances, they suggested that the Prosecution had failed to put its case to Kokila.[18]

My decision

23 There were three key issues on appeal:

(a) whether the legal test for the "ought reasonably to know" limb under s 15(1) of the POA encompasses the mental state of "wilfully and recklessly failing to make such enquiries as an honest and reasonable person would have made";

(b) whether the DJ had erred in finding that the Prosecution had failed to prove beyond a reasonable doubt that the Respondents ought reasonably to have known that the route taken was a prohibited area; and

(c) whether the DJ should have exercised his discretion under s 128(1) of the CPC to amend the Respondents' charges to offences under s 16(1) of the POA.

24 Before addressing these issues, I note that the DJ's brief oral grounds that were delivered at the close of the trial were in fact longer and more comprehensive than the full written GD that followed. This was curious as the converse would ordinarily have been expected when a full written GD is issued, and more so since the DJ had not made any reference to his brief oral grounds in the written GD. Having considered both the DJ's brief oral grounds and the written GD, I was nevertheless satisfied that the basis for the DJ's findings was sufficiently discernible in both decisions, and it was clear, for the reasons set out below, that he had erred in reaching several of his findings.

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[18] RWS at paras 86, 132, 133.

The applicable legal test

25 Focusing on the *mens rea* element for an offence under s 15(1) of the POA, it was undisputed that the phrase "ought reasonably to know" contemplates a state of mind where the knowledge of circumstances would put an honest and reasonable man on inquiry.[19] Yong Pung How CJ further unpacked this state of mind in *Teo Ai Nee* (at [45]), observing that this state of mind encompasses "*wilfully and recklessly failing to make such inquiries as an honest and reasonable man would make*; and … knowledge of the circumstances which would indicate the facts to an honest and reasonable man" [emphasis added]. During the hearing of the appeal, counsel for the Respondents accepted that there was no dispute regarding the standard to be applied in accordance with *Teo Ai Nee*, or in other words, that this state of mind would encompass two limbs.

26 I agreed with the Prosecution that the DJ had erred in law by restricting the scope of his factual inquiry to how "[t]he accused persons did not know and could not have reasonably known" and identifying the actual circumstances surrounding the Event, including how the route taken was "a pavement regularly used by members of the public" and "[t]here were no signages or notices to indicate or inform pedestrians that the public path was part of a prohibited area" (GD at [14]–[21]). The DJ made no mention of the making of inquiries. In my judgment, the DJ ought to have considered, pursuant to the principles set out in *Teo Ai Nee* (at [45]), whether the Respondents "wilfully and recklessly fail[ed] to make such inquiries as an honest and reasonable man would make".

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[19] GD at [13]; AWS at paras 33, 37; RWS at para 62.

27 That said, I pause to observe that I agreed with the DJ that the *mens rea* requirement cannot be satisfied by virtue of the PAO 2009 being published in the *Gazette* alone.

28 At trial, the Prosecution had suggested both at the close of its case[20] and in its closing submissions[21] that once the PAO 2009 is published in the *Gazette*, it "imputes knowledge of its contents to the public and is dispositive of the *mens rea* element of the charge". However, in its written submissions on appeal, the Prosecution recharacterised its earlier argument and submitted that the publication of the PAO 2009 only "imputes *constructive knowledge* of its contents on those affected by it" [emphasis in original].[22]

29 At the hearing of the appeal, the Prosecution clarified that its position was not in fact that the publication of the PAO 2009 in the *Gazette* is "dispositive" of the *mens rea* requirement in the sense that it might displace the Prosecution's burden to prove *mens rea*. The apparent portrayal of such a position was unintended and had unfortunately resulted from imprecise language in its written submissions below. The Prosecution confirmed that what it actually sought to put forward both below and on appeal was that the publication of the PAO 2009 in the *Gazette* served as a ready source of information had the accused person(s) made the necessary enquiries.[23]

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20 Prosecution's Written Submissions (Close of Prosecution's Case) dated 4 July 2025 at para 24 (Appellant's Bundle of Documents (Volume 1) dated 20 April 2026 ("ABOD Vol 1") at p 173).

21 Prosecution's Closing Submissions dated 20 August 2025 at para 78 (ABOD Vol 1 at p 355).

22 AWS at para 60.

23 AWS at para 61.

30 The Prosecution's use of imprecise language was unfortunate. It conveyed a potential misimpression that *mens rea* need not be proved, such as to render the "ought reasonably to know" limb under s 15(1) of the POA nugatory (GD at [20]–[21]). Indeed, while the Prosecution had relied on *Cheong Seok Leng* in support of its earlier position below, Chan JC's observations in *Cheong Seok Leng* (at [63]) were made in the specific context of determining the legal validity of subsidiary legislation if it is not published in the *Gazette*, which is a clearly distinguishable context from the interpretation of the *mens rea* requirement in the present case (GD at [18]–[20]).

31 In my judgment, for a charge brought under the "ought reasonably to know" limb of s 15(1) of the POA, the court's assessment of whether an accused person ought reasonably to have known that the procession (or assembly) was held in a prohibited area involves an objective but inherently fact-specific inquiry. In other words, this inquiry cannot be reduced to any particular prescribed act(s) or omission(s). Instead, the court's assessment of an accused person's state of mind involves an *objective* inquiry into whether the actual circumstances of the case before the court were such that an honest and reasonable person would have been put on notice, and if so, what inquiries an honest and reasonable person in that specific situation should and would have made. This would involve the following two-stage inquiry:

(a) The first stage involves identifying the actual circumstances that would have put an honest and reasonable person on notice that the procession took place in a prohibited area. Such circumstances may include knowledge of official notices relating to the prohibition, and knowledge that similar events were prohibited.

(b) Where there are circumstances putting the honest and reasonable person on notice, at the second stage, the court would then determine the inquiries that an honest and reasonable person would have made and whether the accused person was wilful and reckless in failing to make such inquiries. It bears emphasis that what would constitute reasonable inquiries would depend on the specific facts of each case. By way of illustration, such reasonable inquiries may include checking with the Police, checking the *Gazette* for the PAO 2009, or checking online whether the intended location was a prohibited area.

32 Such an approach was taken in *Public Prosecutor v Yan Jun* [2016] SGMC 24 ("*Yan Jun*"), which involved an offence of taking part in an assembly which the accused person ought reasonably to have known was prohibited under s 15(2) of the Public Order Act (Cap 257A, 2012 Rev Ed). Notwithstanding that the accused had actual knowledge that his assembly took place in a prohibited area since a station inspector had expressly informed him of such *via* email, the charge was framed under the same "ought reasonably to know" *mens rea* limb as the present case. In finding that the accused ought reasonably to have known that his protest was prohibited, the court considered the cautionary emails sent to the accused person by the police. The court then found that the accused had been put on notice such that the onus was on him to ascertain whether his protest fell within a prohibited area. Having failed to make any such reasonable inquiries, the *mens rea* element was thus satisfied (*Yan Jun* at [12]–[17]).

33 To help illustrate the two-stage inquiry outlined above, I turn to a hypothetical example that most would have some familiarity with – the relatively recent COVID-19 circuit breaker arrangements. On 8 May 2021, the maximum permissible group size for a gathering outside of a place of residence

was reduced from eight to five. Imagine that a group of eight friends were intending to head out for a cycling trip the next day on 9 May 2021. This group of cyclists might have been aware that there were some restrictions on the maximum permissible group size but had heard that another group of eight friends had already met up on 8 May 2021 to cycle together without getting into any trouble. As such, they went ahead with their planned cycling trip.

34 In such a situation, it can be said that this group of cyclists *ought reasonably to have known* that from 8 May 2021, the maximum permissible group size was five. In accordance with the inquiry outlined above, under the first stage, the group was aware of the volatile COVID-19 situation and that there were some restrictions in place regulating social gatherings. This would have put them on notice regarding the restrictions. Under the second stage, an honest and reasonable person would have checked the news for the latest updates or conducted a simple Internet search on the maximum permissible group size. Mere reliance on one's own (or others') past experiences of not having fallen afoul of the law under a similar situation would not constitute reasonable inquiries.

Whether the Respondents ought reasonably to have known that the Event took place in a prohibited area

35 Having set out the applicable law, I turn to the facts of the present case.

The Prosecution's failure to put its case to Kokila did not prejudice her

36 I deal first with the Respondents' preliminary contention that the Prosecution never put a question to Kokila regarding whether she should have made inquiries or whether she had knowledge of the PAO 2009, and had thus

failed to put its case to her (see [22] above). In my view, this submission did not assist Kokila's case.

37 As the Prosecution highlighted during the hearing, it did try to put the relevant questions to Kokila immediately after her re-examination. However, the DJ disallowed the application to recall her for this purpose, explaining that the questions that the Prosecution sought to put to Kokila were points that could have been made in submissions.[24]

38 In any event, I was of the view that the Prosecution's failure to put such questions to Kokila did not cause any real procedural unfairness to her.

39 While the Respondents did not explicitly frame their objection by reference to the rule in *Browne v Dunn* (1893) 6 R 67 ("*Browne v Dunn*"), it was apparent from their submissions that this was the basis of their complaint regarding the Prosecution's failure to put the relevant questions to Kokila. This rule was explained in the following terms in *GII v Public Prosecutor* [2025] 3 SLR 578 ("*GII*") at [40] citing *Hong Leong Singapore Finance Ltd v United Overseas Bank Ltd* [2007] 1 SLR(R) 292 at [42]:

> … where a submission is going to be made about a witness or the evidence given by the witness which is of such nature and of such importance that it ought fairly to have been put to the witness to give him the opportunity to meet that submission, to counter it or to explain himself, then if it has not been so put, the party concerned will not be allowed to make that submission.

Importantly, it has been emphasised repeatedly that the rule in *Browne v Dunn* is not a rigid one, and must be applied with due regard to the totality of the evidence (*GII* at [40] citing *Chan Emily v Kang Hock Chai Joachim*

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[24] NEs (7 July 2025) at p 47 line 30–p 49 line 16 (ROA at pp 288 to 290).

[2005] 2 SLR(R) 236 at [15] and *Arts Niche Cyber Distribution Pte Ltd v Public Prosecutor* [1999] 2 SLR(R) 936 at [48]).

40 In the present case, Kokila's evidence was clear and consistent from the outset:

(a) In her investigation statement, she stated that: (i) she was not aware that the Istana was a prohibited area; (ii) she previously had "similar experiences without getting into any trouble"; and (iii) she "firmly believed that [the Event] was not a public assembly and did not require a permit".[25]

(b) In her examination-in-chief, she took a similar position. She emphasised that she had witnessed, participated in, and organised "numerous letter deliveries to the Istana" without getting into any sort of legal trouble, nor was she aware of the police taking any action or issuing any advisories against herself or participants of other similar events.[26] In these premises, Kokila emphasised that she was "very clearly" under the impression that there was no permit required to deliver letters to the rear gate of the Istana.[27] Kokila's counsel explained that these previous experiences suggested that Kokila had no reason to believe that the Event was illegal, and she also "had no reason to make further enquiries into whether the route she had taken to deliver the letters were prohibited areas".[28]

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25 Exhibit P12 at paras 5, 10 and 12 (ROA at pp 574 to 575).

26 NEs (7 July 2025) at p 2 lines 22–25 (ROA at p 243), pp 5 to 6 (ROA pp 246 to 247), p 8 lines 5–7 (ROA at p 249).

27 NEs (7 July 2025) at p 25 lines 3–28 (ROA at p 266).

28 NEs (7 July 2025) at p 4 lines 1–10 and 30–32 (ROA at p 245), p 7 lines 15–19 (ROA at p 248), p 8 lines 1–13 (ROA at p 249), p 25 lines 3–28 (ROA at p 266).

(c) Under cross-examination, she maintained this stance. Kokila testified that she and Sobikun had both participated in walks together before to the Istana to deliver letters,[29] and was also aware that there were students who delivered letters to the Istana with very similar demands as what the Event was calling for. Thus, Kokila concluded that letter deliveries "would not be an issue".[30]

41 Taken together, Kokila's evidence was unequivocal and consistent throughout: she had no reason to make any inquiries about the legality of the Event because similar letter deliveries to the Istana – all of which had purportedly proceeded without incident or legal consequence – gave her no cause for concern. In other words, Kokila's position in relation to the question(s) that the Prosecution had failed to put to her was already plainly apparent from the totality of her evidence. In these circumstances, the Prosecution's omission caused no real prejudice to Kokila, and I did not consider it fatal to the Prosecution's case against her.

The DJ took irrelevant considerations into account in arriving at his findings

42 To recapitulate, in arriving at his finding that each of the Respondents did not and could not reasonably have known that the route taken during the Event was a prohibited area, the DJ relied on the following factors:

(a) the route taken was a pavement regularly used by members of the public;

(b) there were no signages or notices to indicate or inform pedestrians that the public path was part of a prohibited area; and

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29 NEs (7 July 2025) at p 28 lines 15–18 (ROA at p 269).

30 NEs (7 July 2025) at p 5 lines 16–18 (ROA at p 247), p 29 lines 22–26 (ROA at p 270).

(c) there had been several similar walks in the past to deliver letters to the Istana rear gate which did not give the Respondents any inkling that using that route would be illegal or prohibited.

43 With respect, the DJ erred by taking the foregoing circumstances into account in arriving at his findings that each of the Respondents could not reasonably have known that the Event was held in a prohibited area. I explain my reasons in turn below.

44 First, the DJ erred in placing weight on the fact that the route taken by the Respondents was a pavement regularly used by members of the public. This reasoning rested on a mistaken premise – that a prohibited area under the POA could not, or would not, be a place that members of the public ordinarily use. This cannot be correct. The Schedule of the PAO 2009 designates, amongst others, the following as prohibited areas:

(a) The Istana (including all the land within the boundaries commencing from the junction of Orchard Road and Buyong Road, in the direction leading to Cavenagh Road);

(b) Parliament and the Supreme Court (including all the land and waters within the boundaries commencing from a point at the junction of North Bridge Road with Coleman Street, thence along Coleman Street to its junction with St. Andrew's Road, thence along St. Andrew's Road to its junction with Stamford Road); and

(c) State Courts (including all the land within the boundaries commencing from a point from Block 32 New Market Road along Upper Cross Street, thence along Upper Cross Street into the slip road to

Havelock Road, along Havelock Road to the junction of New Market Road).

45 Section 2 of the PAO 2009 further provides that no person shall hold any public procession in "any public road, public place or place of public resort within any area described in the Schedule" (see [44] above) or "any public road forming the boundary of that area". It is therefore plain that all the prohibited areas designated under the POA are, by their very nature, publicly accessible spaces. The mere fact that the Event's route was one regularly used by members of the public was accordingly irrelevant. To hold otherwise would mean that any organiser of a procession in a prohibited area could escape liability simply by pointing to the fact that the location of the procession was publicly accessible and frequently used by members of the public – a result that would arguably defeat the very purpose of the POA, which exists precisely to "regulate … processions in *public places*" [emphasis added].[31]

46 In any event, the DJ drew a false equivalence between the ordinary use of the route by members of the public and the Respondents' use of the same for their procession. Members of the public who use that pavement do so as ordinary pedestrians going about their daily business – they do not use it to conduct processions. Put simply, the fact that ordinary pedestrians use the pavement regularly was irrelevant to the inquiry.

47 I turn to the DJ's second point. In my view, the DJ erred in placing weight on the fact that there were no signages or notices to indicate or inform pedestrians that the route of the Event was part of a prohibited area. This reasoning was flawed in two respects. First, while the presence of physical

[31] Long Title of the POA.

signage could be one factor which would support a finding that the Respondents ought reasonably to have known that the area was a prohibited area under the POA, it did not follow that the absence of such signage would lead to the opposite conclusion. The absence of signages or notices along the route of the Event was a neutral factor and was simply irrelevant to the inquiry.

48 Second, and more importantly, if the DJ's reasoning were taken to its logical conclusion, this would effectively mean imposing an onerous obligation on the authorities to erect signages and notices across all of the prohibited areas, to bring to the attention of would-be procession organisers that these are prohibited areas under the POA. Clearly, this would be an unworkable requirement. Such an argument would also denude the value and rationale of the publication of the PAO 2009 in the *Gazette*, which may constitute one factor that would put an honest and reasonable person on notice (see [31] above).

49 Finally, I was of the view that the DJ erred in considering that there were purportedly "several similar walks in the past to deliver letters" to the Istana rear gate which did not give the Respondents any "inkling" that using the route would be illegal. First, there was simply no evidence before the court as to the specific circumstances of those "walks", such as whether those "walks" constituted processions under the POA, and if so, whether any police report was filed in respect of those processions. Without such evidence, it was untenable to draw any meaningful comparison between those other "walks" and the Event.

50 In any case, even if those other "walks" constituted processions under the POA, and assuming that police reports were filed in respect of those processions, the mere fact that no action was taken against the individuals concerned could not lead to a conclusion that such conduct was lawful. Whether certain actions result in a prosecution depends on a variety of factors. Amongst

others, the Prosecution has to find that it is in the public interest to act given the nature, circumstances, and effect of those actions, and whether there is any available evidence (*Public Prosecutor v Wham Kwok Han Jolovan* [2022] SGMC 2 at [11]).

51 More pertinently, taking the Respondents' position to its logical conclusion would lead to an absurd result: that so long as a person has not faced any enforcement action for a particular course of conduct which might be *ex facie* unlawful, that conduct must be lawful. This cannot be right. A motorist may consistently drive well over the speed limit but the fact that he has never faced enforcement action does not mean that speeding is legal. Put simply, the legality of a particular course of conduct is determined by the law, and not by whether the authorities have taken action or chosen to act in any given instance. Accordingly, the purported absence of prior enforcement action against those other "walks" was therefore no indication that the Event was lawful.

52 In summary, none of the three factors relied on by the DJ ought to have been taken into consideration. They were neutral factors at best, and certainly did not militate against a finding that the Respondents ought reasonably to have known that the Event was held in a prohibited area.

The evidence demonstrated that the Respondents ought reasonably to have known that the Event was held in a prohibited area

53 To the contrary, the available evidence demonstrated that the DJ erred in finding that the Respondents did not and could not reasonably have known that the route taken was a prohibited area.

54 I begin by addressing the relevance of P14. In this regard, it was undisputed that each Respondent was aware of P14 at the material time:

(a) Kokila admitted that P14 was brought up to Sobikun during her discussion with the latter towards the end of January 2024, when Sobikun asked her how to avoid falling foul of the law in organising the Event.[32]

(b) Siti gave evidence that she was aware that P14 stated that permits would not be issued for processions or assemblies relating to the Israel-Hamas conflict.[33] She confirmed that prior to the Event on 2 February 2024, it was clear to her that the POA would restrict public assemblies or processions.[34] However, she claimed that it was not reasonable for her to check the POA and the PAO 2009 because it was Sobikun's role to make sure the Event was legal.[35]

(c) Sobikun, for her part, testified that she was aware of P14 at the time she was organising the Event, but disagreed that this advisory put her on notice because it did not explicitly mention letter-delivery actions and only mentioned assemblies or processions. She therefore concluded that P14 did not apply to "hand delivery of letters".[36]

55 At the trial, the DJ rejected the Prosecution's submission that P14 would have "equip[ped] the accused persons [with] at least some knowledge that activities relating to this particular issue [would] have to be treated with caution"[37] and that a reasonable person knowing there has been such an

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32 NEs (7 July 2025) at p 29 lines 14–20 (ROA at p 270).

33 NEs (7 July 2025) at p 83 lines 1–7 (ROA at p 324).

34 NEs (7 July 2025) at p 83 lines 20–24 (ROA at p 324).

35 NEs (7 July 2025) at p 84 lines 4–11 (ROA at p 325).

36 NEs (8 July 2025) at p 39 lines 2–28 (ROA at p 377).

37 NEs (16 September 2025) at p 28 lines 30–32 (ROA at p 442).

advisory, would have been put on notice to conduct further checks/inquiries,[38] including checking the POA and the PAO 2009 to verify whether the Event was prohibited.[39] The DJ opined that it was clear from P14 that no permit would be given, which made it arbitrary for the Prosecution to say that the Respondents should have checked whether they could get a permit.[40]

56 In my judgment, the DJ misdirected himself in refusing to place any weight on the Respondents' knowledge of P14 and its contents. P14 explained in detail that there were "public safety and security concerns" associated with events being organised in relation to the Israel-Hamas conflict. It also explicitly reminded members of the public that "public assemblies in Singapore are regulated under the [POA]" and that "organising or participating in a public assembly without a Police permit in Singapore constitutes an offence under the [POA]".[41] P14 would have alerted each of the Respondents to two things: first, that the Police were concerned about events being organised in relation to the Israel-Hamas conflict; and second, that organising such events was regulated under the POA. While P14 did not expressly refer to the prohibited areas *per se*, the advisory still provided important context regarding the Police's stance on such events, and ought to have prompted each of the Respondents to make further inquiries – whether by checking the POA and the PAO 2009, or by making direct enquiries with law enforcement – in order to satisfy themselves that the Event was lawful. Their failure to do so therefore amounted to wilful and reckless conduct. That they had acted in this manner was perhaps best

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38 NEs (16 September 2025) at p 28 line 30 to p 29 line 15 (ROA at pp 442 to 443).

39 AWS at para 53.

40 NEs (16 September 2025) at p 30 lines 14–21 (ROA at p 444).

41 Exhibit P14 (ROA at p 616).

reflected in Sobikun's self-serving claim that the Event merely involved letter-delivery and was not an assembly or procession.

57 In fact, each of the Respondents' own evidence demonstrated that P14 was an obvious red flag which ought to have put each of them on notice that the Event was being held in a prohibited area.

58 Starting with Kokila, she admitted that P14 was brought up to Sobikun during her discussion with Sobikun when the latter sought her advice on how to avoid contravening the law in organising the Event. If Kokila genuinely believed that P14 had no relevance to the Event whatsoever, it was difficult to understand why she would have thought it necessary to voluntarily surface this advisory during that discussion. Sobikun was seeking her advice after all. The only reasonable inference was that Kokila was herself aware and concerned that P14 may have applied to the Event, yet wilfully and recklessly failed to conduct further checks to resolve those concerns.

59 Turning to Siti's evidence, she confirmed that prior to the Event on 2 February 2024, it was clear to her that the POA would restrict public assemblies or processions. Given this, it was equally reckless for Siti not to have conducted any further checks. Her claim that it was not reasonable for her to personally check the POA and the PAO 2009 – because it was Sobikun's role to ensure the Event was legal – was no defence at all. As one of the organisers of the Event, it was incumbent on Siti to personally satisfy herself that the Event was lawful. She could not escape liability by attributing that responsibility to Sobikun. Indeed, implicit in Siti's own evidence here was an acknowledgment that the organisers of the Event ought to have checked the POA and PAO 2009, but that she simply sought to place that obligation on someone else.

60 As for Sobikun's evidence, her sole basis for discounting P14 was that it only referred to assemblies and processions, and did not explicitly mention letter-delivery actions. In taking this position, Sobikun effectively conceded that P14 would and should have put someone intending to organise a procession or assembly on notice. Since the Respondents were found to have organised a procession, and ignorance of the law is no excuse, it followed that P14 ought to have put Sobikun on notice that the Event may have been unlawful. Her failure to conduct any further inquiries in those circumstances thus amounted to equally wilful and reckless conduct.

61 In summary, P14 ought to have alerted each of the Respondents that there were public safety and security concerns associated with events being organised in relation to the Israel-Hamas conflict, and that such events were regulated under the POA. This should have prompted them as organisers of the Event to conduct further checks to satisfy themselves that the Event was lawful, which might have included making inquiries with the Police directly, and/or checking the POA and the PAO 2009. The Respondents' failure to make such inquiries therefore amounted to wilful and reckless conduct, and demonstrated that they ought reasonably to have known that the Event was being held in a prohibited area. Accordingly, the *mens rea* requirement was satisfied, and the charge under s 15(1) of the POA was proven beyond a reasonable doubt against each of the Respondents.

62 Having allowed the Prosecution's appeal against conviction for the reasons above, it was not necessary for me to consider whether the DJ had erred in failing to consider if he should have exercised his discretion to amend the Respondents' charges to offences under s 16(1) of the POA.

63 Finally, I turn to address the sentence I imposed on the Respondents.

Sentence

64 During the hearing, the Prosecution left the issue of sentencing to the court, while counsel for the Respondents submitted that a fine of $3,000 for each of the Respondents was appropriate.

65 The Respondents relied on *Public Prosecutor v Wham Kwok Han Jolovan* [2022] SGMC 14 ("*Jolovan Wham*"), where the accused person was found guilty after trial and convicted of one charge under s 15(2) of the Public Order Act (Cap 257A, 2012 Rev Ed) for participating in an assembly which he ought reasonably to have known was prohibited by an order under s 12(1). The district judge found that a fine of $3,000 (in default 15 days' imprisonment) was appropriate. The accused's culpability was high as he knew of the prohibition under the POA but nonetheless went on to commit the offence. The harm and potential for harm arising from the accused's actions was not *de minimis* or negligible – the accused made preparations to broadcast his demonstrative actions to seek attention and had aspired for his actions to be in the public's consciousness to sway public opinion. However, the district judge did not find the accused's two similar antecedents to be an aggravating factor, as there was no definitive superior court ruling on the accused's arguments as to the proper applicability of the POA at the time of his offence. The Respondents submitted that the culpability and harm factors in *Jolovan Wham* were higher than that of the Respondents in the present case. Moreover, the Respondents were all first-time offenders, while the accused in *Jolovan Wham* had two similar antecedents.

66 I accepted the Respondents' submission that a fine of $3,000 for each of their charges was appropriate. While I rejected the notion that the Respondents' lack of antecedents carried any sort of mitigating value, I agreed that the facts of the present case were less egregious than those in *Jolovan Wham*. Unlike the

accused in that case, the Respondents did not have actual knowledge that the procession took place in a prohibited area. Their culpability was therefore lower. It is apposite to highlight that the maximum fine prescribed under s 15(1) of the POA (the provision under which the Respondents were convicted) is double that prescribed under s 15(2) (which was the relevant provision in *Jolovan Wham*). Taking the different sentencing ranges into account, I was satisfied that a fine of $3,000 remained appropriate.

Conclusion

67 For the foregoing reasons, I allowed the appeal and sentenced each of the Respondents to a fine of $3,000 (in default one week's imprisonment).

See Kee Oon
Judge of the Appellate Division

Hay Hung Chun, Sunil Nair and Ernest Chua Kai Guan (Attorney-General's Chambers) for the appellant;
Uthayasurian s/o Sidambaram and Derek Wong Kim Siong (Phoenix Law Corporation) for the respondents in HC/MA 9162/2025/01, HC/MA 9163/2025/01 and HC/MA 9164/2025/01.