

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGMC 25

Magistrate Arrest Case No 901670 of 2023
Magistrate's Appeals No 9184 of 2025-01

Public Prosecutor

Against

Ken Lim Chih Chiang

GROUND S OF DECISION

[Criminal Law] — [Offences] — [Outrage of modesty]
[Criminal Procedure and Sentencing] — [Sentencing] — [Section 354(1) Penal
Code (Cap 224, 2008 Rev Ed)]

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Public Prosecutor
v
Ken Lim Chih Chiang
[2026] SGMC 25

Magistrate Arrest Case No 901670 of 2023
Magistrate's Appeals No 9184 of 2025-01
District Judge Lee Lit Cheng
9–11 October and 25–29 November 2024, 4–7 February, 23–25 April, 5, 26
September and 18 November 2025

19 February 2026

District Judge Lee Lit Cheng:

Introduction

1 The accused owns Hype Records, a company whose business includes developing and managing artistes in the entertainment industry. He is also known for his role as a member of the judging panel in the television programme, *Singapore Idol*.

2 The accused was convicted after trial of a charge under s 354(1) of the Penal Code (Cap 224, 2008 Rev Ed) for outraging the modesty of the complainant, whom he was interviewing at the Hype Records office on 23 November 2021.

The Prosecution’s case

3 Hype Records talent-spotted the complainant on social media and invited her to meet at their office at Henderson Building to explore potential collaborations. She was interviewed by the accused on three occasions: 16, 18 and 23 November 2021.

4 The Prosecution’s case was that the accused molested the complainant during the third meeting. He had asked the complainant to kiss him and she did so, believing that it was part of the interview process. While kissing, the accused touched her breast under her clothing without her consent. The complainant was shocked and pretended that nothing had happened. She told her boyfriend (“BF”) and her best friend, G, the next day, and later confided in another close friend, J. The complainant lodged a police report on 1 December 2021.

The Defence’s case

5 The accused denied kissing the complainant or touching her breast, contending that it was practically impossible for him to touch her breast in the manner she described. CCTV footage showed the complainant behaving normally when she left the Hype Records office with the accused after the third meeting. The Defence submitted that the complainant fabricated the allegation against the accused because she was angry that he remained uncommitted to Hype Records entering into any contractual agreement with her, and because of her belief that becoming embroiled in a scandal would bring her fame.

My decision

6 This case turned on the complainant’s word against that of the accused. I found the complainant’s evidence unusually convincing. She was a truthful witness whose cogent, textured and consistent testimony bore a ring of truth.

Her seemingly normal behaviour when she left the Hype Records office after the third meeting was consistent with her evidence that she did not confront the accused at the scene and had pretended that nothing had happened. The complainant's abrupt change in attitude after the third meeting was particularly telling of the molestation that had occurred during that encounter. Given that the accused's text messages demonstrated his continued interest in her, the complainant would have had no reason to withdraw from ongoing discussions with the accused regarding potential collaboration with Hype Records. The contention that the complainant had fabricated the allegation to become famous was entirely unsubstantiated, as there was no evidence to suggest that she had sought to exploit the complaint for public attention.

7 Conversely, I found the accused to be an untruthful witness. He falsely claimed that his police statement was inaccurately recorded, and his court testimony contradicted his statement in aspects that aligned with the complainant's evidence. Having considered the Defence's case, I was satisfied that the Prosecution had proven the charge beyond a reasonable doubt and I convicted the accused of the charge.

8 Applying the sentencing framework in *Kunasekaran s/o Kalimuthu Somasundara v Public Prosecutor* [2018] 4 SLR 580 ("*Kunasekaran*"), this case fell within the higher end of Band 2 and a sentence of 12 months' imprisonment was appropriate. As the accused was above 50 years of age at the time of the offence, I imposed an additional one month's imprisonment in lieu of three strokes of the cane which could not be ordered due to his age. The accused was therefore sentenced to 13 months' imprisonment.

The appeal

9 The accused appealed against both conviction and sentence. He is on

bail pending the appeal.

Legal Principles

10 The Prosecution’s case was based primarily on the testimony of the complainant, who was alone with the accused at the time of the offence. To convict, the evidence of the complainant must be unusually convincing.

11 As the Court of Appeal observed in *Public Prosecutor v GCK and another matter* [2020] 1 SLR 486 (“*GCK*”) at [90]-[91], the “unusually convincing” standard is not a test or even a standard, but rather a heuristic tool to remind the court of the high threshold that the Prosecution must meet in order to secure a conviction. The “unusually convincing” standard entails that the witness’s testimony alone is sufficient to prove the charge beyond a reasonable doubt.

12 Where the uncorroborated evidence of a witness forms the sole basis for conviction, the evidence of the witness must be “so convincing that the Prosecution’s case was proven beyond reasonable doubt, solely on the basis of the evidence” (*Haliffie bin Mamat v Public Prosecutor and other appeals* [2016] 5 SLR 636 at [28] citing *Public Prosecutor v Mohammed Liton Mohammed Syeed Mallik* [2008] 2 SLR(R) 601 at [38]).

13 The court must first assess whether there is any weakness in the Prosecution’s own evidence that irrevocably lowers it below the threshold of proof beyond a reasonable doubt. This involves an assessment of the internal consistency within the content of a witness’s testimony, and an assessment of the external consistency between a witness’s evidence and extrinsic evidence, which includes testing the former against the inherent probabilities and uncontroverted facts. If there are weaknesses internal to the Prosecution’s

evidence, in the absence of corroborative evidence that can militate against this weakness such that the Prosecution's evidence as a whole can still prove the case against the accused beyond a reasonable doubt, weaknesses in the Defence's case cannot ordinarily shore up what is lacking in the Prosecution's case (*GCK* at [136]-[142]).

14 The assessment of the Prosecution's evidence under the "unusually convincing" standard must also be made with regard to the totality of the evidence, which includes the Defence's case (both as a matter of the assertions put forth by the accused and the evidence he has adduced). The evaluative task here is not just internal to the Prosecution's case but also comparative in nature. At this stage of the inquiry, regard may be had to the weaknesses in the case mounted by the Defence as part of the assessment of the totality of the evidence. What the Defence needs to do to bring the Prosecution's case below the requisite threshold is to point to such evidence that is capable of generating a reasonable doubt. If the Prosecution fails to rebut such evidence, it will necessarily fail in its overall burden of proving the charge against the accused beyond a reasonable doubt. Such evidence need not be raised or asserted by the Defence in order for it to give rise to a reasonable doubt. The court must decide whether a reasonable doubt has arisen (in whatever form) from the state of the evidence at the close of the trial (*GCK* at [144]-[145]).

15 I will deal with the following issues in turn:

- (a) Was there any weakness in the Prosecution's evidence which gave rise to a reasonable doubt within the Prosecution's case?
- (b) If not, was there proof beyond reasonable doubt on the totality of the evidence after considering the Defence's case?

Proof Beyond a Reasonable Doubt within the Prosecution’s Case

16 I found no weakness in the Prosecution’s evidence which gave rise to a reasonable doubt within the Prosecution’s case.

The Prosecution’s case

17 The Prosecution called a total of eight witnesses:

- (a) PW1: the complainant;
- (b) PW2: BF, the complainant’s boyfriend;
- (c) PW3: J, the complainant’s friend;
- (d) PW4: DSP Zhahir Hushan (“IO Zhahir”), the investigation officer;
- (e) PW5: SSSgt Pang Shijie, a police officer who retrieved the CCTV footage of Henderson Building where the Hype Records office was located;
- (f) PW6: G, the complainant’s friend;
- (g) PW7: Muhammad Fawzey bin Karimghani (“Fawzey”), a former police officer who was present with IO Zhahir during the recording of the accused’s statement; and
- (h) PW8: DSP Adrian Quek Ghin Keat, a police officer with the Technology Crime Investigation Branch.

18 The Prosecution’s case was based primarily on the testimony of the complainant, who was alone with the accused at the time of the offence. There was no CCTV in the room where the offence occurred. The Prosecution

tendered CCTV footage capturing what transpired in the common areas of Henderson Building where the Hype Records office was situated.

19 The complainant confided in BF, G and J about being molested by the accused. Communications on the Telegram application between the complainant and BF, and between the complainant and G, were tendered in evidence.¹ The messages between the complainant and J at the material time could not be retrieved and were not in evidence.

20 The Prosecution also tendered photographs of some messages in the Telegram secret chat between the complainant and the accused, which she managed to preserve.² BF had assisted the complainant to take photographs of these messages, as she did not want the accused to know that she had retained a record of them.

21 The Prosecution also admitted the accused’s statement recorded by IO Zhahir in the presence of Fawzey on 6 December 2021 at 4.50pm (“the 6 December statement”)³ to show the inconsistencies between the accused’s court testimony and his police statement.

¹ Exb P4 – Telegram messages between the complainant and BF

Exb P5 – Telegram messages between the complainant and G (redacted); P5A – Transcription of voice messages; P5B – English translation of Chinese text messages

² Exb P11A – Photographs of Telegram secret chat messages between the accused and the complainant

Exb P12 – Overview of the Telegram secret chat messages between the accused and the complainant

³ Exb P17

Evidence of the complainant

22 The complainant testified that Hype Records initiated contact with her by sending her an Instagram direct message on 9 November 2021 stating that it was “an entertainment and media company based in Singapore” and requesting to connect with her “to explore potential collaborations”.

23 She expressed interest and the accused’s personal assistant, Melvis, sent her an email invitation to meet at the Hype Records office. The email stated that Hype Records was continually seeking new faces and talents for advertisements, hosting and acting projects, and the company had come across the complainant’s profile on Instagram and felt that she had the potential to be further developed in such areas. Melvis also asked whether the complainant had “signed for management” and whether she was keen to explore venturing into the entertainment industry.⁴

24 The complainant accepted the invitation and was very excited to be noticed by a reputable talent development company like Hype Records. She felt it was a breakthrough and a valuable opportunity for her as she was keen to venture into the entertainment industry.⁵

25 The complainant met the accused at the Hype Records office on 16, 18 and 23 November 2021. All three meetings were conducted privately in the recording studio with only the accused and the complainant in attendance.

⁴ Exb P1

⁵ Notes of Evidence (“NE”), 9 October 2024, 20/7-9

The first meeting on 16 November 2021

26 The first meeting took place on 16 November 2021, sometime between 3.10pm and 5.50pm. The complainant shared personal details about her job, her art and the things she had done in the past. The accused in turn shared information about himself and Hype Records. They discussed possible ventures the complainant could pursue if she signed as an artiste with Hype Records. They spoke about relationships and the accused stated that she would not be able to maintain a romantic relationship if she became a celebrity due to fan jealousy and potential scandals. The accused mentioned that there had been artistes or trainees who had attempted to sue him for inappropriate conduct towards them. He also stated that the room they were in had no CCTV and that everything they discussed would be kept confidential. The accused told the complainant to delete any nude or revealing photographs of herself to prevent potential scandals.⁶ He also told her to study a Korean actress’s mannerisms, make-up style and improve her Chinese language skills.⁷

27 The complainant felt that the meeting went very well, as the accused was analysing her and providing feedback on areas requiring improvement. The accused told her he wanted “a very close mentor and apprentice relationship” with her, and said she could tell him “anything and everything” so that he could better understand her and develop her character more effectively.⁸ He emphasised that everything they discussed must be kept confidential to prevent any information leaks before any debut.⁹ To that end, the accused set up a Telegram secret chat with her, configuring the timer so that messages in the chat

⁶ NE, 9 October 2024, 35/1-36/6

⁷ *Ibid*, 37/9-19

⁸ *Ibid*, 34/18-25

⁹ NE, 9 October 2024, 35/11-18

would be automatically deleted one minute after the recipient opens the chat to read the messages.¹⁰

28 After the first meeting, the complainant felt very excited that someone had recognised potential in her, particularly as it was the accused, whom she had watched on the television programme *Singapore Idol* when she was younger. She was also excited to have the opportunity to pursue her interests in performing arts, artwork and modelling.¹¹

The second meeting on 18 November 2021

29 The second meeting took place on 18 November 2021, sometime between 2.40pm and 6.20pm. During this meeting, the accused discussed five traits that the complainant would need to possess to become a celebrity. These included boldness, passion for the work, commitment, and willingness to make sacrifices.¹² He also told her that she needed to have a complex character in order to effectively portray roles with complex backgrounds.

30 The accused repeatedly posed metaphorical questions, asking whether the complainant would “suck a director’s dick” (“Suck D Question”) or if she was prepared to “fuck for a change” (“F for Change Question”). He claimed these questions were intended to test her level of commitment, willingness to make sacrifices for her career, and acting capabilities. Regarding the Suck D Question, the accused stated that such incidents would not happen on his watch, but explained that the aim of the question was to determine whether the complainant could switch to acting mode and perform under pressure,

¹⁰ *Ibid*, 36/20-25 and 67/16-20

¹¹ *Ibid*, 39/16-40/3

¹² *Ibid*, 48/19-50/5

particularly in scenes requiring her to kiss or carry out certain acts. Concerning the F for Change Question, the accused asked whether she was prepared to engage in sexual intercourse to develop a more complex and deeper personality to enhance her acting, or whether she would simply leave the studio room without any change. Although the complainant initially answered ‘no’ to the questions, she eventually said ‘yes’ to stop his persistent questioning.¹³

31 The complainant was relieved when the accused moved on to other topics. They spoke about the actress that the accused wanted her to emulate. The accused also told her to think of ways to practise her Chinese language. The complainant felt that the second meeting ended on a positive note.¹⁴

32 At the end of the meeting, the accused walked her out of the Hype Records office to the lift lobby and waited with her. As the complainant entered the lift, the accused placed his hand on her lower back very briefly and said goodbye. The complainant thought the accused was just being friendly.¹⁵

33 The complainant left the Hype Records office at about 6.20pm to meet BF. That evening, at 8.58pm, the complainant sent several text messages to G in Chinese, stating that she needed to practise the language.¹⁶ G asked her about the meeting and the complainant replied that it had gone very well and “from now on even more confidential”.¹⁷ At 9.16pm, the complainant also sent text

¹³ NE, 9 October 2024, 50/14-52/15

¹⁴ *Ibid*, 52/18-53/21

¹⁵ *Ibid*, 54/13-18

¹⁶ Exb P5, screenshot 1

¹⁷ Exb P5, screenshot 10

messages to BF in Chinese, stating that she was a Chinese person from that point onwards.¹⁸

The text messages after the second meeting

34 At 9.43pm, the complainant sent BF a text message stating “can i try another thing accept my secret chat”.¹⁹ The complainant testified that she requested BF to accept her Telegram secret chat in order to test the functionality of a Telegram secret chat and ascertain whether users would be notified when screenshots were taken of messages in the chat. Following her test with BF, she discovered that a notification would indeed appear in the chat when a screenshot was captured.²⁰

35 The complainant’s decision to conduct the test was prompted by text messages she had received from the accused that evening. The accused sent her messages in the Telegram secret chat asking about her artwork concerning dark eroticism and asserting that he needed to understand why she created such pieces and how they reflected her character and inner desires. Specifically, the accused asked whether a picture she had drawn depicting a girl being tied up represented something she personally desired. He further asked the complainant whether her boyfriend would tie her up or choke her during sexual intercourse. Following her negative response, the accused replied with the message “Happy to tie you up, babe” and included a kissing or smiley emoji (“Tie Babe message”).²¹

¹⁸ Exb P4, screenshot 4

¹⁹ Exb P4, screenshot 4

²⁰ NE, 9 October 2024, 66/2-15

²¹ *Ibid*, 69/21-69/16

36 The complainant was disgusted by the accused’s message but thought he was just trying to be funny. She told him she did not appreciate such sexual comments. The accused then replied “No, everything is serious”, which the complainant understood at that point to mean that while he was not joking about his analysis of her artwork, he was trying to brush off the sexual joke.²²

37 The complainant testified that she could distinctly remember the Tie Babe message because it made her very angry. She decided to tell the accused that she did not appreciate such comments, as she wanted to express a boundary—something she felt she had been unable to do previously when her colleagues made similar comments at work.²³

38 The complainant showed BF a couple of the accused’s messages, though she could not remember whether she had shown him the Tie Babe message. She did not take any screenshot of the messages because the idea of keeping a record of the accused’s messages had not yet occurred to her.²⁴

The third meeting on 23 November 2021

39 Unlike the first two meetings that took place in the afternoon, the third meeting was scheduled at 9.30pm on 23 November 2021 to suit the complainant’s availability.²⁵ No one else was present in the Hype Records office on this occasion.

²² NE, 9 October 2024, 68/10-70/3

²³ *Ibid*, 70/15-24

²⁴ *Ibid*, 70/25-71/11

²⁵ *Ibid*, 72/17-73/19

40 The complainant wore a long-sleeved pullover²⁶ and jeans to the meeting. While waiting for the third meeting to commence, she sent text messages and a Telegram bubble to BF at 9.54pm showing the chair that the accused had sat in for the first two meetings and telling BF that the accused was “a bit relaxed and chill and hilarious” during the meetings and “he felt like a father figure or sort of just like a mentor” to her. The third meeting commenced shortly after these messages.²⁷

41 The accused again spoke about the five traits, focusing particularly on willingness to make sacrifices. He asked the complainant if she was willing to end her relationship with her boyfriend and she replied “yes” to satisfy him. The accused also repeatedly asked her the F for Change Question or whether she would choose to leave that recording studio room without any change. Although the complainant expressed a desire for change, she repeatedly responded “no” to the F for Change Question. Eventually, she replied “yes” out of frustration.²⁸

42 The accused then rose from his chair, moved to sit beside the complainant, and told her to kiss him. The complainant understood this to be a test of her willingness to make sacrifices, which was connected to the F for Change Question, and to assess her ability to perform under pressure. Despite her hesitation, the complainant proceeded to kiss the accused on the lips. She felt disgusted because he was practically her father’s age. After pulling away from the kiss, the complainant made a disgusted face and the accused told her she should not be making such an expression. She was further convinced that

²⁶ Exb P8; see photographs P7-3 and P7-4

²⁷ Exb P4, screenshot 6; NE, 9 October 2024, 81/16-82/18

²⁸ NE, 9 October 2024, 85/2-86/22

the kiss was a test of her ability to act, as she could not display that kind of reaction during a performance.²⁹

43 The accused told the complainant that her disgusted look was unsatisfactory and asked her to kiss him passionately. She then attempted a more passionate kiss by wrapping her left arm around the back of his head and placing her left hand on the side of his head whilst kissing him. During this second kiss, the accused's right hand—which had been resting on the complainant's right shoulder from behind—reached in through the collar of her pullover and groped her right breast under her sports bra, making skin-to-skin contact. The complainant testified that the accused squeezed her right breast for a brief three seconds before removing his hand.

44 The complainant was taken by surprise and did not consent to the touching of her breast. She was shocked and took a moment before pulling away from the accused, who then stood up in front of her. She then told him that she had lip eczema, and his stubble had aggravated it by causing a flare-up on her upper lip, hoping this would deter him from continuing to ask her to kiss him.³⁰

45 The complainant testified that the accused appeared a little taken aback. He proceeded to dim the lights in the recording studio by switching off several spotlights before returning to sit on the complainant's right and asking what else she wanted to do with him. She said "no". When he asked why, she explained it was against her morals. The accused nodded and said, "Okay, we are not going to do any more things."³¹

²⁹ NE, 9 October 2024, 88/15-90/11

³⁰ *Ibid*, 91/2-94/12

³¹ *Ibid*, 94/14-96/2

46 The complainant then said she was leaving to meet her boyfriend. She did not know what to do but tried to keep calm and kept thinking about how to leave that place.³² The complainant testified that she was also trying to appease the accused by pretending that nothing had happened. She did this to avoid confrontation because the accused was someone in a position of power and he was physically larger than her. He was also on familiar ground, whereas she was alone in an unfamiliar and isolated place. She recalled that the recording studio had no CCTV and she was afraid that the door might be locked. She was afraid that he might do something worse to her, so she tried to pretend that everything was normal.³³

47 The accused offered to drive the complainant to meet her boyfriend, but she declined. He then offered to give her a lift to the nearest MRT station, and she declined again. Finally, he offered to drive her to the ground level of Henderson Building to wait for her Grab car. Having already refused twice, the complainant agreed as she “didn’t know how to say no a third time”.³⁴

48 The complainant and the accused left the Hype Records office together and went to the car park at about 11.45pm.³⁵ She could not remember how they exited the office premises. The complainant testified that she was “on autopilot” mode and was “just going through the motion”. She was “not thinking super clearly” and “just wanted to get out of the place”. She tried to keep calm and not raise any alarms “so that he would not do something crazy”. The accused

³² NE, 9 October 2024, 96/3-16

³³ *Ibid*, 97/19-98/15

³⁴ *Ibid*, 96/19-97/4

³⁵ Exb P2, CCTV footage from car park camera (S/N 11 of P2A)

made small talk and she answered him with short responses and followed him so that she could get out of the building.³⁶

49 The accused drove to the ground floor and parked his car at the roadside outside Henderson Building. Both he and the complainant alighted from the car and engaged in small talk while waiting for her Grab car to arrive. She could not recall what they spoke about, except that the accused told her he had once trained a celebrity (either Rui En or Jeannette Aw) not to fidget by making her sit still for eight hours in his office. The complainant tried to remain calm and pretended that everything was normal.³⁷

50 At about 11.56pm, the complainant’s Grab car arrived. Before leaving, she briefly placed her hand at the accused’s waist in what she described as a “side hug” to say goodbye.³⁸ She testified that this was her usual way of bidding farewell to friends or people she was familiar with, and she was not thinking clearly and wanted to avoid confrontation. She described being on “autopilot” mode:³⁹

I was not thinking. I was just going through the motion as a way to just get through this, and the main thing in my head was to get out of there. So I just did whatever that would portray me as calm and just so that I could avoid any confrontation or panic or just freaking out in front of him in general.

51 After parting ways with the accused, the complainant went to meet BF at a LAN shop where he was gaming with his friends. In the Grab car, the complainant could not process what had happened and was “just spacing out”.

³⁶ NE, 9 October 2024, 98/18-100/4

³⁷ *Ibid*, 100/4-105/4

³⁸ Exb P2, CCTV footage from Henderson Road camera (S/N 12 of P2A)

³⁹ NE, 9 October 2024, 105/20-106/18

When she arrived at the LAN shop, she sat at the back of the shop by herself. She did not tell BF what the accused had done to her because she “could not process what just happened” and she was still in shock. Even after returning to BF’s home, she did not tell him what had happened:⁴⁰

I felt like I couldn’t even talk about it. I couldn’t even understand what had happened and I didn’t know how to describe how I was feeling and I just felt scared that I would be judged by my then-boyfriend and I did not know how to break it to him. So I just kept quiet and I just wanted it to all go away. So I just didn’t want to deal with it.

How the matter came to light

52 On the following day (24 November 2021), the complainant went to get a manicure to make herself feel better. The manicure took three hours, which was much longer than the usual one hour, and was poorly done. That made the complainant feel even worse and led to her sending the following text messages to BF that night:⁴¹

10:33pm	babe I really want to cry
10.34pm	like legit
10.34pm	why cant I stand up for myself
10.34pm	u know ken molested me
10:34pm	I just never say

53 The complainant explained how the bad manicure was the last straw that led to her breaking the silence about being molested by the accused, as she felt upset that she had not been able to stand up for herself on both occasions:⁴²

So because of the manicure and the fact that I did not even feedback to the lady that was doing my nails that I did not like

⁴⁰ NE, 10 October 2024, 2/14-4/19

⁴¹ *Ibid*, 4/25-7/24; Exb P4, screenshot 7

⁴² NE, 10 October 2024, 8/13-9/11

the way it was being shaped, and all the way to the end where she was painting it, which is very long, three hours?

I had plenty of time to tell her, “No”, I once again did not – I was not able to draw a boundary and tell her “No” or give her feedback or say anything, so I felt I could not stand up for myself once again and it reminded me greatly of what had happened the day before, and it was just like a repeat cycle of me being unable to draw the boundary and be firm. And it made me feel really bad and upset and it made me wonder why I couldn’t do so, so I was feeling really – I had a mental breakdown because of it.

...

I was crying already when my mum told me the nails really look really bad and then all the thoughts just came flowing in, like the incident yesterday, how I could not stand up for myself, these nails were just horrible and they are supposed to cheer me up, and I was just crying. This is what I meant by mental breakdown.

...

It led me to just share everything that was weighing down on my heart and I told my then-boyfriend – I just confessed to him that like what happened the day before which is when Ken Lim molested me.

54 After receiving her text messages, BF spoke to the complainant on the phone. She was crying hysterically as she told him what had happened. After the call, she sent BF a screenshot showing the accused’s text message asking if she would like to have dinner with him on Friday. She told BF that she was done with the accused and she did not want to deal with him anymore.⁴³

55 Following that, the complainant sent a text message to her best friend, G, at 10.43pm requesting to call her as soon as possible with “bad bad bad news”.⁴⁴ The complainant then spoke to G on the phone and told her what the accused had done to her.

⁴³ NE, 10 October 2024, 10/20-11/4; Exb P4, screenshot 8; and Exb P10, screenshot 2

⁴⁴ Exb P5, screenshot 16

56 After that, the complainant went to BF's home. At that point, the complainant just wanted to pretend that the incident never happened and to "forget all about it, because it was painful, it was shocking, it was disrespectful for [her] dignity and [she] just did not like the way it made [her] feel horrible".⁴⁵

57 However, BF and her friends urged her to report the matter to the police. The complainant was unfamiliar with the law and wondered how the police would believe her without adequate evidence to prove that the other party with the username "9999"⁴⁶ in the Telegram secret chat with her was indeed the accused, or how she could prove that he had molested her without any CCTV recording or witnesses. There were discussions about her having a stakeout by meeting the accused in a public place (with her friends standing by to intervene if needed) to see if she could gather any evidence against him, but the complainant did not act upon these ideas.

58 The complainant continued to respond amicably to the accused's text messages in the Telegram secret chat as she wanted to find a way to prove that the messages were from him. She also did not want the accused to suspect that she was trying to catch him for his wrongdoing, as she did not want him to delete the chat and get away with it.⁴⁷ By this time, the complainant knew that the accused would be notified if she were to take a screenshot of the messages in the Telegram secret chat. To avoid letting him know that she was keeping a record of his messages, the complainant enlisted BF's help to take photographs of the messages using his phone.⁴⁸

⁴⁵ NE, 10 October 2024, 12/2-8

⁴⁶ Exb P10

⁴⁷ NE, 10 October 2024, 27/17-28/16

⁴⁸ Exb P11A; see Exb P12 for an overview of the Telegram secret chat messages that were photographed by BF

59 On 1 December 2021, BF sought advice from his brother and the brother’s girlfriend, who worked as a lawyer, about whether more evidence would be required before reporting the matter to the police. Upon receiving the reply from BF’s brother stating that his girlfriend said “can go report police alr”,⁴⁹ the complainant proceeded to lodge a police report that day.⁵⁰

60 The complainant also told J what had happened to her. J was a good friend at that point but had since fallen out with the complainant by the time of the trial. The complainant had communicated with J on Telegram, but she no longer had any of the messages with J because the two had an argument in early 2024 and the messages were deleted by J. The complainant was unable to recall whether she had confided in J before or after she had lodged the police report.⁵¹

The complainant’s testimony was cogent and internally consistent

61 The complainant’s testimony regarding the events that transpired was cogent and consistent.

62 She was consistent in her testimony that over the three meetings, the accused discussed possible areas of collaboration and gave her pointers on areas of improvement she needed to work on, and advice such as deleting her nude photographs. She was also consistent in her account of how the accused had asked her to kiss him and then groped her breast skin-on-skin during the third meeting.

⁴⁹ Exb P14, screenshot 4

⁵⁰ Exb P13 – First Information Report dated 1 December 2021

⁵¹ NE, 10 October 2024, 70/25-72/9

63 I found the complainant's evidence textured and cogent. She described her initial excitement at being talent-spotted by Hype Records and how the first two meetings with the accused had been promising: he offered advice as a mentor, expressed interest in helping her grow and develop, and showed clear interest in exploring collaborations by continuing to meet with her.

64 Against this backdrop, the complainant's continued trust despite the sexual joke in his Tie Babe message was understandable. The fact that she regarded him as a father figure or mentor was evident in her message telling BF "he like father/uncle trying to teach me things"⁵² while she was waiting in the recording studio for the third interview to commence (see [40]). Therefore, when the accused again raised the F for Change Question to ask if the complainant was prepared to make sacrifices to achieve change, his demand for a kiss after she finally said "yes" to being prepared to make such sacrifices was understandably perceived by the complainant as a test to demonstrate in action her verbal commitment.

65 The complainant's testimony of the events leading up to and during the incident, as well as her account of how her bad manicure was the tipping point that led to her disclosure of the offence, was nuanced and bore a ring of truth.

The complainant's seemingly normal behaviour

66 As the complainant had perceived the accused's request for a kiss as part of the interview process, she was shocked when he unexpectedly groped her breast while kissing and did not confront him immediately. She explained that she was still processing the events and pretended as if nothing had happened. For that reason, her seemingly normal behaviour captured in the CCTV footage

⁵² Exb P4, screenshot 6

at the end of the third meeting did not undermine her testimony of being molested and was, in fact, consistent with her evidence of her mental state at that time.

The physical act was not practically impossible

67 The Defence contended that it would have required “a great if not impossible amount of dexterity” and was “practically impossible” for the accused’s right arm to go round the back of the complainant’s neck and for his right hand to touch her right breast in the manner she had described.⁵³ I found no reason to doubt whether the accused’s right hand could have reached and touched the complainant’s breast as she described, given that they were kissing and in close physical proximity.

68 The Defence submitted that it would have been “so much more obvious and straightforward” for the accused to use his left hand, which was right in front of the complainant’s chest, to touch her breast.⁵⁴ I rejected this argument as there is no basis to expect logical behaviour from someone committing an offence.

Two “glaring” inconsistencies highlighted by the Defence

69 The Defence highlighted “two glaring areas” of inconsistency in the complainant’s testimony about what was discussed at the first meeting, namely, her singing and her artwork.⁵⁵

⁵³ Defence’s Closing Submissions, [36]

⁵⁴ Defence’s Reply Closing Submissions, [11]

⁵⁵ Defence’s Closing Submissions, [199]

70 A careful examination of the evidence showed that there was in fact no inconsistency in the complainant’s testimony in these areas.

(1) Discussion about singing at the first meeting

71 The Defence submitted that the complainant was inconsistent about whether songs she sang were discussed during the first meeting and that she had “walked back on her claim that she showed her SoundCloud” to the accused.⁵⁶ This argument was premised on the Defence’s mistaken assumption that the complainant had shown the accused songs on her SoundCloud that were sung by her.

72 The record of proceedings showed that there was in fact no such inconsistency, as the complainant’s evidence was that she had shown the accused *her music* posted on SoundCloud, describing it as “a few pieces that I composed, made a composition of, and I also made a visual of it”,⁵⁷ not *songs sung by her*.

(2) Discussion about artwork at the first meeting

73 The second alleged “glaring” inconsistency highlighted by the Defence concerned whether there was any discussion about the complainant’s artwork during the first meeting. This claim was equally unfounded.

74 The Defence asserted that the complainant claimed to have *shown the accused her artwork* during the first meeting.⁵⁸ This was incorrect as the complainant never said that.

⁵⁶ Defence’s Closing Submissions, [202]

⁵⁷ NE, 10 October 2024, 102/10-13

⁵⁸ Defence’s Closing Submissions, [204]

75 The Defence also alleged inconsistency in the complainant’s testimony regarding whether the accused told her he had seen her artwork at the first meeting.⁵⁹ The record of proceedings showed that her consistent position was that the accused never specifically told her he had seen her artwork at that meeting:

(a) In examination-in-chief, the complainant stated that they spoke “a little bit” about her art and how she could venture as an artist at the first meeting. The accused “talked about doing crypto, so like NFTs which is non-fungible tokens with my artwork and digitalising them”.⁶⁰

(b) During cross-examination, the complainant said the accused mentioned that he saw her from social media, and he noticed that she had done art and it had been publicised on her social media.⁶¹

(c) When asked whether she knew if the accused had already looked at her artwork before or during the first meeting, she answered, “I cannot track what he has seen, but he has seen my main profile page and then went on to tell me I know that you can do this and that and asked me about my background.”⁶² She also clarified that the accused told her that he had seen her social media before meeting her, but there was no discussion about any particular piece of her artwork during the first meeting.⁶³

⁵⁹ Defence’s Closing Submissions, [204]-[207]

⁶⁰ NE, 9 October 2024, 37/23-38/1

⁶¹ NE, 10 October 2024, 92/8-11

⁶² *Ibid*, 104/12-105/2

⁶³ *Ibid*, 105/7-15

(d) Later, when it was put to the complainant that the accused could not have told her about NFT if he had not even seen her artwork, she replied that the accused had told her that he had seen her social media, but she did not know what he had seen. She maintained the position that he had spoken to her about NFT at the first meeting.⁶⁴

(e) Despite persistent cross-examination, the complainant maintained that the accused told her at the first meeting that he had seen her Instagram profile, and he spoke about NFTs. If he had seen her Instagram profile which looked “like an overview”, he would have been able to see every single picture she had posted “as a thumbnail”. That said, she confirmed that the accused did not tell her at the first meeting that he had seen her art on her Instagram.⁶⁵

76 The Defence’s submissions on the glaring areas of inconsistency were therefore misplaced.

Evidence on earlier interactions not implausible

77 The Defence also submitted that various aspects of the complainant’s testimony was implausible, which I will now turn to.

(1) Promise of contract and venturing into four areas

78 The Defence submitted that the complainant’s testimony that the accused had at the first meeting “supposedly promised her that she would be managed or engaged by Hype Records” was unbelievable.⁶⁶ She stated that the

⁶⁴ NE, 11 October 2024, 14/2-15/3

⁶⁵ *Ibid*, 17/21-20/21

⁶⁶ Defence’s Closing Submissions, [192]

accused told her she was “a project and he wanted [her] to be debuted in future”⁶⁷ and she left the first meeting feeling really happy and excited because someone saw potential in her and was “actually going to do a project”⁶⁸ on her.

79 The Defence also contended that it was implausible that the accused would have promised the complainant at the first meeting that she could venture into four areas: acting, singing, art and content creation.⁶⁹

80 I found the Defence’s characterisation of the complainant’s evidence misleading. Her testimony clearly showed that while the accused’s words sounded promising, he made no firm commitment and certainly no “promise” of any contract offer or what the complainant might engage in. Instead, they were exploring the possible areas she could venture into if Hype Records were to sign her on:⁷⁰

We discussed about the *possibilities* of what type of ventures I might have *if* I was with Hype Records signed as an artist. We talked about *possible* projects to do where I could branch out into either content creation in which he showed me one of his artistes was a content creator. He also talked about other things that were activities under Hype Records previously, and then I *might* venture out into modelling or acting, anything.

[emphasis added]

81 This was also consistent with BF’s understanding that the complainant thought there was a *fair chance* she would be taken on as a trainee with Hype Records.⁷¹ In other words, no promise was made by the accused.

⁶⁷ NE, 9 October 2024, 35/15-16

⁶⁸ *Ibid*, 39/16-22

⁶⁹ Defence’s Closing Submissions, [193]

⁷⁰ NE, 9 October 2024, 33/22-34/5

⁷¹ NE, 27 November 2024, 36/2-6; Defence’s Closing Submissions, [194]

82 I also found it entirely plausible that the accused made the statements described by the complainant, which gave her reason to believe that her prospects of securing a contract with Hype Records were very good. Her account of what the accused said to her was, in fact, consistent with his conduct in holding three interviews and seeking continued meetings with her.

(2) Previous complaints of misconduct

83 The Defence also referred to the “startling claim” by the complainant that the accused had told her at the first meeting of previous artistes or trainees who tried to sue him for inappropriate behaviour. It was submitted that it would be highly peculiar and irregular for him to have made any admission of his involvement in sexual impropriety, since this could dissuade the complainant from wanting to work with him.⁷²

84 I found no reason to doubt the complainant’s evidence on this point. Her testimony showed that the accused made no admission of prior misconduct that would have deterred her from working with him. Rather, his message that previous attempts by artistes or trainees to sue him for inappropriate behaviour had been unsuccessful might serve to discourage her from taking legal action against him in future, whether well-founded or not.

85 Apart from being internally consistent, the complainant’s evidence was also externally consistent with other evidence.

⁷² Defence’s Closing Submissions, [217]-[219] and [244]-[245]

The complainant's evidence was externally consistent

Telegram communications

86 The complainant's account of the surrounding events was externally consistent with her various Telegram communications with BF and G. These communications clearly revealed her excitement about being talent-spotted by Hype Records and her positive feelings right up to the third meeting on 23 November 2021 (see [40]). They also showed a sharp shift in her attitude towards the accused and potential collaboration with Hype Records following the third meeting (see [52] to [55]).

CCTV footage

87 Her testimony was also consistent with the CCTV footage that the police retrieved from Henderson Building. The fact that the police did not manage to retrieve the specific CCTV footage of the accused and the complainant leaving the Hype Records office after the third meeting was inconsequential. The complainant's account that she pretended as if nothing had happened could already be seen in the CCTV footage showing them in the car park and while waiting for the complainant's Grab car on the ground floor of Henderson Building (see [48] and [50]).

What the complainant told BF, G and J

88 BF, G and J testified that the complainant told them the accused had molested her by touching her breast. The repeated narration of the incident by the complainant to the three did not add weight to the contents of the allegations. The issue was whether the lack of details and the inconsistencies in the accounts given by BF, G and J undermined the complainant's testimony. I will deal with the testimony of each of the three witnesses in turn.

(1) Evidence of BF

89 BF was unable to recall in detail what the complainant had told him and could only remember “the broad topics”. He testified that she informed him the accused had kissed her and then reached his hand into her top and grabbed one breast without her consent. The complainant did not tell BF that she was kissing the accused consensually when he grabbed her breast.⁷³

90 It was understandable that the complainant could have omitted to inform BF that she had consented to kissing the accused at the material time. The complainant had expressed reservations about disclosing the molestation to BF in her text messages to G: “i don’t know how to tell [BF]” and “can u say for me what I said because i no guts”.⁷⁴ For that reason, the omission in her account to BF did not undermine her testimony on the events that transpired at the time of the offence.

91 I have also considered the testimonies of the complainant and BF regarding a text message that BF sent to his brother to seek advice from the latter’s girlfriend which stated “[The accused] did tell her that he had 3 other rape allegations but he said it’s to sue him for fame/money.”⁷⁵ The complainant’s testimony was that she had not seen this message sent by BF to his brother although she did ask BF to help her get advice from his brother’s girlfriend. She also stated that she could not remember whether she used the word “rape”, but she recalled telling BF that it was “sexual assault related”.⁷⁶ On the other hand, BF’s account was that the complainant was with him when

⁷³ NE, 27 November 2024, 13/14-14/1 and 77/14-82/13

⁷⁴ Exb P5, screenshot 21

⁷⁵ Exb P14, screenshot 3

⁷⁶ NE, 26 November 2024, 115/11-18

he sent the messages and the information stated in the message would have come from the complainant, although he could not remember exactly what she told him “but it goes along the same lines as him having touched other -- other girls in a non-consensual way”.⁷⁷ As both the complainant and BF were unable to recollect specifically what she had told him regarding the previous allegations against the accused, and both recalled the allegations were related to sexual assault or touching other girls without consent, I did not find their testimonies inconsistent. As for the inconsistency relating to whether the complainant was involved in the drafting of the message, that was inconsequential since both had stated that she wanted advice from the girlfriend of BF’s brother as she was a lawyer, and some leeway should be given to witnesses for imperfect recollection of past events.

(2) Evidence of G

92 G was a close friend of the complainant, having known her since 2013 when they were schoolmates.

93 G testified that on 24 November 2021, the complainant sent her text messages at 10.43pm asking to talk to her about “bad bad bad news”.⁷⁸ Thereafter, the complainant told G via Telegram call that the whole thing with the accused was a trick.⁷⁹ According to G, the complainant said the accused told her there were some things she had to do in the industry that she might not like to do, and he asked whether she could do it or not. The accused asked the complainant to perform fellatio or have sex with him, and the complainant refused. G specifically recalled the complainant using the words “suck his dick”

⁷⁷ NE, 27 November 2024, 20/20-22/3

⁷⁸ Exb P5, screenshot 16

⁷⁹ NE, 4 February 2025, 46/2-5

and “fuck him”.⁸⁰ The accused then asked the complainant to kiss him and she did. The accused then touched her breast (G was not sure if it was one breast or both). G thought (not what the complainant told her) that the complainant felt pressured to kiss the accused because she had rejected his requests for fellatio and sex. G’s impression was that the kissing and touching of breast happened simultaneously, but she was not certain as she could not recall what the complainant told her. The complainant also told G that his hand (G was not sure if it was one hand or both) went under her top and touched her breast (the complainant did not specify whether his hand was over or under her bra). The complainant did not say how he touched her breast or for how long.⁸¹

94 I found it unexceptional that the complainant did not share with G details of how the accused’s hand went under her top and how her breast was touched. There is no basis to assume that victims of sexual assault would necessarily disclose details of the assault when confiding in a close friend.

95 The principal discrepancy in G’s account was that the complainant said the accused had asked her to “suck his dick” or “fuck him”, whereas the complainant’s testimony was that the accused’s Suck D Question and F for Change Question were not literal requests for sexual acts but metaphorical questions to test her willingness to make sacrifices. As G had repeatedly stated that she could not recall the exact words used by the complainant, it was entirely conceivable that G could have misunderstood the Suck D Question and F for Change Question to be literal demands for sexual acts. Consequently, I found that this discrepancy did not undermine the complainant’s testimony.

⁸⁰ NE, 4 February 2025, 47/14-48/25

⁸¹ *Ibid*, 49/11-53/25

(3) Evidence of J

96 J first came to know the complainant around 2016 to 2017 and was a close friend of the complainant at the material time. She did not keep any of the messages exchanged with the complainant in 2021 as she would delete her Telegram and Instagram app every now and then.⁸²

97 J recalled that sometime in November 2021, the complainant contacted her via Telegram stating she had something to tell her. Two to three days later, during what J described as a “very chaotic”⁸³ video call, the complainant disclosed that the accused had groped her breast during an interview.⁸⁴ J vividly remembered the complainant demonstrating the act of groping by using her hand on her own breast while crossing the road from CK Tang to Lucky Plaza. However, J could not recall if the complainant had told her whether she was groped over or under her blouse, or which hand the accused had used.⁸⁵

98 According to J, they spoke while the complainant was outside and was even crossing the road at some point during the call which J described as “very chaotic”.⁸⁶

99 J was unable to recall the order of events narrated by the complainant but remembered being told of the following:⁸⁷

⁸² NE, 27 November 2024, 107/12-24

⁸³ *Ibid*, 110/17-22

⁸⁴ *Ibid*, 108/2-109/7

⁸⁵ NE, 28 November 2024, 14/16-16/16

⁸⁶ NE, 27 November 2024, 110/17-22

⁸⁷ *Ibid*, 109/21-110/16; and 28 November 2024, 28/6-18

(a) The accused told the complainant that he had been accused of molestation or sexual assault multiple times and had gotten away with it.⁸⁸

(b) The accused asked the complainant in one of the interviews whether she wanted things to change after she stepped out of the room. The complainant said she picked change instead of no change, and the accused forced her to kiss him and asked her to suck his genitals. J explained that the complainant was “forced” to kiss the accused because she felt that she had to do it as part of the interview, as if she had to complete it in order to pass the interview.⁸⁹ J testified that the complainant had described the circumstances leading to the kiss but she could not recall what was said. J stated that there was one kiss and she was unable to tell whether the accused groped the complainant’s breast after the kiss as she could not recall the order of events.⁹⁰

(c) The complainant and the accused were not kissing when he groped her breast.⁹¹

(d) The accused told the complainant he wanted to tie her up. He said her artwork was very dark and gruesome, but he could help her push the boundaries of her work. J could not recall if the complainant had told her when this discussion took place.⁹²

⁸⁸ NE, 27 November 2024, 109/10-14

⁸⁹ NE, 28 November 2024, 28/1-18

⁹⁰ *Ibid*, 18/1-24

⁹¹ *Ibid*, 17/6-9

⁹² *Ibid*, 17/19-25

100 J also testified that the complainant appeared very shaken up in the video call and she seemed “very traumatised by what happened and very disgusted that she was forced to do things that she didn’t want to do”. The complainant said if she knew what choosing to change entailed (which J understood to refer to the complainant being molested), she would not even have gone.⁹³ She was also hesitant to go to the police.⁹⁴

101 The key discrepancies between J’s testimony regarding what the complainant had told her and the complainant’s account of the events were whether the accused had asked for oral sex, whether the parties had kissed once or twice, and whether the groping of breast occurred while they were kissing.

102 J’s recollection of her conversation with the complainant was clearly fragmented. She remembered isolated pieces of information but not their context or sequence. For instance, while J testified that the complainant provided details about the accused’s request for oral sex, she could not remember what was actually said. J was also unable to tell whether this request occurred before or after the groping of breast.⁹⁵

103 Consequently, I found J’s recollection too uncertain to undermine the complainant’s evidence.

The complainant’s demeanour

104 I have observed the complainant during her five days of testimony and found her to be a candid and straightforward witness. She approached the

⁹³ NE, 28 November 2024, 20/15-21/1

⁹⁴ NE, 27 November 2024, 110/18-22

⁹⁵ NE, 28 November 2024, 21/2-8 and 22/11-13

questions posed to her with care and earnestness, frequently asking for questions to be clarified or repeated to ensure accurate understanding before responding. Given that the questions put to her in cross-examination tended to be lengthy, such that even counsel needed to read from the live transcription notes when asked to repeat a question, her requests for clarification were entirely reasonable and appropriate.

105 I also observed that the complainant was a witness who took care to be as accurate and precise as she could in providing her evidence. She would often explain her answer when she felt a straightforward "yes" or "no" was inadequate. While she was firm when she found it necessary to disagree with positions put to her, she was polite and patient in providing her testimony despite the long hours she spent on the stand and even after an episode of discourtesy towards her during cross-examination.

106 This discourtesy occurred when the complainant was describing her position vis-à-vis the accused during the second kiss. The assisting counsel's amused expression prompted her to pause and ask, "Is this funny?"⁹⁶ It was later explained that his smile related to an expectation that the lead counsel was going to enlist his help to demonstrate the positions of the accused and the complainant at the time of the offence, and not because of anything said by the complainant.

107 The episode brings to mind guidance provided by Chief Justice Sundaresh Menon in *Thangarajan Elanchezhian v Public Prosecutor* [2024] 6 SLR 507 on the role of defence counsel in ensuring that the cross-examination of complainants of sexual offences is conducted in an appropriate manner. Menon CJ stated (at [75]) that counsel is "obliged to be acutely cognisant of

⁹⁶ NE, 26 November 2024, 31/2

their duties”, which, “whilst owed to the witnesses who are the subject of cross-examination, are integral to the lawyer’s overriding duty to the court and the administration of justice”. Emphasising the professional standards expected of counsel during cross-examination of sexual offence complainants, Menon CJ stated (at [76]-[77]):

76 Counsel must therefore seek to challenge the evidence of the complainant *in a manner which is respectful not only in form but also in substance*. They should seek to craft their questions in cross-examination in line with the framework set out above to ensure that these questions are not only relevant but also appropriate in such contexts. Counsel would also be well advised to consult the “Best Practices Toolkit” for the cross-examination of vulnerable witnesses (the “Toolkit”) prepared by the Law Society of Singapore on 21 August 2019. This Toolkit reminds counsel not only of their specific duties under the Evidence Act and the PCR, but also of techniques such as *maintaining appropriate body language, tone and eye contact* to put the complainant at ease during cross-examination.

77 Ultimately, it is the responsibility of counsel to exercise his or her own judgment to perform cross-examination in a *respectful and honourable manner* – this duty is not lessened in any way by the existence of the court’s powers to forbid irrelevant or improper questions (see *Wong Sin Yee* at [34]).

[emphasis added]

108 The principles articulated by Menon CJ apply with equal force to assisting counsel, who bear the same responsibility to maintain appropriate body language and conduct themselves in a respectful and honourable manner during the cross-examination of complainants of sexual offences. The present episode illustrates that “secondary victimisation” of complainants (see *Thangarajan* at [55]) may arise even in the absence of any deliberate intent, underscoring the need for all counsel to remain vigilant in fulfilling their professional duties as officers of the court.

The complainant's testimony was unusually convincing

109 Having carefully considered the complainant's testimony, I was satisfied that her evidence was so convincing that the charge was proven beyond a reasonable doubt on the basis of her evidence alone, and I found no weakness in the Prosecution's evidence that would irrevocably lower it below the threshold of proof beyond a reasonable doubt.

Proof Beyond a Reasonable Doubt on the Totality of the Evidence

110 Next, I move on to the assessment of the Prosecution's evidence having regard to the Defence's case.

The Defence's case

111 The accused testified in his own defence. The accused stated that after he was arrested, he took the trouble to recollect what had happened and he had written down every single thing he could recall about the three meetings with the complainant.⁹⁷

112 He also called the Building Supervisor of Henderson Building, Mr Thing Kan Fatt,⁹⁸ to give evidence on how the police had obtained the CCTV footage. Although Mr Thing claimed to have met IO Zhahir three times at Henderson Building and asserted that IO Zhahir had gone to view the CCTV footage (which IO Zhahir disputed), he was unable to recall when these meetings occurred and agreed with the suggestion that it could have possibly happened in 2022. Mr Thing also testified that the Indian police officer said he was from Jurong Police

⁹⁷ NE, 4 February 2025, 81/7-11

⁹⁸ DW2

Division, whereas IO Zhahir was from Woodlands Police Division. Mr Thing's testimony based solely on his memory was therefore unreliable.

Evidence of the accused

113 The accused set up Hype Records. Many aspiring artistes and musicians wanted to work with Hype Records because the company had developed many singers and actresses who became household names. A manager of Hype Records, Sheryl, spotted the complainant on social media and requested the accused to interview her. His personal assistant, Melvis, then set up the appointment with the complainant.

The first meeting on 16 November 2021

114 The accused testified that the purpose of the first meeting on 16 November 2021 was to identify whether the complainant had what it took to succeed in the industry. He was also looking for a cast for a project he was considering. He said it would take a few months for him to decide whether to take a person as a trainee of the company and he would not have promised at the first meeting to take the complainant on as a trainee. He also would not have told a talent she could do anything she wanted, and the accused would train her, or that she would be successful.⁹⁹

115 The accused described the first meeting as a “getting-to-know-you kind of discussion” with the complainant and they spoke generally. The complainant said she was glad that the accused was the one interviewing her as she had done some research on Hype Records and recognised the accused from television. She talked about her occupation and how the pandemic made things very

⁹⁹ NE, 4 February 2025, 80/23-25

difficult at work. She was also keen to find alternative employment because of the toxic work environment and felt that the interview provided a good opportunity for her to switch careers. She told the accused she had always wanted to be an actress. They spoke about the top Korean actors being very lonely and the complainant asked if Singapore artistes would be permitted to have boyfriends, and the accused said there was no restriction on having a boyfriend. They also spoke about how much the complainant would earn in the industry and he said she would probably start with a small stipend of up to \$1,000 during training and it was going to be very tough.¹⁰⁰

116 The complainant told the accused she had a boyfriend. She also asked him about her image, such as how she should carry herself and what kind of image she should have. At the end of the first meeting, the complainant asked the accused what her chances of being represented by Hype Records were. She also set up the Telegram secret chat for the purpose of keeping in touch with him. The accused had no qualms with the secret chat because he told her that whatever they discussed must be kept confidential. The accused used his car plate number “9999”¹⁰¹ as his username in the Telegram secret chat as he felt it would be unwise to put his name given that he was a well-known figure.

117 The accused disputed the complainant’s account that she had shown him a few pieces she had composed on SoundCloud. He said there was no discussion about her being a singer as she was not there to be auditioned as a recording artiste. The accused was not aware if she could or could not sing.

¹⁰⁰ NE, 4 February 2025, 81/12-84/25

¹⁰¹ Exb D9

118 The accused also disputed the complainant's account of a discussion about her artwork and testified that he did not tell her she could go into NFTs/non-fungible tokens or digitalising her artwork.

119 He also denied telling the complainant at the first meeting that artistes had tried to sue him for misconduct. He argued this was illogical because no female talent would want to work with him if he had any association with misconduct, and no one suspected of misconduct would volunteer incriminating information about themselves. He further denied ever being sued for inappropriate behaviour towards his artistes or trainees, and stated that no allegation of rape had ever been made against him.

120 The accused testified that there was no discussion about any project with the complainant at the first meeting. He acknowledged it was possible that he had told her to delete any nude or revealing photographs taken by her previous partners to avoid leaks and scandals, but stated that this was general advice he would give to any public figure to prevent bad publicity.

121 He also disagreed with her testimony that he had given her homework to work on. Instead, he testified that they had talked about Korean artistes and he mentioned that she should try to observe their public profile. As for improving her Chinese, the accused stated that the topic of Chinese came up and he told her to try and improve on the language. The accused stated that he was merely sharing his views and they were not tasks for her to do or be assessed on.¹⁰²

¹⁰² NE, 5 February 2025, 7/25-8/7

The second meeting on 18 November 2021

122 At the second meeting, the complainant asked the accused what he thought of her. She also told him she drew and edited videos which she posted on social media. She gave him her username and asked him to look at her works and give her feedback.

123 The complainant revealed that she was in her mid-20s and he told her that she was at a disadvantage having to compete with other potential artistes who were younger. She responded by telling the accused that traction was more important than her age and he had an old school mentality. After that, the complainant asked if there were CCTV cameras installed in the room and he told her “no”. She then told him about persons who had gained a lot of traction online through having their dirty laundry aired on social media, including a person by the name of Bellywelly who posted her sex video on the Internet and became popular very quickly.¹⁰³

124 The complainant told the accused that she had intimate videos with other persons. She also told him she had dated a Porsche driver whose attitude towards her changed after going to bed with her. The accused told her, “[I]f you have sex and leave the room, there will be changes. If you don’t have sex and leave the room, there won’t be changes.” The accused denied asking her the F for Change Question or the Suck D Question, which would have been unprofessional and inappropriate in work-related discussions. He testified that it would be “atrocious” for the complainant to claim that one needed to have sex to get a contract with MediaCorp because “we are in Singapore” and the way things are done “is totally sanitised”. He asserted that the complainant had taken

¹⁰³ NE, 5 February 2025, 9/8-10/9

his remark about how intimacy would change the situation for two individuals and turned it into a narrative to support her fabrications.¹⁰⁴ The accused also stated that there was no discussion on the five traits as described by the complainant. It would be pointless for him to speak on any of the traits like confidence, commitment, or sacrifice, because these traits would not determine whether one would be successful in the industry. Instead, a person's likability and marketability were the important factors, but there was no purpose for him to speak on these as the complainant was still very new to the industry and would not be able to understand.¹⁰⁵

125 At the end of the second meeting, the accused accompanied the complainant to the lift lobby outside the Hype Records office.¹⁰⁶ He denied placing his hand on her lower back as she entered the lift. He testified that he did not recall anything like that and he kept a distance from her (as he would tend to do with unfamiliar people) and remarked that "it is very convenient for her to say that I did that, but it is not captured on CCTV".¹⁰⁷

126 The accused testified that he looked at the complainant's Instagram page after the second meeting as she had given him her Instagram account name and asked him to look at her artwork. She also asked him how she ought to smile in photographs, whether she should lift her jaw higher and things like that. The accused told her to send him photographs of herself for him to comment on, which she did via the Telegram secret chat. He disagreed with the complainant's

¹⁰⁴ NE, 5 February 2025, 10/10-14/6

¹⁰⁵ *Ibid*, 19/14-25

¹⁰⁶ Exb P2A, S/N 7

¹⁰⁷ NE, 5 February 2025, 21/12-22

testimony that he had sent photographs of the complainant to her, given that he would have no way of getting her pictures.¹⁰⁸

The text messages after the second meeting

127 After the second meeting, the complainant sent the accused sample photographs of herself via the Telegram secret chat. She asked him questions about her smile and which angle of her face appeared better in photographs. She thanked the accused for his comments and stated that she would keep them for reference.

128 The complainant then asked the accused whether he had seen her artwork. The accused sent her two screenshots of her artwork depicting women being tied up or with blood on them,¹⁰⁹ and asked whether she liked blood and pain. She replied, “I guess I do”. The accused wanted to understand her personality and asked her if she liked to draw this genre of artwork, and she said “yes”, explaining that it was how she expressed herself. In relation to a drawing of a woman tied up in ropes, he asked her, “What is with the ropes, right?” and enquired what she was thinking about and what the title of the drawing was. She replied, “It is about tie me up.” The accused then mocked her by replying “Tie me up” with three stickers: the first showing a baby’s face with the caption “please” (“Baby Sticker”); the second showing an eye covering a genital; and the third showing a man laughing.¹¹⁰ The complainant told the accused she did not like the joke, and he should not be mocking her artwork. In response, the accused explained that this would be the kind of comments people would make to mock her if she were a public personality and posted such a picture with the

¹⁰⁸ NE, 5 February 2025, 15/10-16/25

¹⁰⁹ Exb D3-1 and D3-2

¹¹⁰ Exb D4

title “Tie me up”. The complainant replied she understood where the accused was coming from, but she had her own views.¹¹¹

The third meeting on 23 November 2021

129 The third meeting was scheduled at night to suit the complainant’s work schedule. At the meeting on 23 November 2021, the complainant told the accused what she had done regarding deleting her intimate videos. They also discussed other topics like her smile and not taking unnecessary risks. Then they spent a lot of time talking about the complainant’s artwork, which she was very proud of and felt strongly about. The accused commented that her artwork was degrading women. He then showed her a picture of two men kissing (“Kiss Me Drawing”)¹¹² as an example of a drawing which could be controversial without hurting her image. The complainant remarked that the drawing was “very rough” as the men in the drawing were unshaven.¹¹³

130 The complainant then said she needed to go home to get allergy cream. The accused offered her a lift, which she declined, and tried to hail a ride on her phone. The accused offered to send her down to the ground level and wait for her ride. They left the Hype Records office together via the main entrance and walked to his car in the car park. While driving down the car park ramp, the complainant asked whether she should quit her job first. He advised her against this, saying she had nothing to fall back on. The accused believed that by this time, she was convinced she would not receive a contract offer from Hype Records as quickly as she had hoped. He also told her it was important for her

¹¹¹ NE, 5 February 2025, 23/17-29/25

¹¹² Exb D6

¹¹³ NE, 5 February 2025, 35/24-39/8

to learn how to take criticism, and she replied that while she was not averse to criticism, she had her own views.¹¹⁴

131 After parking his car outside Henderson Building, both alighted from the car. While waiting for the complainant's ride, they engaged in some small talk. The complainant asked the accused to show her the Kiss Me Drawing again. She took a glance and did not seem very interested. At some point, the complainant suggested having dinner with the accused at a Sichuan place that she liked, so that he could observe her in a social setting instead of meeting in the office all the time. Eventually, her Grab car arrived and she gave the accused a side hug before leaving. The accused was a little bit surprised because she was not someone he was familiar with, but he "acknowledged the hug" and said his hand "just like oh okay, it happened to be at the back. Oh okay." The accused also stated that if he had in fact kissed and groped the complainant's breast earlier in the recording studio, he would have seized the opportunity and "really grabbed her" upon her initiating the hug.¹¹⁵ Instead, the CCTV footage showed that nothing unusual had happened: the complainant was obviously not afraid or traumatised in any way, and the footage also showed that the accused was not interested in any way.¹¹⁶

132 The accused denied asking the complainant to kiss him and testified that they did not kiss at the third meeting. He stated he had never heard of artistes being required to kiss on instruction or under pressure. He suggested the complainant might be thinking of productions like *Basic Instinct*, *Game of Thrones*, or *Sex and the City*, unlike MediaCorp's Singapore shows such as

¹¹⁴ NE, 5 February 2025, 39/9-42/12

¹¹⁵ *Ibid*, 65/23-66/14

¹¹⁶ Exb P2, CCTV footage from Henderson Road camera (S/N 12 of P2A)

Under One Roof, *Phua Chu Kang*, and *Ah Boys to Men*, where the ability to kiss on screen would be irrelevant.¹¹⁷

133 He also denied groping the complainant's breast, saying he would not have done something so "unrealistic, disparaged and cheap" to smear the reputation that he had built up over five decades.¹¹⁸ He also stated that, with his small build, he would not be able to execute what the complainant had described. It would also have been more logical for a person in that position to grope the breast with his left hand.

The text messages after the third meeting

134 On the night of the third meeting, the complainant had informed the accused that she would be receiving a booster jab on 24 November 2021 (Wednesday). The accused's testimony on the messages exchanged with the complainant after the third meeting is as follows (text messages that have been tendered in evidence are in bold):

Date/Time	Text message
24 November 2021 (Wednesday)	
In the evening	The complainant informed the accused that she was feeling well after the booster jab and would be having her nails done the next day. She invited the accused for dinner and asked whether he had spoken to his staff about her. The accused replied, "Yes, we are unlikely to represent but will look for opportunities."

¹¹⁷ NE, 5 February 2025, 47/14-48/4

¹¹⁸ *Ibid*, 48/21-24

Date/Time	Text message
24 November 2021 (Wednesday) cont'd	
9.55pm	Sent by the accused: “If you feel well enuff, would you like to have dinner on Friday?” ¹¹⁹
25 November 2021 (Thursday)	
2.58am	Sent by the complainant: “i having fever now” ¹²⁰
3.06am	Sent by the accused: “Usually when you get a fever during your earlier shots, you will get some chills – you spoke too fast just now .. drink lots & lotsa of h2o and hope you are home resting” ¹²¹
	After the accused’s 3.06am message, he had also texted the complainant telling her to take some Chinese medication. The complainant stated she would take Panadol and sleep instead. She thanked the accused and sent him a kissy emoji.
3.27am	Sent by the accused: “Go rest nite [kissy emoji]” ¹²²
2.46pm	Sent by the accused: “How u feeling?” ¹²³

¹¹⁹ Exb P11A, p 1

¹²⁰ *Ibid*

¹²¹ Exb P11A, p 4

¹²² *Ibid*

¹²³ Exb P11A, p 4

Date/Time	Text message
25 November 2021 (Thursday) cont'd	
	The complainant replied she was feeling better and maybe they could actually meet up.
3.53pm	Sent by the accused: “Pl stay home, don’t exert & rest ...” ¹²⁴
26 November 2021 (Friday)	
	The complainant sent the accused a message asking how he was doing.
4.47pm	Sent by the accused: “[Thumbs-up emoji] asked a couple of days back if u wanna have dinner but no respond .. so nvm, will c u when u free” ¹²⁵
27 November 2021 (Saturday)	
12.09am	Sent by the complainant: “oh I just came back from staycay haha so sorry [grinning face with sweat emoji]” “but next two days i have courses for work” ¹²⁶
	The complainant sent a text message stating maybe they could meet on a certain date.
12.11am	Sent by the accused: “No worries. You let me know when you wanna drop by” ¹²⁷

¹²⁴ Exb P10, screenshot 4

¹²⁵ Exb P11A, p 5

¹²⁶ *Ibid*, p 7

¹²⁷ Exb P11A, p 8

Date/Time	Text message
2 December 2021 (Thursday)	
1.09am	Sent by the accused: “Hi V you still keen?” ¹²⁸

135 The accused testified that no contract or project was offered to the complainant at any of the meetings, as it would take a few months to a couple of years for the accused to decide if he would sign a talent, or whether the talent would be suitable to do anything.¹²⁹ Throughout the three meetings, the complainant had repeatedly asked the accused what the chances of her being represented by Hype Records were. She was anxious about whether the accused could decide quickly and when she should resign from her job. Even at the third meeting, the accused told her it was “going to take time” and “not so soon”.¹³⁰

136 The accused stated that he continued to engage with the complainant after the third meeting because discussions were still ongoing and he was still keen. While he might not have expressed an interest in signing her on, he actually had a project on hand, and he was considering her. It was a movie he wanted to make at that point, and he felt that the complainant would have been suitable for one of the roles. However, he did not tell her about the role as he did not want to give her false hopes until the director found her suitable.¹³¹

¹²⁸ Exb P10, p 5

¹²⁹ NE, 5 February 2025, 18/4-16

¹³⁰ *Ibid*, 40/4-14

¹³¹ NE, 5 February 2025, 83/8-22; 84/17-85/3; and 86/5-14

Police investigations

137 The police arrived at the Hype Records office sometime after 2pm on 6 December 2021. IO Zhahir informed the accused of a complaint against him and brought him to the station, where he was questioned for approximately seven hours from 4pm and the 6 December statement was recorded from him. The accused felt that the questioning was targeted and IO Zhahir showed no interest in understanding the context of his discussions with the complainant. While told that he was accused of outraging the complainant's modesty, he was not informed of the specific alleged acts.

138 Following the 6 December statement, the accused's legal counsel advised him to recollect and write down what transpired during the three meetings with the complainant. He also sought CCTV footage from Henderson Building and requested the return of his phone to retrieve the Telegram messages as evidence of his innocence.

Untruthful about the 6 December statement being inaccurately recorded

139 The accused testified that the 6 December statement¹³² was inaccurately recorded due to fatigue after seven hours of questioning, and he did not have his reading glasses to verify the statement's accuracy. He signed the statement only because IO Zhahir promised to call him in two weeks' time to address the accuracy and contents of the statement.¹³³

¹³² Exb P17

¹³³ NE, 6 February 2025, 83/16-84/1

140 During cross-examination, the accused was shown the 6 December statement and confronted with numerous contradictions between his statement and his testimony in court.

141 I was satisfied that the 6 December statement was accurately recorded for the following reasons:

(a) The statement was recorded by IO Zhahir in the presence of Fawzey, both of whom testified that the accused had signed it after multiple rounds of amendments. IO Zhahir testified that he had printed out two earlier drafts of the statement for the accused to read and amend, and even with the third printed version, the accused read and made amendments before signing it.¹³⁴ Fawzey also testified that the accused handwrote amendments on at least two printed versions before signing the final statement.¹³⁵ The testimonies of both witnesses showed that the accused was able to review and amend the statement as he deemed necessary, and he did so.

(b) The accused's claim that he signed the statement only because IO Zhahir promised to call him two weeks later to record a further statement to address the accuracy and contents of the 6 December statement was patently false. After giving the statement, the accused sought legal advice, and his counsel sent numerous emails and letters to IO Zhahir as early as 10 December 2021 regarding his mobile phone and CCTV footage from Henderson Building.¹³⁶ Notably, these communications contained no complaint about the accuracy of the 6

¹³⁴ NE, 24 April 2025, 89/23-90/4

¹³⁵ *Ibid*, 40/23-41/14

¹³⁶ Exb D8

December statement, no mention of IO Zhahir’s alleged promise to record a further statement, and no request for a further statement to be recorded from the accused.

142 It was evident that the accused had belatedly fabricated the allegations regarding the inaccurate recording of the 6 December statement to distance himself from portions of his statement that contradicted his testimony but aligned with the complainant’s testimony. A clear illustration of this was his evidence regarding the Tie Babe message.

Untruthful about the Tie Babe message

143 During examination-in-chief, the accused disputed the complainant’s testimony that he had addressed her as “babe”.¹³⁷ He also disputed her account that he had asked her whether she liked pain during sex or sent her the Tie Babe message after the second meeting (see [35]). His testimony about the “Tie me up” message with three stickers (see [128]) contradicted his 6 December statement which recorded (at p 5):

... I then asked her whether she like pain during sex and she replied yes. She texted that her boyfriend slaps and choke her during their sex activities which attributes to the pain. I asked whether she liked being tied up and I am not sure what exactly her reply. However, I believe that she told me that she was unsure why her boyfriend had not done that yet and they will try it. I then jokingly replied that “if your boyfriend never ties you up, I can tie you up, babe”. I meant it as a joke. She replied that she doesn’t like sexual jokes.

144 When confronted with these inconsistencies, the accused maintained he never sent the Tie Babe message and claimed that IO Zhahir had jumbled up the

¹³⁷ NE, 5 February 2025, 7/19-22

Baby Sticker with conversation about the complainant's boyfriend tying her up.¹³⁸

145 I rejected the accused's far-fetched claim that IO Zhahir had somehow turned the Baby Sticker into the message "if your boyfriend never ties you up, I can tie you up, babe". Notably, the accused had never previously mentioned any discussion about the complainant's boyfriend tying her up. This only surfaced for the first time when he needed to account for the Tie Babe message in his statement.¹³⁹ This marked a clear shift from his initial account that he had merely replied with the title of the drawing "Tie me up" and three stickers including the Baby Sticker (see [128]) to one involving a discussion about whether "her boyfriend ties her up" or "why the boyfriend will or would not like tying her up",¹⁴⁰ as the complainant had described. His evolving narrative and selective disclosure of details when confronted with contradictory evidence clearly demonstrated his untruthfulness.

The accused's statement supported the complainant's testimony

146 The 6 December statement supported the complainant's testimony in some respects that the accused had sought to dispute in his testimony.

Touching the complainant's lower back

147 During examination-in-chief, the accused disputed the complainant's testimony that he had placed his hand on her lower back as he sent her off at the end of the second meeting. He took pains to explain his position and suggested

¹³⁸ NE, 6 February 2025, 131/14-132/12

¹³⁹ NE, 5 February 2025, 23/17-24/3 and 26/9-27/9 vs NE, 6 February 2025, 131/21-132/12

¹⁴⁰ NE, 6 February 2025, 131/14-25

that the complainant had strategically accused him of touching her at a CCTV blind spot:¹⁴¹

I think in [sic] you look at the footages, you will notice that I kept a distance from her. I tend to keep a distance from all the people that I am not familiar with her [sic]. It is very convenient for her to say that I did that, but it is not captured on CCTV. I do not recall anything like that.

148 When shown the 6 December statement, the accused conceded that his testimony was inconsistent with his statement and he could have touched her lower back as a friendly gesture when sending her off at the second meeting.¹⁴²

Dimming the lights at the third meeting

149 Even where the accused could not remember whether he had dimmed the lights in the studio during the third meeting, he tried to deride the complainant’s testimony on this point:¹⁴³

Dimming after the second kiss? Wouldn’t have – if I wanted to do something like that, wouldn’t I dim it before the first kiss? It doesn’t make sense again, but the fact of the matter is because if I mean – if I had dimmed the lights, which I don’t recollect, it would be because it is shining on my head or whatever it is because we use very strong halogen light in the studio and we use that premises for filming.

150 When the 6 December statement was produced later, it showed the accused stated that he had in fact switched off some halogen lights in the studio during the third meeting.

151 To be clear, the accused’s conduct—addressing the complainant as “babe”, sending her the Tie Babe message, touching her lower back at the end

¹⁴¹ NE, 5 February 2025, 21/17-22

¹⁴² Exb P17, Answer 19

¹⁴³ NE, 5 February 2025, 50/21-51/3

of the second meeting, or dimming the lights during the third meeting—did not itself constitute proof of the offence. However, his emphatic denials in court demonstrated that he was an unreliable witness willing to make bald claims to serve his own interests.

No plausible motive for the complainant to falsely implicate the accused

152 The burden falls on the Prosecution to prove that a witness has no motive to falsely implicate an accused only when the Defence has adduced sufficient evidence to establish that the witness had a plausible motive to fabricate the allegations (*AOF v Public Prosecutor* [2012] 3 SLR 34 at [215]-[216]).

153 In the present case, I found that the Defence failed to show that the complainant had any plausible motive to falsely implicate the accused.

154 I rejected the Defence’s submission that the complainant fabricated the allegations out of anger upon realising after the third interview that an immediate contract with Hype Records was not on the table.¹⁴⁴ The text messages sent by the accused after the third interview clearly demonstrated his continued interest in exploring collaboration with the complainant, who had no reason to abandon the opportunity to work with Hype Records merely because a firm offer was not immediately forthcoming.

155 I also rejected the Defence’s submission that the complainant made the false accusation against the accused because she believed that being embroiled in a scandal was another way of gaining fame.¹⁴⁵ This contention was

¹⁴⁴ Defence’s Closing Submissions, [150]

¹⁴⁵ *Ibid*, [151]

unsubstantiated, as there was no evidence to suggest she had ever attempted to exploit the complaint to gain public attention.

Conclusion on Reasons for the Conviction

156 The complainant's testimony was clear and convincing. The sudden shift in her attitude towards the accused following the third interview was a compelling factor pointing to his guilt. Given her desire for an offer from Hype Records, making a police report that would destroy any prospect of collaboration would have been entirely illogical. The evidence provided no support for the Defence's theory that she fabricated the allegation out of anger over the lack of an immediate contract or that she wanted to exploit the complaint as a pathway to fame.

157 Having considered the Defence's case, I found that the Prosecution had proven the charge against the accused beyond a reasonable doubt and convicted him accordingly.

Sentencing

Prescribed Penalties

158 As at the date of offence (23 November 2021), the offence of outrage of modesty under s 354(1) of the Penal Code was punishable with imprisonment for a term which may extend to two years, or with fine, or with caning, or with any combination of such punishments.

Applicable Sentencing Framework

159 The *Kunasekaran* two-step sentencing framework applies to the offence under s 354(1) of the Penal Code.

160 The first step requires the court to consider the following offence-specific factors in the case:

- (a) The degree of sexual exploitation. This includes considerations of the part of the victim's body that the accused touched, how the accused touched the victim, and the duration of the outrage of modesty.
- (b) The circumstances of the offence. These include considerations of the presence of premeditation, the use of force or violence, the abuse of a position of trust, the use of deception, the presence of other aggravating acts accompanying the outrage of modesty, and the exploitation of a vulnerable victim.
- (c) The harm caused to the victim, whether physical or psychological.

161 Based on the offence-specific factors that are present in the case, the court should ascertain the gravity of the offence and place the offence within any of the following three bands of imprisonment:

Band	Description	Sentence
1	Cases that do not present any, or at most one, of the offence-specific factors, and typically involve cases that involve a fleeting touch or no skin-to-skin contact, and no intrusion into the victim's private parts.	Less than 5 months' imprisonment

2	Cases where two or more of the offence-specific factors present themselves. The lower end of the band involves cases where the private parts of the victim are intruded upon, but there is no skin-to-skin contact. The higher end of the band involves cases where there is skin-to-skin contact with the victim's private parts. It would also involve cases where there was use of deception.	5 to 15 months' imprisonment
3	Cases where numerous offence-specific factors present themselves, especially factors such as the exploitation of a particularly vulnerable victim, a serious abuse of a position of trust, and/or the use of violence or force on the victim.	15 to 24 months' imprisonment

162 The second step requires the court to consider the offender-specific factors, namely, aggravating and mitigating factors that relate to the offender generally, but which are not offence-specific. Aggravating factors include the number of charges taken into consideration, the lack of remorse, and relevant antecedents demonstrating recalcitrance. Mitigating factors include a timeous plea of guilt or the presence of a mental disorder or intellectual disability on the part of the accused that relates to the offence.

Caning

163 As a starting point, caning should be imposed where the outrage of modesty involves intrusion upon the victim's private parts or sexual organs (*Kunasekaran* at [50]). However, it would be necessary to consider the circumstances of each case to determine if caning should be imposed.

164 Further guidance on when caning should be imposed was given by the High Court in *GCO v Public Prosecutor* [2019] 3 SLR 1402 (“*GCO*”). Justice See Kee Oon observed (at [94]) that “[c]anining has typically been imposed on offenders in cases applying the *Kunasekaran* framework where there was skin-to-skin contact, or the contact was prolonged, or there was an element of restraint applied to the victim, although these aggravating factors should not be taken to be exhaustive”.

Parties’ Submissions on Sentence

165 Both parties agreed that the present case fell within Band 2 of the *Kunasekaran* sentencing framework, which ranges from five to 15 months’ imprisonment.

166 The Prosecution sought a sentence of 12 months’ imprisonment and an additional one month’s imprisonment in lieu of three strokes of the cane. It was submitted that the case fell within the upper end of Band 2 on account of the following offence-aggravating factors:

- (a) There was skin-to-skin intrusion of the complainant’s breast.
- (b) There was some evidence of premeditation, in view of the accused’s repeated posing of sexual questions, asking the complainant to kiss him, and his turning down of the lighting and suggestive question after the act.
- (c) The accused abused his position as the Director of Hype Records who was interviewing the complainant for a potential role. She trusted him as a mentor and had complied with his instruction for her to kiss him, believing this was to test her.

167 The Defence submitted that the case fell within the lower end of Band 2 with an indicative starting sentence of seven to eight months' imprisonment on account of the following offence-specific factors:

- (a) The degree of sexual exploitation was in the medium range as the contact only lasted for a brief three seconds and the accused removed his hand on his own thereafter, according to the complainant.
- (b) There was no premeditation as the accused did not take any deliberate steps to isolate the complainant, as the timing of the third meeting was determined to suit the complainant's schedule. The F for Change Question was a purely theoretical discussion and could not be said to have led to the offence.
- (c) There was no deception or false pretences to gain access to the complainant for sexual activity.
- (d) The complainant was not a vulnerable victim.
- (e) There was no use of force or violence.
- (f) There was no abuse of position or trust.
- (g) There was no evidence of any sustained harm to the complainant.

168 On account of the accused's stellar contributions to the nation's media landscape, the Defence submitted that a reduced sentence of six months' imprisonment would be appropriate. It was further submitted that no additional imprisonment term in lieu of caning ought to be imposed as that should only apply in cases with substantial aggravating factors like the exploitation of a

particularly vulnerable victim or a serious abuse of a position of trust (*Kunasekaran* at [69]).

Decision on Sentence

Imprisonment

169 Applying the first step of the sentencing framework, I identified the following offence-specific aggravating factors in this case:

- (a) **Degree of sexual exploitation** – The accused had squeezed the complainant’s breast for about three seconds, making skin-to-skin contact with her private parts.
- (b) **Circumstances of the offence** –
 - (i) The accused exploited his position as the complainant’s interviewer to create circumstances that enabled him to commit the offence. He cultivated an image of authority and expertise by mentioning names of local celebrities and telling the complainant how he had trained them. He positioned himself as her mentor by offering career advice and requesting complete openness from her so that he could better develop her character, and telling her that he wanted a “very close mentor and apprentice relationship” with her (see [27]). It was in this context that the accused asked the complainant to role-play by kissing him, which she consented to only because she believed it was part of the interview process. The accused took the opportunity to grope her breast while she was kissing him.
 - (ii) Second, the accused exploited the complainant’s vulnerability as an interviewee who would want to maintain

good relations with him. Given his position as the decision-maker for her career prospects with his company, the complainant would be understandably reluctant to report his conduct. His exploitation of this inherent power imbalance increased his chances of evading accountability for his actions.

170 Given that there was skin-to-skin contact with the complainant’s private part and the presence of two other offence-specific aggravating factors, the present case clearly fell within the higher end of Band 2. When explaining the types of cases that fell within each of the sentencing bands, the High Court in *GBR v Public Prosecutor and another appeal* [2018] 3 SLR 1048 at [34] clearly stated that cases involving skin-to-skin touching of the victim’s private parts or sexual organs would be at the “higher end of the spectrum of Band 2 cases”. The Defence’s submission that this case ought to be placed in the lower end of Band 2 was therefore without legal basis.

171 Having considered the offence-specific factors, I was of the view that a starting sentence of 12 months’ imprisonment in the present case was appropriate. This would be in line with the sentences imposed in the following cases involving skin-to-skin contact with the victim’s breast cited by the Prosecution:¹⁴⁶

- (a) *PP v Tan Ah Kow* [2023] SGMC 77 – Appeal dismissed.
- (b) *PP v Yin Siyuan* [2023] SGMC 12 – Appeal withdrawn.
- (c) *PP v Haji Mohamed Yusoof s/o A P M Adam* [2021] SGMC 65 – Appeal dismissed.

¹⁴⁶ Prosecution’s Sentencing Submissions, [10]

- (d) *PP v Rakesh Kumar Prasad* [2018] SGMC 35 – On appeal (*vide* MA 9111/2018/02), the sentence was enhanced by the High Court to 12 months’ imprisonment and three strokes of the cane.

172 The Defence’s reliance on the case of *GCO v Public Prosecutor* [2019] 3 SLR 1402 (“*GCO*”) to support their submission for a starting sentence of seven to eight months’ imprisonment was misplaced. In that case, the offender molested his friend by touching her vaginal area under her shorts but over her panties while she was asleep. The High Court determined that an indicative starting point of eight months’ imprisonment was appropriate on the basis that the case did not fall within the upper end of Band 2 due to the absence of skin-to-skin contact with the victim’s private parts and any further aggravating factors (*GCO* at [62]-[63]). Since the present case involved skin-to-skin intrusion of the complainant’s private part, a higher indicative starting sentence was warranted.

173 Applying the second step of the sentencing framework, there were no offender-specific factors which necessitated any adjustment to the indicative starting sentence. The accused was untraced and there were no other charges taken into consideration. As he had claimed trial to the charge, he was not eligible for any reduction of sentence for a plea of guilt. He also did not display any remorse in the conduct of his defence.

174 As regards the accused’s contributions to Singapore, the High Court in *Stansilas Fabian Kester v Public Prosecutor* [2017] 5 SLR 755 (at [94]) established that it would be necessary to justify the mitigating value of public service and contributions by reference to the four established principles of sentencing, namely, retribution, prevention, deterrence (both specific and

general), and rehabilitation. Chief Justice Sundaresh Menon explained why this must be so (at [92]):

... It is emphatically not the role of the sentencing court to adjudicate or pass judgments on moral worth, nor is the court well-equipped to do so. While it is true that the court's assessment of culpability involves an examination of the moral blameworthiness of the offender ... this is not a broad inquiry into the way the offender has lived his life and the good or bad deeds that have marked his years. The inquiry has a far narrower scope than this; it concerns only the blameworthiness of the offender in the commission of the offence of which he has been convicted ... In addition, there are serious issues of fairness with taking such matters into account ... acts of social contribution not only have an adventitious element in that such opportunities may arise only by chance, such opportunities are also not equal across social strata. In other words, those with resources to make such contributions tend to be better placed and more likely to avail themselves of such an argument, as compared to less privileged offenders ...

175 Consequently, the accused's contributions to Singapore were a neutral factor in sentencing in this case and provided no basis for any reduction in sentence.

176 All things considered, a sentence of 12 months' imprisonment was appropriate in this case.

Imprisonment in lieu of caning

177 In addition, as there was skin-to-skin intrusion of the complainant's private parts, caning would ordinarily be imposed. Based on the relevant sentencing precedents (see [171]), three strokes of the cane would have been ordered but for the fact that the accused was above 50 years of age at the time he was sentenced.

178 The High Court in *Amin bin Abdullah v Public Prosecutor* [2017] 5 SLR 904 ("*Amin*") provided guidance on when an additional imprisonment term in

lieu of caning ought to be ordered. The starting point was that an offender's term of imprisonment should not be enhanced, unless there were grounds to justify doing so. The court should first identify the principal sentencing objective(s) underlying the imposition of caning for the offence in question. Next, the court should consider whether the objective(s) in question would be furthered by the imposition of an additional term of imprisonment in lieu of caning. The enhancement of the sentence of an offender exempted from caning may be warranted to compensate for (a) the deterrent effect of caning; or (b) the retributive effect of caning that was lost by reason of the exemption (*Amin* at [62]-[64]).

179 If the need for deterrence is identified as the dominant sentencing principle behind the imposition of caning, the court should first consider whether an additional term of imprisonment was needed to replace the lost deterrent effect of caning, having regard to why the offender was exempted from caning. The key question to be asked is whether other like-minded individuals who are similarly situated as the offender before the court would have known before committing the offence that by reason of their own circumstances, they would be exempted from caning. If so, an additional term of imprisonment in lieu of caning may be more readily seen as necessary or appropriate to compensate for the general deterrent effect lost because the offender knows he will be exempted from caning. In general, an offender exempted from caning due to gender or age is likely to have known from the outset that he or she would not be caned. Therefore, for this class of exempted offenders, an additional term of imprisonment will be more readily seen to be called for, in order to compensate for the lost deterrent effect of caning. Second, the court should consider whether an additional term of imprisonment would be effective in replacing the deterrent effect of caning. In this regard, the court should consider whether there are reasonable grounds for thinking that the enhancement would

have the effect intended. If the length of imprisonment that the offence already carries is long, an enhancement of the sentence (which is capped at an additional 12 months' imprisonment) in lieu of caning is less likely to provide an effective or meaningful deterrent to would-be offenders having regard to the sentence already prescribed for the offence. The marginal deterrent value of additional imprisonment would generally diminish in relation to the length of the original contemplated term of imprisonment (*Amin* at [65]-[69]).

180 Where retribution is the dominant sentencing objective behind the imposition of caning, then the need to compensate for the retributive effect of caning lost by reason of the exemption would be a factor militating in favour of enhancing the offender's sentence, and the weight of this factor should be considered with reference to the length of the existing sentence (*Amin* at [70]).

181 Applying the legal principles to the present case, general deterrence and retribution were the dominant sentencing principles behind the imposition of caning for the offence. Given the seriousness of the offence and the accused's exploitation of his position of power as the complainant's interviewer, an additional term of imprisonment was appropriate to replace the lost deterrent and retributive effect of caning. As the accused was over 50 years of age at the time of the offence in 2021, he would have known from the outset that he could not be caned. The enhancement of one month's imprisonment (in lieu of three strokes of the cane) would not be a marginal increase over the 12-month imprisonment term ordered and would be effective in replacing the deterrent and retributive effect of caning.

182 Pursuant to s 325(2) of the Criminal Procedure Code 2010, I imposed an additional one month's imprisonment in lieu of three strokes of the cane which could not be ordered. This would also be consonant with the approach taken by

the High Court in *PP v Tan Kok Leong* [2017] SGHC 188 where the offender's sentence for each of the three charges under s 354(1) of the Penal Code was enhanced by two months each to 14 months' imprisonment per charge.

183 The accused was therefore sentenced to 13 months' imprisonment.

Conclusion

184 I was satisfied that the charge had been proven beyond a reasonable doubt and the sentence of 13 months' imprisonment was appropriate given the seriousness of the offence and the accused's culpability.



Lee Lit Cheng
District Judge

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Chambers) for the Public Prosecutor;
Tan Chee Meng SC, Paul Loy, Calvin Ong and Matthew Tan (Wong
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