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

[2026] SGHC 60

Criminal Case No 27 of 2025

Between

Public Prosecutor

And

Mookkapillai Pazhanivel

GROUNDS OF DECISION

[Criminal Law — Offences — Rape]
[Criminal Law — Offences — Sexual offences]
[Criminal Procedure and Sentencing — Trials — Taking and recording of evidence in — Court managing questioning of complainants of sexual offences]
[Evidence — Principles — Functions of judge — Responsibilities of judge in managing cases involving self-represented persons]

Version No 1: 18 Mar 2026 (17:40 hrs)

TABLE OF CONTENTS

BACKGROUND **2**

THE PROSECUTION'S CASE **8**

THE DEFENCE'S CASE **10**

MY DECISION **11**

ISSUES TO BE DETERMINED **12**

CONDUCT OF PROCEEDINGS INVOLVING SELF-REPRESENTED PERSONS IN SEXUAL OFFENCE CASES **13**

VOLUNTARINESS OF THE STATEMENTS **16**

ASSESSMENT OF THE VICTIM'S EVIDENCE **18**

THE UNUSUALLY CONVINCING STANDARD 18

THE VICTIM'S TESTIMONY WAS INTERNALLY AND EXTERNALLY CONSISTENT 21

THE VICTIM WAS A CREDIBLE WITNESS 27

ASSESSMENT OF THE ACCUSED'S EVIDENCE **30**

THE ACCUSED'S VERSION OF EVENTS WAS REJECTED 31

The alleged smell from the victim's vagina *31*

The duration of their encounter *32*

The messages between the victim and the accused *33*

The accused's possession of the climax control spray and condoms *37*

THE ACCUSED'S LIE WAS CORROBORATIVE OF HIS GUILT 38

THE ACCUSED'S OTHER LIES UNDERMINED HIS CREDIBILITY 41

Version No 1: 18 Mar 2026 (17:40 hrs)

CONCLUSION ON CONVICTION 42

SENTENCING 43

Version No 1: 18 Mar 2026 (17:40 hrs)

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Public Prosecutor
v
Mookkapillai Pazhanivel

[2026] SGHC 60

General Division of the High Court — Criminal Case No 27 of 2025
Aidan Xu J
21–22, 24–25 April, 4–5 August, 14, 29 October, 5 December 2025

18 March 2026

Aidan Xu J:

1 The accused claimed trial to two charges in respect of sexual offences committed against the victim, who was 12 years old at the time. The first was a charge of rape by penile-vaginal penetration under s 375(1)(*b*) and punishable under s 375(2) of the Penal Code 1871 (2020 Rev Ed) ("PC") ("Rape Charge"). The second was a charge of sexual assault involving penetration of the victim's vagina with at least one of his fingers under s 376(1)(*a*) and punishable under s 376(3) of the PC ("SAP Charge"). Both charges were in respect of an incident that took place on 18 April 2022, between 8.00pm and 9.00pm, at an open space in the vicinity of Vanda Link.

2 After considering the parties' arguments, I was satisfied that the charges had been proven beyond reasonable doubt. I accordingly convicted the accused on both charges and sentenced him to 15 years' imprisonment and 14 strokes of the cane.

Background

3 The accused first met the victim on a social messaging application. He asked the victim to contact him on his Telegram account "sweet sweet".[1]

4 On 17 April 2022, the accused received a message from the victim on his Telegram account "sweet sweet".[2] The victim told the accused that she was 13 years old,[3] although she was only 12 years old at the time.

5 The accused asked the victim whether they could meet. The victim asked the accused what he wanted to do. In response, the accused told the victim that he wanted to "[l]ick [her] pretty pussy".[4] The victim testified that she understood this to mean that they were going to have oral sex when they met, and that this would usually lead to penetrative sex.[5] The victim suggested meeting at a public toilet on that day.[6] However, the accused was unable to meet as he was watching a movie, and informed her that he would be free tomorrow.[7]

6 On 18 April 2022, the accused messaged the victim using his Telegram account "sweet sweet", asking if she was free to meet that night.[8] At the time, the victim was with her mother at ION Orchard.[9] The victim replied at 7.23pm,

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1 Statement of Facts dated 7 November 2025 ("SOF") at para 3.

2 SOF at para 3.

3 SOF at para 3.

4 SOF at para 3.

5 Certified Transcript dated 4 August 2025 at p 25, lines 2–11.

6 Certified Transcript dated 4 August 2025 at p 25, lines 14–25.

7 Certified Transcript dated 5 August 2025 at p 7, lines 22–29.

8 Certified Transcript dated 5 August 2025 at p 7, line 30.

9 Certified Transcript dated 4 August 2025 at p 26, lines 6–12.

Version No 1: 18 Mar 2026 (17:40 hrs)

asking the accused if he was free.[10] The accused agreed to meet and told her to meet him at the Sixth Avenue MRT station ("MRT Station").[11]

7 The victim then took the train to the MRT Station. As she was travelling, she informed one of her friends ("PW6") that she was going to meet someone, and told PW6 to call the police if she did not message PW6 by 11pm.[12]

8 When the victim arrived at the MRT Station, the accused told her to meet him at Exit B. The victim sent the accused a picture of Exit B of the MRT Station at 8.14pm and told him to "hurry up" at 8.15pm.[13] She met the accused shortly after that.[14]

9 After meeting up, the accused brought the victim to an open grass patch in the vicinity of Vanda Link ("Grass Patch").[15] While walking there, the victim uploaded a picture of her surroundings on her Instagram story at 8.20pm.[16] The victim estimated that they reached the Grass Patch about three minutes later.[17]

10 Upon arriving at the Grass Patch, the victim removed her shorts and underwear. The accused started licking her vagina while she was still standing. After a short while, the accused asked the victim to lie down. The victim did not

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10 Certified Transcript dated 4 August 2025 at p 26, lines 4–6.

11 SOF at para 4.

12 Trial Bundle dated 30 July 2025 ("TB") at p 348.

13 Exhibits P2.22 and P2.23.

14 Certified Transcript dated 4 August 2025 at p 32, lines 10–13.

15 SOF at para 4.

16 TB at p 380.

17 Certified Transcript dated 4 August 2025 at p 33, lines 26–30.

Version No 1: 18 Mar 2026 (17:40 hrs)

want to lie down initially as the ground was dirty. The accused thus took off his shirt and placed it on the ground for the victim to lie on.[18]

11 While the victim was lying down, the accused continued to lick her vagina. The victim testified that the accused then inserted "a finger or two" into her vagina and moved his fingers "a little bit" for around three to five minutes.[19] The victim knew that the accused had digitally penetrated her vagina as she had experienced the same feeling when she masturbated herself previously.[20]

12 The accused then got up and asked the victim: "can I?" The victim took this to mean that the accused wanted to penetrate her vagina with his penis as he was holding on to his belt.[21] The victim agreed. The accused then proceeded to undo his belt and attempted to insert his penis into her vagina without the use of a condom. According to the victim, his penis "went in a little bit", but it was "very uncomfortable and quite pain" and the victim kept telling the accused to "slow down" or "stop".[22] This continued for around one to two minutes, before the accused's penis "went soft".[23] The accused then went to the side to watch pornography to "try and get hard again", while the victim used her phone.[24] After a few minutes, the accused said "cannot". The accused and the victim thus got dressed and walked back to the MRT Station before parting ways.[25]

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18 Certified Transcript dated 4 August 2025 at p 34, lines 1–7.

19 Certified Transcript dated 4 August 2025 at p 34, lines 8–11 and 19–20.

20 Certified Transcript dated 4 August 2025 at p 34, lines 14–18.

21 Certified Transcript dated 4 August 2025 at p 34, lines 24–31.

22 Certified Transcript dated 4 August 2025 at p 35, lines 12–14.

23 Certified Transcript dated 4 August 2025 at p 35, lines 14–15.

24 Certified Transcript dated 4 August 2025 at p 35, lines 15–18.

25 Certified Transcript dated 4 August 2025 at p 35, lines 20–21.

Version No 1: 18 Mar 2026 (17:40 hrs)

13 The victim responded to her mother's messages at 8.45pm. At this time, the victim was walking back to the MRT Station.[26] The accused sent the victim a message at 8.49pm, which stated: "Thanks so much for giving me opportunity to lick".[27] The victim testified that she was "still walking up over the overhead bridge to the [MRT Station]" when she received this message.[28] This was after the two had parted ways.[29] Subsequently, at 8.53pm, the victim messaged PW6 that she was "done".[30] At this time, the victim was already at the MRT Station.[31] The victim told PW6 that she wanted to cry.[32] She then called PW6 sometime between 8.57pm and 9.00pm to tell PW6 about what had happened. The victim was inside the train during the call.[33] The victim reached the lift of her residence at around 9.41pm.[34]

14 The accused did not dispute that he met the victim on 18 April 2022 and that some intimate activity had occurred at the Grass Patch.[35] What he disputed was the extent of sexual activity, namely, whether the penetrative acts stated in the Rape Charge and SAP Charge took place.

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26 Certified Transcript dated 4 August 2025 at p 36, lines 2–10.

27 Certified Transcript dated 4 August 2025 at p 38, lines 30–32.

28 Certified Transcript dated 4 August 2025 at p 39, lines 3–5.

29 Certified Transcript dated 4 August 2025 at p 39, lines 1–2.

30 TB at p 353.

31 Certified Transcript dated 4 August 2025 at p 36, lines 16–21.

32 TB at p 353.

33 Certified Transcript dated 4 August 2025 at p 36, lines 30–32 and p 37, lines 1–13.

34 TB at p 354; Certified Transcript dated 4 August 2025 at p 38, lines 3–6.

35 Certified Transcript dated 4 August 2025 at p 51, lines 22–31 and p 52, lines 8–12.

Version No 1: 18 Mar 2026 (17:40 hrs)

15 The accused's version of events at trial was as follows:

(a) Upon reaching the Grass Patch, the accused laid out a canvas that he had brought for the victim to sit on. After she sat down, the accused told her to remove her shorts. He then asked the victim if he could lick her. The victim agreed. The accused started to lick the victim's vagina. After a while, there was allegedly a "smell" which caused him to stop. The accused then told the victim to put her clothes back on. The victim got dressed and started to walk off. The accused asked the victim if he could hug her, but she refused.[36]

(b) The accused denied the penetrative acts stated in the Rape Charge and SAP Charge. He testified that he did not try to penetrate the victim's vagina with his finger or penis,[37] and the only thing he did was to lick her.[38]

(c) During cross-examination, the accused testified that he was only with the victim for about seven minutes at the Grass Patch,[39] and that he had licked the victim's vagina for about three to four minutes.[40] This was a departure from his previous statements, where he stated that he licked for about 15 minutes.[41]

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36 Certified Transcript dated 5 August 2025 at p 8, lines 14–26.

37 Certified Transcript dated 5 August 2025 at p 9, lines 8–20.

38 Certified Transcript dated 5 August 2025 at p 17, lines 1–4.

39 Certified Transcript dated 5 August 2025 at p 17, lines 12–13.

40 Certified Transcript dated 5 August 2025 at p 17, lines 14–17.

41 TB at pp 82, 212 and 329.

Version No 1: 18 Mar 2026 (17:40 hrs)

16 Following the incident on 18 April 2022, the accused continued sending messages to the victim on Telegram, requesting to meet up.[42] The victim did not agree to meet and told the accused to leave her alone.[43] Subsequently, the victim started receiving messages from unknown Telegram users, asking to meet up.[44] The victim blocked those users as she thought that it was the accused using other Telegram accounts to contact her.[45]

17 In September 2022, the victim received messages from "SPM",[46] which was another one of the accused's Telegram accounts.[47] The victim did not really reply to these messages. On 5 October 2022, the accused threatened to message the victim's friends if she did not reply to him.[48] The victim explained that she felt "harassed" and "was afraid" that the accused would message her friends.[49] The victim agreed to meet him that day, although she ultimately did not do so.

18 The victim decided to tell her mother a few days later on 8 October 2022 that "SPM" had been harassing her and had threatened to message her friends.[50] The victim did not tell her mother about the incident on 18 April 2022.[51] As the victim explained at trial, this was because she knew that her mother would be

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42 TB at p 378, paras 15–16.

43 TB at p 378, para 16.

44 TB at p 378, para 17.

45 TB at p 378, para 17.

46 TB at p 378, para 18.

47 Certified Transcript dated 5 August 2025 at p 16, lines 3–5.

48 Certified Transcript dated 4 August 2025 at p 43, lines 9–19.

49 TB at p 378, paras 18–19.

50 TB at pp 378–379, para 19; Certified Transcript dated 4 August 2025 at p 44, lines 5–9.

51 Certified Transcript dated 4 August 2025 at p 44, lines 10–16.

Version No 1: 18 Mar 2026 (17:40 hrs)

"very upset" with her and would "start being more strict", revoking some of her "freedom privileges".[52]

19 The victim and her mother proceeded to lodge a police report in the early hours of 9 October 2022.[53]

20 Over the next few months, the accused continued sending messages and photographs to the victim using his Telegram account "SPM".[54] The victim did not respond to these messages.[55] She allowed the police to take photographs of the messages. The police were not able to trace the identity of the accused from the photographs.[56] The police thus sought the victim's assistance to arrange a meeting with the accused so that he could be arrested.[57]

21 On 21 March 2023, the victim arranged to meet with the accused at the MRT Station. The accused was subsequently arrested by the police at the MRT Station. Two condoms and a bottle of climax control spray were found on him.[58]

The Prosecution's case

22 The Prosecution submitted that the victim's testimony in respect of the incident on 18 April 2022 was "unusually convincing".[59] The victim's testimony was internally consistent. She maintained a consistent account of the

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52 Certified Transcript dated 4 August 2025 at p 44, lines 10–16.

53 Certified Transcript dated 4 August 2025 at p 44, lines 17–18; TB at p 28.

54 SOF at paras 7–8.

55 SOF at para 8.

56 SOF at para 10.

57 SOF at para 10.

58 SOF at paras 11–13.

59 Prosecution's Closing Submissions ("PCS") at para 6.

Version No 1: 18 Mar 2026 (17:40 hrs)

events that took place on 18 April 2022, which was unshaken during cross-examination.[60] Any discrepancies or shortcomings in her evidence were minor and adequately accounted for. The victim remained a credible witness, notwithstanding the fact that she had fabricated other stories to her friends previously and the state of her mental health then.[61] The victim's testimony was also externally consistent with the contemporaneous objective evidence, such as her messages with PW6,[62] and with what she had recounted to other witnesses after the incident.[63] Accordingly, the Prosecution submitted that this was sufficient to prove both charges beyond reasonable doubt.

23 As for the accused's evidence, the Prosecution submitted that he was not a credible witness.[64] His assertion that the victim had sent him a message stating "no … sex" prior to their meeting on 18 April 2022 was a lie which corroborated his guilt.[65] There were also various inconsistencies between his position at trial and his previous statements. These related to material facts, such as the duration of their encounter and whether there was a smell from the victim's vagina as he alleged at trial.[66] The accused's credibility was further undermined by his false claims of mistreatment by the police.[67] The Prosecution thus submitted that the accused had failed to raise a reasonable doubt in the Prosecution's case.

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60 PCS at paras 4 and 16–23.

61 PCS at paras 47–52.

62 PCS at paras 11–12.

63 PCS at paras 14–15.

64 PCS at para 75.

65 PCS at paras 24–33.

66 PCS at paras 67–74.

67 PCS at paras 81–90.

Version No 1: 18 Mar 2026 (17:40 hrs)

The Defence's case

24 The accused denied the penetrative acts stated in the Rape Charge and SAP Charge. As mentioned, the accused's position at trial was that there was a "smell" from the victim's vagina which caused him to stop licking. As a result, he did not attempt to penetrate the victim's vagina with his fingers or penis (see [15(b)] above). Their whole encounter only lasted seven minutes, during which he licked the victim's vagina for about three to four minutes (see [15(c)] above).

25 In his written submissions at the end of the trial, the accused took issue with the victim's reliability as a witness, based on her poor mental health at the time of the incident and the inconsistencies in her evidence. He alleged that the victim had a tendency to lie and fabricate stories to her friends.[68] This rendered it unsafe to convict him on the basis of the victim's testimony. The accused also took issue with what he said was prosecutorial and police misconduct. He noted that he had not concealed his identity throughout the incident. He also submitted that there was no medical evidence to support the victim's allegations.[69]

26 As the accused was self-represented, I also noted various matters raised by him in his questions or responses in court, such as:

(a) the victim fabricated the allegations due to perceived harassment by the accused;[70]

(b) the victim did not disclose details of the incident to her friends;[71]

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68 Accused's Written Submissions ("AWS") at paras 3, 11 and 13.

69 AWS at paras 6, 8 and 15.

70 Certified Transcript dated 5 August 2025 at p 11, lines 12–21.

71 Certified Transcript dated 4 August 2025 at p 64, lines 25–29.

Version No 1: 18 Mar 2026 (17:40 hrs)

(c) the victim had sexual intercourse with others before;[72]

(d) the victim did not disclose all the messages between her and the accused;[73] and

(e) the victim's evidence was not given of her own accord.[74]

27 Finally, in the course of the trial, the accused alleged that he had been threatened by a "Tamil-speaking IO", and that this caused him to be in a state of fear when the statements were recorded from him.[75] As this raised an issue regarding the voluntariness of his statements, an ancillary hearing was held to determine their admissibility.

My decision

28 After considering the arguments and the evidence before me, I convicted the accused on both charges. I was satisfied that the Prosecution's case had been proven beyond a reasonable doubt. I concluded that the evidence of the victim was to be preferred over that of the accused, and that looking at the case as a whole, there was more than enough evidence to show, beyond any reasonable doubt, that the accused had penetrated the victim twice, and thereby committed the offences in the Rape Charge and SAP Charge.

29 The court had to determine this case by weighing the victim's evidence against that of the accused. As regards the victim's evidence, I found that it was internally consistent. Any discrepancy or shortcoming was minor and did not

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72 Certified Transcript dated 4 August 2025 at p 51, lines 4–17 and p 52, lines 13–31.

73 Certified Transcript dated 4 August 2025 at p 56, lines 18–30 and p 57, lines 1–20.

74 Certified Transcript dated 4 August 2025 at p 54, lines 17–32, p 55, lines 1–18 and p 65, lines 25–32.

75 Certified Transcript dated 22 April 2025 at p 60, lines 3–29.

Version No 1: 18 Mar 2026 (17:40 hrs)

cast doubt on her evidence. The victim's evidence was also externally consistent. Her mental health issues did not affect her credibility. Further, the lack of any immediate complaint or trauma did not undermine her account of the events that took place on 18 April 2022. The lack of distress about her sexual activities with the accused likewise did not undermine her evidence. The victim had no motive to falsely implicate the accused.

30 As for the accused's evidence, I found that he could not be believed. His position shifted over time, and there were material inconsistencies between his position at trial and the statements that were recorded from him. I was therefore unable to accept his version of events. Further, I found that the accused had lied about receiving a message from the victim stating "no … sex" before they met on 18 April 2022, and that this lie corroborated his guilt.

31 Turning to sentencing, I found that an appropriate sentence for the Rape Charge was 15 years' imprisonment and ten strokes of the cane. As for the SAP Charge, an appropriate sentence was ten years' imprisonment and four strokes of the cane. The sentences were ordered to run concurrently. Thus, the accused was sentenced to 15 years' imprisonment and 14 strokes of the cane in total.

Issues to be determined

32 The case turned on whether the penetrative acts stated in the two charges occurred. It was not disputed that the accused and the victim had met on 18 April 2022, and that some intimate activity had taken place. What the accused denied were the two acts of penetration. That turned on the respective credibility of the evidence given by the accused and the victim, and an assessment of whether the evidence pointed towards or against such penetration.

Version No 1: 18 Mar 2026 (17:40 hrs)

33 Before going into the substantive issues, I first set out the approach that I took to manage the process of cross-examination by the accused.

Conduct of proceedings involving self-represented persons in sexual offence cases

34 As the accused was unrepresented, the court was mindful to ensure that the accused was given a fair opportunity to present his case and to question the Prosecution's evidence, especially that of the victim. At the same time, the court had to bear in mind the unique considerations at play in cases involving sexual offences. Greater care had to be taken to protect the victim from inappropriate questions during cross-examination. As observed in *Thangarajan Elanchezhian v Public Prosecutor* [2024] 6 SLR 507 ("*Thangarajan*") at [83]:

> … Where sexual offences are concerned, the interests of the complainant should be accorded greater attention, specifically in the course of cross-examination. This is because the nature of such offences magnifies the harm which irrelevant and inappropriate questions may inflict. Such questions will not only annoy or irritate the victim but may also cause her to blame herself for the occurrence of the offence or question her recollection of the incident. This may in turn result in further psychological harm being inflicted on the victim, which may last long after the trial has concluded.

35 Thus, in cases involving sexual offences, it is imperative that the judge ensures that questions posed to the victim during cross-examination are relevant and not prohibited under the Evidence Act 1893 (2020 Rev Ed) and the Evidence (Restrictions on Questions and Evidence in Criminal Proceedings) Rules 2018: *Thangarajan* at [66] and [68]. Although the court in *Thangarajan* confined its remarks to cases where the accused is represented by counsel (see [86]), I found the guidance above helpful in cases involving self-represented accused persons as well.

Version No 1: 18 Mar 2026 (17:40 hrs)

36 In general, self-represented persons ("SRPs") are afforded some latitude in the conduct of their cases due to their lack of legal knowledge and experience. That said, their lack of legal training also renders it more likely for inappropriate questions to be asked, which, in turn, requires the process of cross-examination to be supervised more closely: *Seah Yong Yi Lucas v Public Prosecutor* [2025] 4 SLR 838 ("*Lucas Seah v PP*") at [47]–[48]. Therefore, to strike an appropriate balance, judges should bear in mind the criteria of relevance, permissibility and repetitiveness, in deciding whether to intervene in the questioning of witnesses by SRPs: *Lucas Seah v PP* at [49].

37 In cases involving sexual offences, the risk of harm to the victim would be particularly acute if the SRP is allowed to directly cross-examine the victim. Additional safeguards would be required in such cases to shield the victim from inappropriate questions, aside from the criteria of relevance, permissibility and repetitiveness.

38 Bearing in mind the above, the cross-examination by the accused in this case proceeded as follows. To ensure that the accused's questions were relevant and permissible, the court first asked him to outline the areas he would cover in the absence of the witness, at which point the court would highlight areas that were either irrelevant or impermissible. For instance, after hearing the evidence of the victim's mother ("PW7"), the accused indicated that he wished to ask her how she could be sure that the victim was looking pale when she returned home on 18 April 2022, given how much time had passed.[76] I permitted this question to be asked as it was relevant to the credibility of PW7's testimony.[77] However,

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[76] Certified Transcript dated 21 April 2025 at p 56, lines 1–12.

[77] Certified Transcript dated 21 April 2025 at p 58, lines 3–15.

Version No 1: 18 Mar 2026 (17:40 hrs)

the accused was not permitted to ask PW7 whether the victim had drunk alcohol that day, as this was irrelevant to the charges against him.[78]

39 Given the accused's lack of legal representation, I did allow him to raise certain issues belatedly or spontaneously in the course of the trial. For instance, I confirmed with the accused on at least two separate occasions that he was not alleging that he had been threatened when statements were recorded from him.[79] The accused subsequently alleged that he was threatened by a "Tamil-speaking IO", and that this caused him to be in a state of fear during the recording of the statements.[80] Notwithstanding the belated nature of the accused's allegations, I allowed the issue to be raised and directed for an ancillary hearing to be held to revisit the voluntariness of the statements.[81]

40 As regards the cross-examination of the victim, the questions were posed to the victim by the court, after the accused had first said them aloud. This was to reduce the interaction between the two. Additionally, throughout the victim's testimony, a physical screen was erected to prevent eye-to-eye contact, although a camera and monitor were set up to allow the accused to observe the victim as she testified.

41 Given the concerns noted above in relation to victims of sexual offences, I was particularly mindful to ensure that only relevant and permissible questions were posed to the victim. Questions such as whether the victim was alone when her conditioned statement was recorded were not permitted, and my reasons for

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78 Certified Transcript dated 21 April 2025 at p 58, lines 27–30 and p 59, lines 1–18.

79 Certified Transcript dated 22 April 2025 at p 32, lines 5–9, p 55, lines 29–32 and p 56, line 1.

80 Certified Transcript dated 22 April 2025 at p 60, lines 4–30.

81 Certified Transcript dated 22 April 2025 at p 85, lines 17–19.

Version No 1: 18 Mar 2026 (17:40 hrs)

not permitting such questions were explained to the accused.[82] Given the nature of the accused's defence, I did, however, permit some questioning of the victim as to her previous sexual encounters, but only to the extent that it impinged upon the credibility of her testimony in relation to the incident.[83] Such questions, as I emphasised to the accused, would not normally be permitted in cases involving sexual offences.[84] In undertaking this process, I bore in mind the need to clearly explain my reasons for implementing certain protective measures or disallowing certain questions to the accused, in the interest of transparency. As emphasised in *GHI v Public Prosecutor* [2024] 5 SLR 607 at [88], the overriding aim was to "ensure that justice is served whilst balancing the need to protect the witness and maintain the integrity of the judicial process, against the fundamental rights of the accused".

Voluntariness of the statements

42 As mentioned, the accused did not initially challenge the voluntariness of the statements recorded from him. This was confirmed both at the start of the trial and at various pre-trial case conferences.[85] However, as the accused seemed to raise a voluntariness issue on 22 April 2025, the question had to be revisited.[86] An ancillary hearing was held to determine the admissibility of the statements.

43 As it was, the accused alleged that a "Tamil-speaking IO", who was later identified to be Assistant Superintendent Ramesh ("ASP Ramesh"), threatened

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82 Certified Transcript dated 4 August 2025 at p 54, lines 17–32 and p 55, lines 1–18.

83 Certified Transcript dated 4 August 2025 at p 51, lines 4–19 and p 52, lines 13–21.

84 Certified Transcript dated 4 August 2025 at p 52, lines 23–31.

85 Certified Transcript dated 22 April 2025 at p 32, lines 5–9, p 55, lines 29–32 and p 56, line 1.

86 Certified Transcript dated 22 April 2025 at p 84, lines 1–32 and p 85, lines 1–20.

Version No 1: 18 Mar 2026 (17:40 hrs)

him prior to the recording of the video-recorded interview ("VRI") statements.[87] According to the accused, ASP Ramesh used vulgarities and insulted his family to such an extent that he felt faint and leaned against the bench.[88] As a result, he was in fear throughout the statement recording process.[89] These allegations were unequivocally denied by ASP Ramesh.[90] ASP Ramesh testified that he only told the accused that he was not being communicative, and that there was no use in talking to him.[91] This was corroborated by both Assistant Superintendent Gn ("ASP Gn") and Station Inspector Farhanah ("SI Farhanah").[92]

44 After considering the parties' submissions and evidence, I was satisfied that the statements were made voluntarily.[93] There was no threat, inducement or promise, nor were there circumstances amounting to oppression. The accused's version of events could not be accepted in the face of ASP Ramesh's testimony about what transpired in the room, which was corroborated by the other officers. Despite being given multiple opportunities to raise this issue, it was telling that this alleged incident with ASP Ramesh was only raised in the course of the trial. The allegation was raised as a mere afterthought and plainly false. In contrast, I had no reason to doubt the evidence of ASP Ramesh, ASP Gn and SI Farhanah. The accused thus failed to raise a reasonable doubt as to the voluntariness of his statements, which were accordingly admitted.

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87 Certified Transcript dated 22 April 2025 at p 60, lines 4–15.

88 Certified Transcript dated 24 April 2025 at p 32, lines 8–26.

89 Certified Transcript dated 24 April 2025 at p 33, lines 1–4.

90 Certified Transcript dated 24 April 2025 at p 13, lines 2–9 and 24–28.

91 Certified Transcript dated 24 April 2025 at p 13, lines 29–30 and p 14, lines 1–2.

92 Certified Transcript dated 24 April 2025 at p 23, lines 22–29 and p 29, lines 6–13.

93 Certified Transcript dated 24 April 2025 at p 39, lines 3–13.

Version No 1: 18 Mar 2026 (17:40 hrs)

45 The accused also alleged at various points that he was feeling hungry or giddy during the statement recording process, as he had not consumed any food for nine days.[94] This was not specifically addressed during the ancillary hearing. That said, I was amply satisfied that this did not affect the voluntariness of the statements, nor did it affect the weight to be placed on them. The documentary record clearly showed that meals were provided to the accused.[95] From the video recordings of the VRI statements, the accused did not appear weak or otherwise affected by any hunger as he claimed. He was able to follow what was going on and was able to respond as required.

Assessment of the victim's evidence

The unusually convincing standard

46 For the victim's uncorroborated testimony to form the sole basis for the accused's conviction, the victim's testimony must be unusually convincing. As explained in *Public Prosecutor v GCK* [2020] 1 SLR 486 ("*GCK*") at [88], this involves an assessment of the internal and external consistency of the victim's testimony.

47 The genesis of this requirement in Singapore is the decision of *Tang Kin Seng v Public Prosecutor* [1996] 3 SLR(R) 444 ("*Tang Kin Seng*"), where Yong Pung How CJ held that while a judge is not required to warn himself expressly of the danger of convicting on the uncorroborated evidence of a complainant, it was dangerous to convict on the words of the complainant alone, unless that evidence was unusually compelling (at [43]). This was traced back in Singapore to the decisions of *Public Prosecutor v Mardai* [1950] MLJ 33 and *Koh Eng*

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94 Certified Transcript dated 22 April 2022 at p 32, lines 15–20; Certified Transcript dated 5 August 2025 at p 12, lines 19–29 and p 33, lines 26–28.

95 Certified Transcript dated 5 August 2025 at p 27, lines 10–21 and p 28, lines 9–11.

Version No 1: 18 Mar 2026 (17:40 hrs)

Soon v R [1950] MLJ 52. The court examined the need for corroboration, tracing its treatment in various overseas cases. The court considered Lord Taylor CJ's observations in *R v Makanjuola; R v Easton* [1995] 3 All ER 730, one of the first cases in which the English courts had to consider when caution should be urged in the summing up to a jury. His Lordship noted that in some cases, it may be appropriate for a jury to be warned to exercise caution before acting on the unsupported evidence of a witness (at 733). Thus, Yong CJ in *Tang Kin Seng* found that there was authority to convict on the words of the complainant alone, so long as her evidence was unusually compelling, and it was not necessary for the court to be strictly concerned with whether corroboration existed (at [43]).

48 It must be noted that much of the concern about corroboration in sexual offence cases in the past seems to have been borne out of a reluctance to assess the word of the female victim of a sexual offence. The authorities cited in *Tang Kin Seng* (at [32]–[36]) seem to suggest that it was thought risky, at least in the past, to do so, because of the possibility of false allegations being readily made by female victims of sexual offences. That suspicion of female victims is clearly out of place and unfounded: see *GCK* at [96], citing *Kwan Peng Hong v Public Prosecutor* [2000] 2 SLR(R) 824 at [27].

49 Rather than corroboration, what would be required, as emphasised in the cases since *Tang Kin Seng*, is that the victim's testimony must be internally and externally consistent: *Haliffie bin Mamat v Public Prosecutor* [2016] 5 SLR 636 ("*Haliffie*") at [28]; and *AOF v Public Prosecutor* [2012] 3 SLR 34 ("*AOF*") at [115]. That involves an assessment of the victim's testimony against the totality of the evidence.

50 A useful distinction may be drawn here between independent evidence, *ie*, evidence emanating from other witnesses observing the incident and which

Version No 1: 18 Mar 2026 (17:40 hrs)

does not arise from the actions or statements of the victim, and other evidence which originates from or is connected to the victim, such as observations of the victim's behaviour or her statements to others. The former would generally qualify as corroboration in the traditional sense under *The King v Baskerville* [1916] 2 KB 658 ("*Baskerville*") and would usually be accorded greater weight, simply because it emanates from other sources: *AOF* at [177]. The latter, while not corroborative in the traditional *Baskerville* sense, would still be relevant in assessing the internal and external consistency of the victim's testimony.

51 Yet, as the cases make clear, our courts have adopted a liberal approach to corroboration since *Tang Kin Seng*: see *AOF* at [173]; *XP v Public Prosecutor* [2008] 4 SLR(R) 686 ("*XP v PP*") at [31]; and *Public Prosecutor v Mohammed Liton Mohammed Syeed Mallik* [2008] 1 SLR(R) 601 ("*Liton*") at [43]. Thus, a subsequent complaint by the victim would also constitute corroboration under the liberal approach, as long as it "was made at the first reasonable opportunity after the commission of the offence": *AOF* at [173]; and *Haliffie* at [30]. Given that such evidence originates from the victim herself, however, the weight that may be accorded to it would be reduced, and it does not do away with the need for the victim's testimony to be unusually convincing: *AOF* at [177]; and *XP v PP* at [29], citing *Khoo Kwoon Hain v Public Prosecutor* [1995] 2 SLR(R) 591 at [51]. In the final analysis, the liberal approach ensures that the court has the "necessary flexibility to treat relevant evidence as corroborative", and what the court is ultimately concerned with is "the substance as well as the relevance of the evidence, and whether it is supportive or confirmative of the weak evidence which it is meant to corroborate": *Liton* at [43].

52 In my view, the key takeaway from the liberal approach is that the focus is not on whether a particular piece of evidence constitutes corroboration, such as to do away with the requirement for the victim's testimony to be unusually

Version No 1: 18 Mar 2026 (17:40 hrs)

convincing. Instead, the focus is simply on assessing the internal and external consistency of the victim's testimony, and on attributing the appropriate weight to the various pieces of evidence. Whether a particular piece of evidence amounts to corroboration in the traditional *Baskerville* sense or under the liberal approach is beside the point. It all forms part of the evidential matrix against which the victim's testimony must be assessed.

53 Simply put, my general point is that in cases where it is the word of the victim against that of the accused, the court does not need to adopt a different approach towards assessing the evidence. All that is required, as in all criminal cases, is for the court to be satisfied that the Prosecution's case has been proven beyond reasonable doubt. It has been repeatedly emphasised that the unusually convincing standard does not impose any greater burden on the Prosecution: *XP v PP* at [31]; and *Haliffie* at [29]. Rather, the term "unusually convincing" is only "a heuristic tool designed to remind the adjudicator of the need for the sole evidence on which a conviction will rest to be sufficiently compelling in and of itself": *GII v Public Prosecutor* [2025] 3 SLR 578 at [26]; see also *GCK* at [91]. While the call for caution ought to be heeded, I would respectfully suggest that this label be discarded. We are ill-served by the label of "unusually convincing", which may detract away from the court's focal inquiry, which is simply whether the Prosecution's evidence is sufficient to cross the threshold of establishing its case beyond reasonable doubt: *XP v PP* at [30]; and *Teo Keng Pong v PP* [1996] 2 SLR(R) 890 at [73].

The victim's testimony was internally and externally consistent

54 I turn to the assessment of the victim's evidence.

55 The Prosecution argued that the victim's testimony in court in respect of the incident on 18 April 2022 and the penetrative acts that occurred was detailed

Version No 1: 18 Mar 2026 (17:40 hrs)

and consistent. It cohered with what she recounted to Dr Cai Yiming ("Dr Cai"), as outlined in the psychiatric report. She was candid about things she could not recall. The victim was not shaken during cross-examination, and she maintained her position in the face of the questions asked. The victim's testimony was also consistent with the extrinsic evidence, such as her messages with PW6 and the accused, and her demeanour immediately after the incident.

56 The accused argued that the victim should not be believed. He submitted that the victim's testimony was inconsistent and that she omitted various matters in her interactions with others and in her evidence to the police.

57 In my assessment, the victim's testimony was internally consistent.

58 First, the victim's testimony in court was detailed and textured. She was able to provide a considerable amount of detail which lent credence to what she recounted in respect of the incident. As regards the act of digital penetration, the victim explained that this involved the insertion of "a finger or two",[96] and that she knew that the accused had done so as she had experienced the same feeling when she masturbated previously.[97] As for the act of penile-vaginal penetration, the victim was able to recount details as to what the accused had said and what she was thinking at the time,[98] as well as the pain and discomfort she felt during the penetration.[99] She was also able to explain how the accused's penis went soft after some time, and what he did after that.[100] I was satisfied, based on the level

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96 Certified Transcript dated 4 August 2025 at p 34, lines 8–11.

97 Certified Transcript dated 4 August 2025 at p 34, lines 14–18.

98 Certified Transcript dated 4 August 2025 at p 34, lines 22–32 and p 35, lines 1–6.

99 Certified Transcript dated 4 August 2025 at p 35, lines 11–14.

100 Certified Transcript dated 4 August 2025 at p 35, lines 14–16.

Version No 1: 18 Mar 2026 (17:40 hrs)

of detail that the victim was able to provide regarding the penetrative acts, that her account of the incident was credible.

59 Further, the victim's testimony was not undermined by her responses to the accused's questions during cross-examination. She maintained her position on specific details surrounding the incident, such as the fact that the accused had laid out a shirt on the Grass Patch for her to lie on, and not a piece of canvas, as he alleged.[101] When queried as to whether she may have confused the incident with the accused on 18 April 2022 with a previous sexual partner, she was clear in her denial and was able to explain why she could not have confused the two.[102] At the same time, the victim was frank about things she did not know or recall. For example, she admitted that she did not know what hand or finger the accused used to digitally penetrate her.[103] This was consistent with she had stated in her conditioned statement.[104] In the same vein, the victim candidly admitted that she could not recall whether she had sent messages to both the "SPM" and "sweet sweet" accounts on 17 April 2022, and that she could only be sure that she had shown the police all the messages she received from the accused.[105] Altogether, there was simply no reason to suspect that the victim was not being truthful, or that she was fabricating the incident.

60 Second, the core of the victim's testimony was consistent with what she had recounted to Dr Cai. In the psychiatric report dated 29 August 2023, Dr Cai

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101 Certified Transcript dated 4 August 2025 at p 62, lines 7–15.

102 Certified Transcript dated 4 August 2025 at p 68, lines 14–32 and p 69, lines 1–9.

103 Certified Transcript dated 4 August 2025 at p 61, lines 1–12.

104 TB at p 377, para 9.

105 Certified Transcript dated 4 August 2025 at p 56, lines 18–30 and p 57, lines 1–20.

Version No 1: 18 Mar 2026 (17:40 hrs)

recorded the key details surrounding the incident and the penetrative acts stated in the Rape Charge and SAP Charge as follows:[106]

> Their first meeting was in April 2022 at the Sixth Avenue MRT station at night. He brought her to a grass hill nearby where he took off her pants and licked her vagina with his tongue. He also fingered her vagina followed by trying to insert his penis into her vagina. She added: "He got in a little bit but could not fully get in".

61 This was wholly consistent with the victim's testimony at trial. As seen from the above, she consistently maintained that there were two penetrative acts, with the digital penetration occurring first and the penile penetration later. She also consistently recounted that the accused was only able to insert his penis "a little bit". In the circumstances, the evidence pointed to the victim's version of events being the truth.

62 I also found that the victim's evidence was consistent with the extrinsic evidence, or at the very least, was not contradicted by it.

63 The Prosecution argued that the victim's messages to PW6 immediately after the incident were consistent with the victim's version of events at trial, *ie*, that the accused had lost his erection during the incident.[107] I accepted that these messages were broadly consistent with the victim's account of the incident, and that they suggested at least that the accused attempted penile penetration. More importantly, these messages contradicted the accused's version of events, which was that he only licked the victim's vagina, with nothing more being attempted.

64 The accused attempted to cast doubt on the victim's testimony by relying on the fact that the victim did not mention penetration, whether digital or penile,

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106 TB at p 366, para 8.

107 PCS at paras 11–12.

Version No 1: 18 Mar 2026 (17:40 hrs)

in her messages to PW6. The victim even made a joke about it.[108] In response, the Prosecution argued that the victim's failure to mention such penetration was consistent with the shame she felt regarding the incident and her desire to keep the incident private.[109] As the victim testified at trial, she did not want others to judge her for meeting with the accused,[110] and she only confided in PW6 out of precaution and because she thought PW6 was trustworthy.[111]

65 While I noted that the victim did not mention the penetrative acts in her messages to PW6, I did not find that this adversely affected the strength of her evidence. It was only natural that the victim would not recount the incident to a friend with the same level of detail and comprehensiveness as she would to a psychiatrist or in her testimony in court. The victim was young and distraught. Some omission was to be expected. It was evident that the focus of the victim's messages to PW6 was really about the ridiculousness of the accused's inability to consummate and how he responded to his failure thereafter. It was therefore understandable that the victim omitted to mention the penetrative acts to PW6.

66 As observed in *Thangarajan*, victims of sexual offences are not expected to inform someone or report the incident immediately and any delay in reporting is, by itself, inconclusive as to the credibility of the victim (at [72(a)]). Further, victims of sexual offences do not react in a uniform or predictable manner, and a diverse range of reactions is possible. Indeed, some may display great distress, while others may not: *Thangarajan* at [72(b)]; see also *GBR v Public Prosecutor* [2018] 3 SLR 1048 at [20]. In the circumstances, I was satisfied that the victim's

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108 AWS at para 4.

109 PCS at paras 53–54 and 58.

110 Certified Transcript dated 4 August 2025 at p 31, lines 1–7.

111 Certified Transcript dated 4 August 2025 at p 27, lines 23–32 and p 28, lines 1–6.

Version No 1: 18 Mar 2026 (17:40 hrs)

lack of immediate reporting or distress was within the realm of possibilities and did not detract away from her version of events, especially in light of her age at the time of the incident.

67 The Prosecution also pointed to the victim's appearance and demeanour when she returned home after the incident on 18 April 2022.[112] According to the victim's mother, the victim was "unusually pale" and "quiet" when she returned home that day.[113] It was argued that this was consistent with the victim's account that the incident on 18 April 2022 was the first time that someone had penetrated her vagina and with the victim's messages to PW6 about her state of mind after meeting the accused.[114]

68 In my view, PW7's observations about the victim's demeanour after the incident could not be given much weight. As explained, the reactions of victims of sexual offences are usually not probative of whether the sexual offences had in fact been committed. Further, given the passage of time, I did not find it safe to draw any conclusions from this aspect of PW7's testimony, although I noted that PW7 did provide an explanation as to how she could be sure about the date in question.[115]

69 Accordingly, I found that the victim's testimony was both internally and externally consistent.

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112 PCS at para 34.

113 Certified Transcript dated 21 April 2025 at p 60, lines 3–15.

114 PCS at para 35.

115 Certified Transcript dated 21 April 2025 at p 44, lines 1–8.

Version No 1: 18 Mar 2026 (17:40 hrs)

The victim was a credible witness

70 The accused sought to undermine the victim's credibility by pointing to instances where she had fabricated stories to her friends and misled them about her sexual encounters. I rejected these arguments. Even if the victim had lied to or misled others in the past, I found that the victim remained a credible witness overall, especially in relation to her testimony regarding the incident.

71 There were indeed instances where the victim may have lied in the past. The first of these involved the victim fabricating a story to her friends about her meeting a man at a bar in Clarke Quay ("Clarke Quay Story").[116] The victim told her friends that she drank alcohol with the man, and that he thereafter pressured her into having sexual intercourse with him.[117] While the victim eventually told her friends that this was all a lie, she testified that they did not believe her.[118] As a result, when she informed PW6 on 18 April 2022 that she was going to meet someone, PW6 assumed that this was the same person as the man in the Clarke Quay Story,[119] and that they were likely meeting to have sexual intercourse.[120]

72 I noted that the victim did not tell PW6 who exactly she was meeting or what they were planning to do.[121] While she did not appear to have made express untrue statements to PW6 about her meeting with the accused, it would seem at least that the victim was willing to have her friend falsely assume that the person

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116 Certified Transcript dated 4 August 2025 at p 28, lines 7–15.

117 Certified Transcript dated 4 August 2025 at p 28, lines 7–15.

118 Certified Transcript dated 4 August 2025 at p 28, lines 21–32.

119 Certified Transcript dated 4 August 2025 at p 28, lines 1–6; Certified Transcript dated 21 April 2025 at p 33, lines 9–17.

120 Certified Transcript dated 21 April 2025 at p 26, lines 27–29.

121 Certified Transcript dated 4 August 2025 at p 30, lines 7–13.

Version No 1: 18 Mar 2026 (17:40 hrs)

she was meeting was the same as the man in the Clarke Quay Story that she had fabricated previously.[122]

73 Aside from the Clarke Quay Story, the victim was also not forthcoming on various occasions with her mother. She lied to PW7 about her activities, such as where she was and what she was doing on the day of the incident.[123] She also did not disclose to PW7 that she had sexual intercourse with the accused. When the victim first confided in PW7, this was only in relation to the harassment and threats being made by the accused.[124] It was only upon the lodging of the police report that PW7 found out about the sexual assault.[125] Further, prior to the police report being made, the victim had also met with the school counsellor on a few occasions. During these sessions, when asked about the harassment, the victim denied that she was being harassed and said that it was something she made up to her friends.[126]

74 It was clear that the victim was often not truthful in her interactions with others. However, I found that this did not undermine the credibility of her testimony in relation to the two charges. I accepted the victim's explanation that she fabricated the Clarke Quay Story to her friends to seek attention.[127] Further, I accepted that her reluctance to share details about her meeting with the accused was due to her fear of being judged and shunned by her friends.[128] As a result,

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122 Certified Transcript dated 4 August 2025 at p 30, lines 7–13.

123 TB at pp 11–13; Certified Transcript dated 21 April 2025 at p 45, lines 2–28.

124 Certified Transcript dated 21 April 2025 at p 47, lines 20–27.

125 Certified Transcript dated 21 April 2025 at p 50, lines 12–28.

126 Certified Transcript dated 21 April 2025 at p 46, lines 24–32.

127 Certified Transcript dated 4 August 2025 at p 28, lines 9–15 and 28–29.

128 Certified Transcript dated 4 August 2025 at p 30, lines 10–13 and p 38, lines 1–2.

Version No 1: 18 Mar 2026 (17:40 hrs)

the victim was content to let PW6 falsely assume that she had met with the same person on 18 April 2022 as the man in the Clarke Quay Story.

75 As for her mother, I accepted that the victim did not disclose the sexual activities between her and the accused as she was afraid that her mother would be upset and revoke her freedom and privileges.[129] The victim's behaviour was, to my mind, understandable and expected. After all, she was only 13 years old when she first told her mother about the incident. Minors would not always tell the truth when dealing with embarrassing or threatening situations, or when they have done something wrong.

76 Notwithstanding the above, I was satisfied that the victim was telling the truth when she testified in court about the penetrative acts that took place. The difference here was that the victim was mindful and aware of the importance of telling the truth. She maintained a consistent account of the incident throughout the entire process, whether in her statements to the police or the psychiatrist, or in her testimony at trial. In contrast, when she was confronted about the Clarke Quay Story by her teachers, the victim immediately admitted that it was a lie.[130] Her past behaviour and lack of candour on other occasions did not, in my view, cast real doubt on the credibility of her testimony regarding the incident.

77 I also noted the testimony of Dr Marcus Tan ("Dr Tan"), who saw the victim regularly since December 2021. According to Dr Tan, the victim did not suffer from any psychotic illness and was not prone to hallucinations.[131] While she suffered from major depressive disorder,[132] her condition did not disqualify

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129 Certified Transcript dated 4 August 2025 at p 44, lines 10–16.

130 Certified Transcript dated 4 August 2025 at p 67, lines 24–32 and p 68, lines 1–4.

131 Certified Transcript dated 25 April 2025 at p 13, lines 13–24.

132 TB at p 373.

Version No 1: 18 Mar 2026 (17:40 hrs)

her from giving reliable testimony.[133] The medications prescribed to her likewise did not impact her ability to testify.[134] I accepted Dr Tan's testimony. Although it was not crucial to my assessment of the victim's evidence overall, I accepted that it suggested at least that there was no basis for the accused's allegation that the victim's medical condition somehow caused her to fabricate the penetrative acts in question.

78 Finally, I accepted the Prosecution's submission that the victim had no motive to lie and implicate the accused.[135] The messages from the accused were sufficient evidence of harassment. There was no need for the victim to go further and fabricate the penetrative acts against the accused. Although the absence of a motive is not sufficient on its own to render the victim's testimony unusually convincing and thereby sufficient to prove the case against the accused beyond reasonable doubt (*Public Prosecutor v Yue Roger Jr* [2019] 3 SLR 749 at [50]), it remained relevant to my overall assessment of the victim's testimony.

79 Accordingly, putting to one side for the moment, my observations at [53] above, I found that the victim's testimony was unusually convincing. It was therefore sufficient to prove both charges against the accused beyond reasonable doubt.

Assessment of the accused's evidence

80 I turn next to the accused's evidence.

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133 Certified Transcript dated 25 April 2025 at p 38, lines 1–3.

134 Certified Transcript dated 25 April 2025 at p 38, lines 5–7.

135 PCS at paras 59–65.

Version No 1: 18 Mar 2026 (17:40 hrs)

81 In summary, I rejected the accused's version of events. The accused was not a credible witness. His allegations about the smell from the victim's vagina and the duration of their encounter were inconsistent with his statements. There was no evidence to support his bare assertions. The evidence suggested instead that the penetrative acts did in fact take place. Further, I found that the accused lied about receiving a message from the victim stating "no … sex", and that this corroborated the evidence of his guilt. Accordingly, the accused failed to raise a reasonable doubt in the Prosecution's case.

The accused's version of events was rejected

The alleged smell from the victim's vagina

82 The accused claimed at trial that he did not penetrate the victim, whether digitally or with his penis, because of an alleged pungent smell from the victim's vagina, which caused him to stop licking.[136] The Prosecution submitted that this was not a credible piece of testimony. It was only raised during the later stages of the trial during the victim's cross-examination, and was not mentioned in any of his previous statements.[137]

83 In my view, the accused failed to adequately explain why this allegation was raised so belatedly. If it were true, one would have expected the accused to have raised this early and consistently. His failure to do so in any of his previous statements casted substantial doubt on the truth of his assertion. Indeed, I noted that in his cautioned statement on 23 March 2023, the accused explained that he stopped licking the victim's vagina because she "had to go back home early".[138]

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136 Certified Transcript dated 5 August 2025 at p 8, lines 20–26.

137 PCS at para 72.

138 TB at p 212.

Version No 1: 18 Mar 2026 (17:40 hrs)

There was no mention of any pungent smell. In the circumstances, the accused's change in position led to the inference that his assertion regarding the smell was false and merely an afterthought. The victim, for her part, denied that there was any such smell.[139] The accused refuted this by saying that the victim was wearing a mask and could not smell.[140] However, I did not find this convincing. In light of the victim's denial and the accused's delay in raising this assertion, I rejected his assertion in relation to the smell.

The duration of their encounter

84 The accused also claimed at trial that his encounter with the victim only lasted about seven minutes, and that he only licked the victim's vagina for about three to four minutes.[141] To support this, the accused claimed that he was already on the bus when he sent the message to the victim at 8.49pm.[142] The Prosecution noted that this was a departure from his previous statements, where he admitted consistently to licking the victim for about 15 minutes.[143]

85 The shorter duration alleged by the accused would appear to support his assertion above that he had stopped their encounter early as a result of the smell. The implication of this is that it would not have been possible for their encounter to be as described by the victim, and that the accused could not have penetrated her. In response, the Prosecution argued that the accused's assertion was entirely self-serving and was not to be believed, given the inconsistencies with his earlier statements.

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139 Certified Transcript dated 4 August 2025 at p 62, lines 25–28 and p 63, lines 1–3.

140 Certified Transcript dated 4 August 2025 at p 63, lines 18–19.

141 Certified Transcript dated 5 August 2025 at p 17, lines 12–17.

142 Certified Transcript dated 5 August 2025 at p 9, lines 3–7.

143 PCS at para 72; TB at pp 82 and 212.

Version No 1: 18 Mar 2026 (17:40 hrs)

86 The accused sought to justify his shift in position by saying that he only realised the true duration of their encounter after looking at his messages.[144] This explanation, I found, was not convincing. It was not entirely clear why checking the messages would have made him cut the duration of their encounter in half. Part of the basis for the accused's estimate was the message he sent to the victim at 8.49pm, which he claimed was sent when he was already on the bus.[145] As the accused himself stated in his VRI statement dated 22 March 2023, however, he had walked the victim back to the MRT Station first, at which point she received a call and removed her mask.[146] Based on the evidence, this must have been the victim's call with PW6, which only commenced at around 8.57pm.[147] Thus, the accused's assertion that he was already on the bus at this point was contradicted by the objective evidence, which included his own recollection of the sequence of events. His testimony at trial in relation to the duration of their encounter was therefore neither reliable nor credible. One would have expected, in the ordinary course of things, that the accused's recollection of the duration of the encounter would have been sharper and clearer when the statements were recorded, which was closer in time to the incident.

87 Accordingly, I rejected the accused's assertion in relation to the duration of his encounter with the victim.

The messages between the victim and the accused

88 The parties' arguments on the exchange of messages between the victim and the accused centred on the use of the word "sex". The Prosecution relied on

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144 Certified Transcript dated 5 August 2025 at p 32, lines 8–25.

145 Certified Transcript dated 5 August 2025 at p 9, lines 3–7.

146 TB at p 105.

147 TB at pp 353–354.

Version No 1: 18 Mar 2026 (17:40 hrs)

the references to "sex" in the messages, arguing that this was indicative that the penetrative acts had occurred.[148] The accused argued, however, that in using the word "sex", he had only intended to refer to "oral sex", *ie*, cunnilingus, and not penetrative sex.[149] Given his poor command of the English language, he did not distinguish between "sex" and "lick" in his messages to the victim.[150]

89 In my view, the messages exchanged between the victim and the accused did point towards there having been penetrative acts when they met on 18 April 2022, based on the accused's use of the word "sex", as opposed to "lick", in his messages. I did not accept the accused's contention that when he used the word "sex", he only meant "oral sex". I accepted the Prosecution's argument that the accused's messages belied this. He was indeed aware of the distinction between "sex" and "lick", and meant different things when he used each word.

90 While the messages from the accused immediately after the incident did not mention any sexual intercourse and only mentioned licking, his subsequent messages, when referring back to the incident on 18 April 2022, did distinguish between "sex" and "lick", which pointed to the penetrative acts being done then. The inference to be drawn from the messages was perhaps not as strong as what the Prosecution had argued for.[151] It did not, in my view, corroborate the victim's account of the penetrative acts. But viewing the messages together with the rest of the evidence, I was satisfied that it formed part of the confluence of inferences showing that the accused committed the acts of digital and penile penetration as stated in the two charges.

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148 PCS at paras 36–44.

149 Certified Transcript dated 5 August 2025 at p 32, lines 30–31 and p 33, lines 1–6.

150 Certified Transcript dated 5 August 2025 at p 22, lines 15–28.

151 PCS at paras 36 and 44.

Version No 1: 18 Mar 2026 (17:40 hrs)

91 The inference that the penetrative acts occurred on 18 April 2022 flowed from the accused's use of the word "sex" in the following exchanges:

(a) On 18 April 2022, the accused messaged the victim: "Thanks so much for giving me opportunity for lick".[152] This was sent soon after the incident at 8.49pm while the victim was walking to the MRT Station.[153] While there was no mention of any sexual intercourse, this provided an important contrast to the subsequent messages.

(b) On 24 April 2022, the accused sent the following messages:

(i) "I hope one-day u can like so much my lick sex everything but I need more chances".[154]

(ii) "I ask u meet more Many times for because u said my lick sex not best … when you said not good my sex that's still I feel bad …".[155]

(iii) "… when u will fully satisfied my sex lick all then only I can relax until that day I can't be happy …".[156]

(c) In October 2022, the accused sent the following messages to the victim using his "DFG" account:

(i) "… last meet u not happy my sex … when u happy my sex then only am happy …".[157]

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152 Exhibit P2.23 (message sent by the accused at 8.49pm).

153 Certified Transcript dated 4 August 2025 at p 39, lines 1–5.

154 Exhibit P2.30 (message sent by the accused at 6.44pm).

155 Exhibit P2.32 (message sent by the accused at 7.12pm).

156 Exhibit P2.32 (message sent by the accused at 7.24pm).

157 TB at p 21.

Version No 1: 18 Mar 2026 (17:40 hrs)

(ii) "… first time I meet u and I like u so much and u say not best my sex that's reason for still asking".[158]

(iii) "I know u won't meet me any more … sex can't force, when 2nd time u do like that Don't want then I still asking also no use …".[159]

92 The inference I would draw from the above messages is that despite the accused's avowed lack of command of the English language,[160] there was indeed a distinction in his mind between "sex" and "lick". The former would connote penetrative acts, while the latter would refer to cunnilingus only. The terms were not used interchangeably by the accused. His subsequent references to "sex", as opposed to just "lick" as in his first message at [91(a)] above, suggested that he had more than just licking in mind. The contents of these messages suggested that he was hoping to improve upon what had happened during sexual intercourse in their previous meeting. This was consistent with the victim's account that the accused had lost his erection during the penile penetration. In contrast, the messages did not align naturally with the accused's version of events.

93 Accordingly, while the messages did not amount to corroboration in the traditional sense by themselves, I was satisfied that, taken together with the rest of the evidence and the inferences drawn, the messages did point towards such penetration having occurred.

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158 TB at p 22.

159 TB at p 23.

160 Certified Transcript dated 5 August 2025 at p 33, lines 1–4.

Version No 1: 18 Mar 2026 (17:40 hrs)

94 The accused also claimed that he had received a message from the victim on 18 April 2022 prior to their meeting, stating that there was to be "no … sex" when they met. I address this in greater detail below (see [98]–[105]). In brief, I found that this was a lie, and no such message was received. However, the fact that the accused raised this argument showed, to my mind, that he was aware of the distinction between "sex" and "lick", which undermined his arguments here even further.

The accused's possession of the climax control spray and condoms

95 Finally, the Prosecution pointed to the accused having two condoms and a climax control spray in his possession when he was arrested. According to the accused's fourth VRI statement dated 29 March 2023, the spray would help him sustain his erection for about 10 minutes. Without it, he would ejaculate within 15 to 30 seconds.[161] The Prosecution argued that this corroborated the victim's account that the accused inserted his penis into her vagina and lost his erection thereafter.[162]

96 The accused claimed that the condoms found on him were meant for oral sex only.[163] He did not provide any explanation for the climax control spray at trial.[164]

97 Again, this did not amount to corroborative evidence of the commission of the offences. The fact that the accused was in possession of the condoms and spray on the day of his arrest while on his way to meet the victim did not indicate

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161 TB at p 335.

162 PCS at para 46.

163 TB at pp 134–136.

164 Certified Transcript dated 5 August 2025 at p 52, lines 26–29.

Version No 1: 18 Mar 2026 (17:40 hrs)

that he had penetrated her during the incident on 18 April 2022. I would accept, however, that the presence of the spray was at least consistent with the victim's narrative. It would seem that the spray was intended to help the accused prevent early ejaculation and flaccidity. It was therefore consistent with penile insertion having been attempted and with the accused losing his erection thereafter on the day of the incident.

The accused's lie was corroborative of his guilt

98 The Prosecution relied on the doctrine in *Regina v Lucas (Ruth)* [1981] QB 720 ("*Lucas*"). In his first VRI statement dated 22 March 2023, the accused claimed that he received a message from the victim prior to their meeting stating "no … sex".[165] However, there was no evidence of any such message. Thus, the Prosecution submitted that this was a *Lucas* lie which corroborated the evidence of the accused's guilt.[166]

99 For a *Lucas* lie to be made out, four requirements must be satisfied (see *Mohamed Affandi bin Rosli v Public Prosecutor* [2019] 1 SLR 440 at [162]):

(a) the lie told out of court was deliberate;

(b) the lie related to a material issue;

(c) the motive for the lie was a realisation of guilt and a fear of the truth; and

(d) the statement must be shown clearly to be a lie by independent evidence.

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165 TB at p 83.

166 PCS at paras 24–33.

Version No 1: 18 Mar 2026 (17:40 hrs)

100 I found that the requirements were clearly satisfied and that a *Lucas lie* was made out. This served to corroborate the evidence of the accused's guilt in respect of the Rape Charge and SAP Charge.

101 In my view, it was clear that the victim did not send any such message to the accused as he had claimed. Despite being given ample opportunities to do so, the accused failed to adduce any evidence of this message. For instance:

(a) During the recording of his VRI statement, the police asked him to provide proof of the message. The accused was evasive. Among other things, he claimed that he no longer had the message because the victim had deleted it.[167] He also claimed that he was unable to unlock his phone as his "fingerprint [was] not working now",[168] and that he had forgotten his password.[169] To my mind, his explanations were not at all convincing. The accused's refusal to cooperate with the police to verify the existence of the message, which was a central plank of his defence, suggested that he was clearly lying.

(b) During cross-examination, the accused was again questioned on the alleged message. He claimed that the message was sent to his "SPM" account, and not his "sweet sweet" account, on the day of the incident at around 5.00pm.[170] It was the victim who omitted to provide the message to the police.[171] He reiterated that he was unable to provide the message

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167 TB at pp 84–85.

168 TB at p 86.

169 TB at p 90.

170 Certified Transcript dated 5 August 2025 at p 18, lines 29–32 and p 19, lines 1–7.

171 Certified Transcript dated 5 August 2025 at p 19, lines 8–10.

Version No 1: 18 Mar 2026 (17:40 hrs)

> to the police as he was unable to unlock his phone.[172] Again, I could not accept the accused's explanation. As the Prosecution noted, the accused had sent the victim a string of messages using his "sweet sweet" account from 1.26pm to 7.14pm on the day of the incident, before the victim first replied at 7.22pm.[173] If the victim had indeed sent an earlier message to the accused's "SPM" account, it would have been logical for the accused to continue messaging her on that account, instead of his "sweet sweet" account. Yet, no such messages were ever recovered.

102 Accordingly, I was satisfied that the accused was clearly lying about the message. There was simply no objective evidence to support his assertion. The accused could not provide any adequate explanation for this.

103 The lie was clearly deliberate. It also related to a material issue, namely, whether there was penetration during the incident. If such a message had indeed been received, it would have significantly undermined the victim's account of the penetrative acts, and pointed towards the accused's exoneration instead. The message would clearly have been central to the accused's defence, if it existed.

104 The motive for the lie was also clearly a realisation of guilt and a fear of the truth. The only inference I could draw from the accused's evasive behaviour was that this lie was put forward by the accused because he knew he was guilty and that he fabricated the existence of the message to evade the charges against him. There was no other conceivable explanation for his behaviour.

105 The *Lucas* lie thus corroborated the evidence of the accused's guilt. I would note, however, that this was not strictly necessary for the charges to be

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172 Certified Transcript dated 5 August 2025 at p 19, lines 11–21.

173 Exhibit P2.10.

Version No 1: 18 Mar 2026 (17:40 hrs)

proven beyond reasonable doubt, given my finding that the victim's testimony was unusually convincing (see [79] above).

The accused's other lies undermined his credibility

106 Aside from the *Lucas* lie, the accused also lied about various other things in the course of the trial. For example:

(a) In relation to the circumstances of his arrest, the accused claimed that he had been treated roughly and would have died if he had been held down for another ten seconds.[174] This was denied by the police officer in question, who testified that there was a "brief struggle" which ended up in both of them falling to the ground.[175] The accused was examined after and no injuries were observed.[176] There was no reason to doubt the police officer's testimony. The accused's version was clearly an exaggeration.

(b) As noted above in relation to the voluntariness of the statements, the accused also made various false assertions about being threatened by ASP Ramesh and feeling "giddy" during the recording of the statements as he had not eaten for nine days (see [42]–[45] above).

107 A lie that is not corroborative of guilt can still be relied upon to find that an accused person is not credible: *Public Prosecutor v Ilechukwu Uchechukwu Chukwudi* [2015] SGCA 33 at [62]. Thus, even if these other lies were not *Lucas* lies, I was satisfied that they served to undermine the credibility of the accused and remained relevant to my overall assessment of his evidence.

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174 Certified Transcript dated 22 April 2025 at p 94, lines 6–20.

175 Certified Transcript dated 22 April 2025 at p 90, lines 19–26.

176 Certified Transcript dated 22 April 2025 at p 91, lines 10–27.

Version No 1: 18 Mar 2026 (17:40 hrs)

108 I would note that the accused tended to claim all manner of discomfort and disabilities, which were usually belied by his actual appearance in court and in the various VRI statements. All of these, I would conclude, were just attempts on his part to delay and disrupt proceedings.

Conclusion on conviction

109 Looking at the evidence as a whole and weighing the victim's testimony against that of the accused, I was satisfied that the victim's testimony was to be preferred. The victim's evidence was consistent and unshaken. Whatever issues there were about her credibility were explainable and understandable, given her youth and circumstances. She was credible in relation to her recollection of the incident with the accused and of the penetrative acts that occurred.

110 In contrast, the accused was not a credible witness. His assertions at trial were only raised belatedly and did not cohere with his previous statements. This casted substantial doubt on the truth of his assertions. The accused's credibility was also undermined by the various lies he told at trial. Having rejected his bare assertions, the remaining evidence simply did not raise any reasonable doubt in the victim's testimony.

111 Accordingly, I was satisfied that the acts of digital and penile penetration did occur, and that the Prosecution's case was proven beyond reasonable doubt. The victim's testimony regarding the incident was unusually convincing, having regard to the totality of the evidence, including that of the accused. Even if that were not the case, the *Lucas* lie corroborated the evidence of the accused's guilt. The accused was therefore convicted on both charges.

Version No 1: 18 Mar 2026 (17:40 hrs)

Sentencing

112 After conviction, the accused was given the opportunity to plead guilty to various outstanding charges relating to the same victim.[177] While ample time was given for him to consider and weigh his options, the accused ultimately did not appear minded to plead guilty to the outstanding charges at the sentencing hearing more than a month later.[178] The court thus stood down the outstanding charges again, and proceeded to sentence him on the convicted charges.[179]

113 The accused did not give much by way of mitigation, aside from a bare statement of remorse in his written submissions.[180] He maintained his denial of the commission of the offences.[181] Nevertheless, the court took into account his lack of antecedents. Given that the accused did not plead guilty to the additional charges which were stood down, those were not factored into my decision.

114 Taking first the Rape Charge, the two-step framework in *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 ("*Terence Ng*") applied. At the first step, the court identifies the appropriate sentencing band for the offence in question and the indicative starting point within that range, having regard to the offence-specific factors. At the second step, the court calibrates the sentence by having regard to the offender-specific factors: *Terence Ng* at [73].

115 Applying the framework, I accepted that this should fall within the lower end of Band 2. In this regard, I considered the following factors to be relevant:

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177 Certified Transcript dated 29 October 2025 at p 5, lines 24–32, p 6, lines 1–2, p 7, lines 2–16 and p 8, lines 1–20.

178 Certified Transcript dated 5 December 2025 at p 9, lines 3–25.

179 Certified Transcript dated 5 December 2025 at p 10, lines 3–11.

180 Accused's Written Submissions (Sentencing) dated 7 November 2025 at p 1.

181 Certified Transcript dated 5 December 2025 at p 22, lines 3–5 and p 23, lines 24–26.

Version No 1: 18 Mar 2026 (17:40 hrs)

(a) First, the victim was younger than the stipulated age ceiling of 14 years: *GBR v Public Prosecutor* [2018] 3 SLR 1048 at [29(f)].

(b) Second, the accused concealed his identity from the victim. This was not, I found, mere coincidence; there was an active effort on his part to suppress information about his identity. He used various pseudonyms when communicating with the victim, as seen from the usernames of his Telegram accounts. He declined to share his name and age.[182] The clear inference to be drawn was that the accused was trying to protect himself and prevent anything from being traced to him after his rape and digital penetration of the victim. As noted in *AQW v Public Prosecutor* [2015] 4 SLR 150 at [61], an offender's intent or attempt to conceal his identity and avoid detection is an aggravating factor.

(c) Finally, as the penetration occurred without a condom, the victim was exposed to the risk of pregnancy and sexually-transmitted diseases: *Public Prosecutor v Isham bin Kayubi* [2020] SGHC 44 at [103(e)].

116 Having regard to all the factors, I accepted the Prosecution's submission that the indicative starting point would be about 14 years' imprisonment and ten strokes of the cane. This took into account the fact that there was limited penile penetration for the Rape Charge.

117 As for the offender-specific factors, I accepted that a slight uplift in the sentence was justified. The accused attempted to obstruct proceedings at various points, such as by threatening a hunger strike,[183] and not being responsive to the

182 Exhibit P3.1.

183 Certified Transcript dated 25 April 2025 at p 1, lines 10–22.

Version No 1: 18 Mar 2026 (17:40 hrs)

court.[184] I did not accept the excuses and reasons he put forward, such as the fact that he had high blood pressure or was feeling giddy.[185] He also made allegations of prosecutorial and police misconduct,[186] which were baseless and went beyond the acceptable questioning of the Prosecution's case.

118 In my calibration, some of the other factors relied on by the Prosecution were not taken into consideration. As regards the lack of remorse, I would note that while genuine remorse may warrant a reduction in the sentence, any lack of remorse by an accused who has claimed trial was to be expected and would not, to my mind, generally warrant an uplift in the sentence, unless it crosses the line beyond mere denial. Thus, I did not weigh the accused's lack of remorse against him too heavily, although a slight uplift in the sentence was still justified in light of his overall conduct at trial (see [117] above). As for the accused's questions about the victim's mental conditions and sexual history,[187] I did not find this to be an aggravating factor here, as the victim was not, in fact, questioned directly about these matters and any discomfort caused to her was limited.

119 Thus, looking at the matter as a whole, I determined that an appropriate sentence would be 15 years' imprisonment and ten strokes of the cane.

120 Turning to the SAP Charge, I accepted the Prosecution's submission that this should fall within the upper end of Band 1 of the framework in *Pram Nair v Public Prosecutor* [2017] 2 SLR 1015. Apart from the risk of pregnancy and disease, the rest of the offence-specific factors were similarly applicable. Thus, an indicative starting point of about nine years' imprisonment and four strokes

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184 Certified Transcript dated 29 October 2025 at p 6, lines 1–2 and 17–30.

185 Certified Transcript dated 5 December 2025 at p 22, lines 6–21.

186 PCS at paras 14(c) and (f).

187 PCS at para 14(d).

Version No 1: 18 Mar 2026 (17:40 hrs)

of the cane was appropriate. Applying a slight uplift for the same reasons as for the Rape Charge, an appropriate sentence would be ten years' imprisonment and four strokes of the cane.

121 The sentences were ordered to run concurrently, thereby amounting to a global sentence of 15 years' imprisonment and 14 strokes of the cane.

122 I was satisfied that this was an appropriate overall sentence, and that no reduction under the totality principle was required. I found that the accused had chosen to take advantage of a very young person to satisfy his lusts; he did not care about the effect of his actions on her and her life. He certainly knew that what he was doing was wrong. He took pains to conceal his identity and evade detection and capture. In trying to escape the consequences of his selfishness, the accused not only went beyond a mere denial of the charges against him, but also obstructed the proceedings and made baseless and unwarranted allegations against the victim, the Prosecution and the police. The overall sentence passed matched the high degree of criminality shown by the accused.

Aidan Xu
Judge of the High Court

Eunice Chew (up to 14 October 2025), Jiang Ke-Yue (from 29 October 2025), Andrew Chia Cheng Yi and Shaun Lim Sheng Kang (Attorney-General's Chambers) for the Prosecution;
The accused in person.

Version No 1: 18 Mar 2026 (17:40 hrs)