1. This judgment DOES NOT need redaction.
2. Redaction HAS NOT been done.

DISTRICT JUDGE
SHAIFFUDIN SARUWAN
26 FEBRUARY 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGMC 29

MCN-901399-2023
Magistrate's Appeal No. MA-9112-2025-01

Between

Public Prosecutor

And

Mohd Razif Bin Radi

GROUNDS OF DECISION

[Criminal Law] – [Administration of Muslim Law Act] – [s 139(1) Cap 3, Rev Ed 2009] – [teaching doctrines relating to the Muslim religion in manner which was contrary to Muslim law] – [definition of "teach"]
[Criminal Procedure and Sentencing] – [Sentencing] – [Administration of Muslim Law Act] - [s 139(1)] – [teaching doctrines relating to the Muslim religion in manner which was contrary to Muslim law]

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Public Prosecutor
v
Mohd Razif Bin Radi

[2026] SGMC 29

Magistrate's Court— MCN-901399-2023
Magistrate's Appeal No. MA-9112-2025-01

District Judge Shaiffudin Saruwan
24-28 June 2024, 9-10 October 2024, 4-5, 7-8, 11-12 and 14-15 November 2024, 10 March 2025, 4 April 2025, and 7 July 2025

26 February 2026

District Judge Shaiffudin Saruwan:

Introduction

1 Teaching or publicly expounding any doctrine or the performance of any ceremony or act relating to the Muslim religion in any manner contrary to the Muslim law is an offence under s 139(1) of the Administration of Muslim Law Act (Cap 3, Rev Ed 2009) ("AMLA"). The accused was charged with teaching doctrines relating to the Muslim religion in manner which was contrary to Muslim law. This prosecution was the first of its kind under the said provision.

2 The prosecutors were DPP Hidayat Amir and DPP Jini Pillay from the Attorney-General's Chambers. The accused was represented by Mr Simon Tan and Mr Nikolas Wong from Attorneys Inc. LLC.

3 After a trial spanning 18 days, I found that the prosecution has proven their case against the accused beyond a reasonable doubt and I convicted him.

The charge

4 The charge stated that the accused, between 2004 to 2020, in Singapore, had taught a doctrine relating to the Muslim religion in a manner contrary to the Muslim law (the false doctrine). The false doctrine comprised the following -

(a) That gambling could be made permissible;

(b) That he (the accused) was able to summon the spirit of one 'Mbah' who was purportedly the last Prophet or one from the Prophet's lineage; and

(c) That a male and female could be validly married by way of a spiritual marriage ("*nikah batin*" in Malay).

The Trial

Case for the prosecution

5 The prosecution alleged that the accused had taught the false doctrine through a series of religious classes which he conducted for his students. A number of these students testified as prosecution witnesses. Their evidence all revolved around the same area. During these classes they were taught Quranic recitation and general Islamic religious knowledge including the false doctrine. These classes were held at regular intervals at night and at roughly fixed venues. During these classes they sometimes received handouts of the lessons. The students who attended these classes varied from class to class, ranging between eight to 20. The students were made to put into practice lessons taught. For example, some students were instructed to buy toto or 4D tickets. Classes were

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also conducted at public beaches or at holy prayer sites. On these occasions, they prayed and in some instances were tested on their knowledge of Quranic verses.

6 They testified that the accused had presented himself as a religious teacher. Beyond that, he had also held himself out as having divine authority and power. These attributes manifested themselves when he was infused with the spirit of one called Mbah, whom he proclaimed was the Prophet or one of his lineage. The students were also told that those who followed him faithfully were guaranteed their places in heaven. Dissenters and anyone who raised doubts about his teachings were expelled from the classes.

7 The prosecution asserted that the accused was assisted by a group of his followers, all female, who made up his inner circle of faithful and devoted acolytes. They were DW2, DW3, DW4, DW5 and DW7. They had been with him since the beginning. They had also helped in running the classes that the accused conducted. Among them, DW7 was singled out as the most ardent and loyal acolyte.

8 Apart from the oral testimonies, the prosecution also relied on a series of contemporaneous documents as corroboration. They comprised –

(a) An email thread dated 25 and 26 May 2009 between PW6 (one of the accused's students) and DW7 (Annex C of Exhibit PS1[1])(hereinafter referred to as "the email thread"). The discussion in the email thread revolved around PW6's disquiet and concerns about some aspects of the accused's teachings during the classes he had

[1] The Statement of Agreed Facts.

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attended. In these grounds of decision (GD), all references to the email thread referred to the translation document (Annex D of Exhibit PS1).

(b) A letter written by DW7 addressed to the accused (Annex A of PS1) (hereinafter referred to as "the letter"). In the letter, DW7 had shared her inner thoughts on three areas –

(i) She expressed her gratitude to him for having gained the secrets of Project 4 and Project 7. Project 4 was the reference to placing of bets on 4D and Project 7 to placing of bets on Toto. These were linked to his teaching that gambling could be permissible in Islam.

(ii) She expressed her gratitude to him for taking her as his wife. She had described him as the "most special person". She also described how she and the accused had undergone three divorces. She shared with him her reluctance in accepting that she had been divorced the third time, unlike to previous two divorces, and her plan to cope with it.

(iii) She had praised the accused as the "most special person". She had also referred to DW2, DW4 and DW5 as the accused's wives in order of hierarchy, with herself at the bottom as the fourth. She also wrote an encomium on DW2, DW4 and DW5 highlighting their virtues.

All references to the letter in this GD referred to the translation document (Annex B of Exhibit PS1).

(c) A series of notes handwritten by DW7 (hereinafter referred to as "the handwritten notes"). They comprised –

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(i) A selection of handwritten notes contained in a booklet titled "Community Safety & Security Programme" on the front cover (Annex E of Exhibit PS1).

(ii) A selection of handwritten notes contained in a booklet titled "Building Fund Muhammadiyah Education Centre" on the front cover (Annex F of Exhibit PS1). The translated version was used when references were made to this document (Annex G of PS1).

(iii) A selection of handwritten notes contained in a booklet titled "Shorthand Book" on the front cover (Annex H of PS1). The translated version of these notes was used when references were made to this document (Annex I of Exhibit PS1).

(iv) A selection of handwritten notes contained in a booklet titled "My Diary" on the front cover (Annex J of Exhibit PS1). The translated version of these notes was used when references were made to this document (Annex K of Exhibit PS1).

All references to the handwritten notes in this GD referred to the translation of the respective notes as set out above.

9 Excerpts of entries made by DW7 in her iPad (Exhibit P3)(hereinafter referred to as "the iPad notes"). All references to the iPad notes in this GD referred to the translated version (Exhibit P3T).

10 Letters of Agreements entered into by the accused and DW2, DW3, DW4, DW5 and DW7 (Exhibit P5). These letters referred to the agreement made by the parties not to reveal the secret of project 4 and project 7. The English translation was at Exhibit P7.

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11 In and around 2017, the accused together with DW4 had set up a café called Lina's Café at 7 Jalan Pisang ("Lina's Café"). Between 2017 and 2020, the accused had access to and control over its premises.

12 At all material times, the accused was never recognised as an Islamic teacher within the meaning of s 17(1) of AMLA.

The case for the defence

13 The accused declared that he was a practising Muslim, in that, he strictly adhered to the tenets of Muslim law such as performing the obligatory prayers five times a day and paying the annual mandatory charitable contribution ("*zakat*"). He asserted that he knew that the false doctrines constituted false doctrines and as a Muslim he categorically rejected them.

14 The accused has an unimpressive educational background. Although he attended at the Institute of Technical Education, he did not graduate. He had held various jobs until he started a small events management business called Green Media whom he partnered with DW4. Subsequently they ran Lina's Café. Using these two businesses, he strove to uplift the Malay-Muslim community by roping in Malay artistes to work with Green Media through organising concerts. Through Lina's Café, he participated in initiatives relating to helping children with special needs.

15 The accused denied all the prosecution's allegations –

(a) He denied that he had taught anyone the false doctrine or any false doctrine.

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(b) He denied that he had conducted religious classes where he had taught Islamic religious knowledge.

(c) He denied that he had held himself out as a religious teacher, or being erudite or having religious knowledge.

(d) He denied that he had the ability to be possessed by the spirit of one Mbah, who professed to be the Prophet or one of his lineage. He also denied that he possessed supernatural or divine power or attributes when possessed by this Mbah spirit,

(e) He claimed the alleged classes that he had attended during the relevant period were not religious classes but "social networking/business opportunity sessions" where the participants had engaged in free for all discussions on a varied range of topics of interest, including but not exclusively, topics on Islamic religious knowledge.

(f) He denied that he had contracted into any spiritual marriage. He had only one lawful wife and three children from their marriage.

16 The defence called seven witnesses to corroborate the accused's testimony in court. They comprised –

(a) DW2, DW3, DW4 and DW5 and DW7. The accused described how he had met them –

(i) He was introduced to DW2 by DW7 as DW7's business partner. Subsequently, the accused would meet DW2 on an *ad-hoc* basis during festivities or business and/or networking sessions.

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(ii) He met DW3 sometime in 2009 through DW4. This was when the accused and DW4 had just started Green Media. DW3 and DW4 had been classmates during their pre-university days. DW3 had then joined Green Media as a Talent Manager.

(iii) He met DW4 sometime in 2004 through a mutual friend. Then they started Green Media and Lina's Café together.

(iv) He was introduced to DW5 in 2004 through DW7. DW4 and DW5 had been classmates and friends since secondary school.

(v) He met DW7 through her ex-spouse PW10 when PW10 had invited him to the house in 1997. After this introduction, they met again five years later in 2003 through DW7's colleague at their company, AMNI. The accused then decided to invest in AMNI and DW7 and he became colleagues ever since.

(b) DW6, the daughter of DW7. He was introduced to DW6 through her mother, DW7. DW6 had known him since she was about six years old because she had accompanied DW7 when she attended business meetings and Hari Raya visits where the accused was also present.

(c) DW8, a volunteer worker at Green Media. He met DW8 sometime in 2011 through DW7. DW7 and DW8 used to be neighbours. At DW7's invitation, DW8 had helped out at Green Media. She was in charge of video production and visual enhancements during the concerts organised by Green Media.

17 In essence, the defence's case theory was that PW10 had borne a deep-seated grudge against the accused because he had blamed the accused for the

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breakdown of his marriage to DW7. Upon PW10's discovery of the handwritten notes and the iPad notes, "he had maliciously and vindictively exploited their contents and wilfully disseminated them" to the detriment of the accused[2]. He had then instigated the other prosecutions witnesses to give fabricated testimonies against the accused.

18 In relation to the documentary evidence ie the letter, the handwritten notes and the iPad notes, the defence asserted that some of these were works of fictional story writing created by DW7, while some others were her research work on gambling. The letter and the notes did not relate in any way to the allegation that the accused had taught false doctrines.

The relevant law and issues for determination

19 s 139(1) of AMLA provided as follow –

> "139.-(1) Whoever shall teach or publicly expound any doctrine or perform any ceremony or act relating to the Muslim religion in any manner contrary to the Muslim law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $2,000 or to imprisonment for a term not exceeding 12 months or to both."

20 In s 139(2) AMLA, it was provided that where evidence was given by the Mufti of Singapore that any doctrine, ceremony or act was contrary to the Muslim law, the court shall presume that such doctrine, ceremony or act was contrary to the Muslim law. In this regard, the Mufti of Singapore, Dr Nasiruddin Bin Mohd Nasir, gave evidence by way of a conditioned statement (Exhibit PS1, Annex L) stating, *inter alia*, that the doctrines set out at [4] above

[2] At Defence Written Submissions at [71].

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was contrary to the Muslim law within the meaning of s 139(1) AMLA. The Mufti also stated that the doctrines in question constituted grave sins in Islam. The defence did not challenge the Mufti's testimony. As such, I accepted the evidence of the Mufti and found that the doctrines were contrary to the Muslim law.

21 Therefore, the only issue for my determination was whether the accused had taught the false doctrine between 2004 to 2020.

The definition of 'teach'

22 The ordinary meaning of the word 'teach' was "to give lessons", or "to give instructions, or "to educate". The parties accepted this. However, the defence argued that 'teach' within the ambit of s 139(1) AMLA encompassed more than just the transmission of knowledge. There were other crucial elements required in order to establish that there was in fact the act of teaching. These were –

(a) The transmission of knowledge by the accused should have taken place in a formal, structured setting,

(b) The accused had acknowledged or held himself out to be erudite in certain ideas, and

(c) The participants should regard him as such and were prepared to be educated or taught on religious matters.

23 On the other hand, the prosecution submitted that the word should be given its ordinary meaning. They argued that this interpretation was consistent with Parliament's intent behind s 139(1) AMLA, which was to deter the transmission or propagation of false doctrines.

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24 In my opinion, the word 'teach' was associated with the transfer of knowledge and understanding. I would agree that the process might involve a teacher and a learner or student, aimed at the learner's or student's understanding and knowledge acquisition. The relationship could involve a teacher and one student or a teacher with a specific group of students. It was my view that it was inherent in such a relationship that the teacher would have acknowledged or held himself out to be erudite in the field that he was teaching, and that student or learner would have accepted the teacher as being erudite and were prepared to be instructed by him.

25 It was in this context that the word 'teach' should be given its ordinary meaning. In this sense, the word 'teach' was differentiated from the other *actus reus* prescribed in s 139(1) AMLA, which was to "propagate". That word meant to cause something to spread or and affect a greater area or number of people. It was all about dissemination and multiplication. The process lacked the more personal instruction inherent in teaching.

26 However, I respectfully disagreed with the defence's contention that teaching also required that the process of teaching should take place in a formal, structured setting. In the present case, the defence was alluding to a formal classroom setting. The defence's contention encompassed inserting additional elements into the offence that was not intended by Parliament. Not only that, I believed that it would serve to frustrate Parliament's intent behind the provision. The Parliament Debates on s 139(1) AMLA clearly showed that the mischief that the provision was meant to address was the transmission of false Islamic doctrines generally, and not the transmission of false Islamic doctrine in a specific manner. This was to prevent false Islamic doctrines from taking root within the Muslim community in Singapore because such doctrines would cause division within the community and therefore inflict great harm to the socio-

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religious harmony. This would adversely affect the peace and security not just within the Muslim community but also Singapore as a nation.

Did the accused teach during the relevant period?

27 The eight prosecution witnesses were set out in some detail below.

28 PW2 was introduced to the accused by DW7 sometime in 2004 or 2005. PW2 and DW7 were cousins. She was then invited to attend the accused's classes. PW2 had brought her husband PW1 along to these classes. She testified that she had attended fewer than 10 of the accused's classes that were fixed on Thursday nights. She also intimated that the highest number of students who had attended these classes were between eight to ten people, with females being the majority[3]. She also described how the accused would do most of the talking during these classes, and all questions were directed at the accused and he would answer them. She also remembered that on some classes, handouts were distributed[4].

29 As stated above, PW1 was PW2's husband. He testified that he had attended the accused's classes on two occasions. He described them as religious classes. Each class started after the dusk ("Maghrib") prayers. This was usually around 7.00 pm, and it would end around 10.00 pm to 11.00 pm. The classes were held about once a week. On the two occasions that he attended, he recollected that there were between 10 to 20 other persons who had attended. He testified that the accused had conducted the teachings during these classes and did most of the talking. During the question-and-answer sessions, all questions were directed at the accused and he would answer most if not all of

[3] NE Day 2, page 17 line 28 to page 19 line 5.

[4] NE Day 2, page 20 line 6 to page 21 line 9.

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them. Materials or handouts for use during the classes were also distributed to the students[5].

30 PW3 was a business woman. Around 2005, she said that someone had introduced her to the accused to help her cope with the untimely loss of her husband. She called the accused as "Ustaz" (religious teacher). She said that they met for the first time at her shop at Joo Chiat Complex. After that she started joining the accused's group. She described that on some occasions, the group went to mausoleums around Singapore and the beach at East Coast Park. During the visits to the mausoleums, she described how the accused had instructed them on the proper etiquettes when visiting mausoleums, how to touch the graves and feel the vibrations emanating from them, and how to eat flowers of the jasmine variety[6]. She said that the accused had done almost all of the talking, that he was their leader and that the group would always follow his instructions[7]. She described one occasion when the group had gone to her house and the accused had handed to them papers containing religious writings relating to the 20 characteristics of God. She testified that during these classes, the accused was the spokesman and had taught them [8].

31 PW4 was the ex-husband of DW4. He first met the accused through a mutual friend sometime in 2004. At the time, he and DW4 ran an events company. According to PW4, they needed spiritual help to ensure that the events they organised were successful. According to PW4, the accused had helped them by making them performed bathing rituals to ward off negative

[5] NE Day 1 pages 15-16.

[6] NE Day 2, page 52 line 4 to page 53 line 21.

[7] NE Day 2, page 53 lines 16-17.

[8] NE Day 2, page 56 line 20 to page 57 line 20.

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energy. Soon after, at the accused's invitation, they attended the accused's weekly religious classes. These classes were held every Thursday night. PW4 said that during these classes there were questions and answers about Islam[9]. PW4 also disclosed that for the first six to eight months, these classes were held at one of the group members' house at Teck Whye. Subsequently, the classes were held at other venues like mosques, or at the beach of East Coast Park. At these locations, other outdoor activities and prayers were performed in addition to religious classes[10].

32 PW5 was an ex-colleague of DW7 at the Madrasah[11] Al-Irsyad, a religious school. He was invited by DW7 to attend the accused's religious classes. In this way, he was introduced to the accused. He attended a total of two to three classes. PW5 said that these classes were conducted in the evenings but he was unable to recall whether the days were fixed. He also disclosed that about eight to 10 persons attended these classes. He confirmed that the accused had done most of the talking during the classes and the attendees would direct their questions to him. He also confirmed that notes were handed out before the commencement of the classes. The contents of these notes were religious in nature[12].

33 PW6 was also an ex-colleague of DW7 at Madrasah Al-Irsyad. PW6 described how he was invited by DW7 to attend the accused's classes after he had shared with her his intention to go into a deep dive on the spiritual aspect

[9] NE Day 3, page 2 line 13 to page 4 line 14.

[10] NE Day 3, page 4 line 15 to page 5 line 7.

[11] Religious school.

[12] NE Day 3, page 99 line 15 to page 100 line 23; page 101 line 4 to page 102 line 12.

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of Islam ie Sufism[13]. According to PW6, DW7 had described the accused as a very special teacher, one who possessed great insight and would be able to explain the spiritual aspects of Islam to him. These attributes attracted PW6 into joining the classes[14]. He stated that he had attended two classes over two months. He said that DW7 would notify the students about the class schedule. The classes were always conducted at night. During these classes, there were Quranic recitations by the students and the accused would correct their recitations. This was followed by lectures when the accused taught and expounded on topics in connection to Islam and God[15]. He described that everyone present during the classes were very respectful of the accused. At the end of each class, there were question-and-answer sessions and the accused was the only one who answered all the questions asked[16].

34 PW7 was a subordinate of DW7 at the organisation they worked from 1995 to 2015. DW7 was the CEO of the organisation. DW7 had invited her to attend the accused's classes. She had felt compelled to attend these classes. She attended three to four such classes which were religious in nature. She said that the classes were conducted every Tuesday. She was introduced to the accused in the course of attending the classes. The accused conducted these classes and did most of the talking, imparting religious knowledge to the students. Other than the accused, no one else volunteered their own views on religion to the class. During the question-and-answer sessions, the accused answered all the

[13] Sufism is the mystical, inner dimension of Islam focusing on direct, personal experience of God's presence. The aim was to achieve spiritual closeness and oneness with the Divine. The Arabic word for Sufism is "Tassawuf".

[14] NE Day 4, page 2 line 5 to page 3 line 15.

[15] NE Day 4, page 5 line 29 to page 6 line 5.

[16] NE Day 4, page 9 line 8-29.

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questions asked. Materials were also distributed to the class covering the topics which the accused taught[17].

35 PW11 was the daughter of DW7. She recalled that she had attended religious classes conducted by the accused. She confirmed that DW7 and the other defence witnesses were all present during these classes. She said that the accused would lead these classes. Sometimes handouts were distributed to everyone who was present. She said that no one argued with him. The students would pose questions to him and he would answer these questions[18].

36 It was clear that the testimonies of the prosecution witnesses set out above shared the following common threads –

(a) The accused had conducted religious classes and taught Islamic religious knowledge to them during these classes.

(b) The number of attendees to these classes usually ranged from 8 to 20.

(c) These classes were conducted at regular intervals.

(d) During these classes, the accused played the role of a religious teacher and transmitted or taught religious knowledge to the prosecution witnesses. In that role, the accused did most of the talking. Questions were posed to the accused during the question-and-answer sessions and he was the main person who answered them.

[17] NE Day 4, page 66 line 18 to page 67 line 22; page 68 line 8 to page 69 line 24; page 71 line 6 to page 72 line 8.

[18] NE Day 7, page 5 lines 9-14.

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(e) Handouts on the religious topics that were taught were also distributed before these classes from time to time.

37 The defence denied that the accused had conducted religious classes. They gave various nomenclature to these classes. DW2 called them social networking/business opportunity sessions. DW3 called them gatherings where participants engaged in general discussions/exchange of opinions, including on religious current affairs. DW4 called them social networking sessions or gatherings. DW5 called them social or business networking sessions. DW6 called them work meetings. DW7 called them social gathering and networking where business opportunities were discussed

38 In assessing the credibility of the testimonies of the prosecution witnesses, I noted that they gave testimonies of events and incidents that occurred as far back as 2004 until 2020. Given the long lapse of time, I was constantly mindful of the fallibility of human memory and recall. This featured very clearly in their testimonies. They remembered patches of memories about the classes that they had attended, and about what was said or done. They admitted to not remembering a host of other things. However, I was mindful that just because there were gaps in their memory, it did not mean that they should not be believed. What was important was to sieve and analyse their evidence carefully and determine whether their evidence was both internally and externally consistent.

39 I found that their overall testimonies in relation to the matters set out at [36] above were not shaken during cross-examination. Their testimonies were similar in many of the material aspects. In my mind, this was significant in that they underlined the credibility of these witnesses given that they were unknown to one another and they had attended the accused's classes at different points of

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time. Lastly, there was no credible evidence to raise a reasonable doubt that these witnesses had colluded to fabricate evidence against the accused.

40 Further, I also found that their evidence was objectively corroborated by the contents of the email thread and the iPad notes. I set out my reasons below for arriving at this finding.

41 The email thread supported the evidence that the accused had conducted classes on religion or religious knowledge. PW6 had shared his thoughts about the classes conducted by the accused which he had attended; about how he had benefitted a lot from the accused's teachings in these classes[19]. It was pertinent to note that DW7 did not contradict these statements made by PW6. Significantly, instead of contradicting PW6, she had agreed that the accused had conducted religious classes because she herself used the word "*kuliah*" which meant class[20]. She said this in the context of informing PW6 that he was free to leave the accused's classes if he has doubts about the accused's religious teachings but that she remained steadfast as the accused's student[21]. She extolled the accused as a man who possessed deep wisdom and religious knowledge, and that he was the only person who had been able to give her accurate answers to all her enquiries concerning religion. She emphasised his ability in analysing her problems and solving them. She attributed his teachings as instrumental in moulding her into the person she was now.[22] These statements made by DW7 in the emails clearly corroborated the prosecution's case that the accused was erudite in religious matters, that he had been conducting religious classes and in

[19] Annex D of Exhibit PS1 at page 3-4.

[20] Annex D of Exhibit PS1 at page 6, 3rd para, 3rd line.

[21] Annex D of Exhibit PS1 at page 5, 3rd para.

[22] Annex D of Exhibit PS1 at page 5-6.

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DW7's own words, these classes were still on-going at the time of the email exchange. DW7 was unable to give a coherent explanation why she had used the word "kuliah" when her position was that the accused had not conducted classes[23].

42 The email exchange was written in 2009, the same year PW6 had met the accused and attended the accused's classes. The email thread was therefore a contemporaneous document. Being contemporaneous, the emails provided an accurate account of the classes conducted by the accused because the contents therein was not tainted by the fallibility of human memory and recall. It served as a powerful corroboration of the testimonies of the prosecution witnesses that the accused had taught them religious knowledge during the classes which he conducted.

43 Similarly, the iPad notes (Exhibit P3T) corroborated the prosecution witnesses' oral testimonies.[24]. The iPad notes comprised extracts of handwritten entries made between January 2012 to approximately October 2015. Each page contained the header "GM Notes" with the day, month and year. GM here referred to Green Media, the company ran by the accused and DW4. These entries were clearly diary entries of records of discussions on religious topics interspersed with discussions of worldly affairs. I noted that there was also an entry recording a change in the schedule of the lectures ie classes conducted by the accused[25]. These entries, read holistically, were consistent with the

[23] NE Day 15, page 13 line 24 to page 21.

[24] The English translation version. The original was at Exhibit P3.

[25] Exhibit P3T at page 28.

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testimonies of the prosecution witnesses that the accused had conducted religious classes for them.

44 I noted that the defence did not dispute the authenticity of both the emails and the iPad notes. However, the defence offered an alternative explanation in respect of the contents therein which I addressed in detail in the latter part of this GD.

45 In conclusion, I found beyond reasonable doubt that the accused had conducted classes and that he had taught Islamic religious knowledge in these classes. The defence's case that these classes were in actual fact social cum business networking sessions was against the weight of the overall evidence.

Did the accused teach the false doctrines?

The accused taught that gambling was permissible

46 PW1, PW2, PW3 and PW4 testified that the accused had taught them that gambling could be made permissible.

47 PW1 testified that the issue was broached when the accused "mentioned something about how to gain capital". The accused claimed that he could cleanse the Singapore Sweep and Toto such that it was permissible for them to gamble on these tickets to earn capital for their business. PW1 then described how the group wrote down numbers between 1 to 10 on pieces of paper, then threw the pieces of paper onto the floor, and someone would pick the papers up and gave them to the accused. He would then write the numbers down and one of them would be told to purchase those numbers[26].

[26] NE Day 1, page 20 line 16 to page 21 line 32.

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48 PW2 testified that during the classes, the accused had also taught that he was able to make gambling in 4D and Toto permissible[27]. According to PW2, following this, some of the accused's students had participated in gambling in 4D and Toto. She said that the accused gave the instructions on when to buy and what numbers to buy. She described how the numbers for the 4D and Toto tickets were obtained. She said that for 4D, the numbers were obtained from throwing dice. The class students took turns to throw the dice. Once the numbers were obtained, one of them was instructed to buy the tickets. PW2 disclosed that she was picked to buy the tickets because she did not wear the Islamic female head covering. According to PW2, the accused told them that the main objective for gambling was to raise funds to set up businesses for the group[28].

49 PW3 described how the accused referred to gambling in 4D as "treasure" and that he said he would guide the group to obtain the treasure. PW3 also described an occasion where money was collected from the group for the purpose of buying 4D numbers[29].

50 PW4 testified that during the classes, the accused had also lectured on finance. He had urged the class to come up with Singapore Pool numbers for the class to buy. The accused had convinced them that they would be forgiven for participating in gambling, and that it was the only way to supplement the income of the class. PW4 described how the accused had summoned the spirit of Mbah and Mbah had told the class that Allah's permission had been obtained to take part in gambling. PW4 admitted that he had on one weekend bought 4D and Toto tickets. He also described how the numbers that the class intended to

[27] NE Day 2, page 23 lines 17 to 32.

[28] NE Day 2, page 25 line 7 to page 27 line 10.

[29] NE Day 2, page 63 line 30 to page 65 line 8.

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use to purchase 4D and Toto were recorded into the notes (Annex E2-E5 of PS1)[30]. Lastly, PW4 disclosed that the accused had referred to 4D as Project 4 and Toto as Project 7[31].

51 The testimonies of the four prosecution witnesses set out above were not contradicted during their cross-examination. In fact, their testimonies found corroboration in a number of the contemporaneous documents.

52 The first was the handwritten notes (Annex E of Exhibit PS1). PW4 had described how the numbers intended for use to purchase 4D and Toto tickets were recorded into the handwritten notes. Both PW1[32] and PW4[33] testified that the entries in Annex E-2 referred to the Toto numbers while the entries in Annex E-3 referred to 4D numbers. PW4 confirmed that the entries in Annex E were similar to those that he had seen being recorded in the handwritten notes.

53 The second was the letter (Annex B of Exhibit PS1). The letter corroborated PW4's testimony that the accused had referred to 4D as project 4 and Toto as project 7. In the letter, DW7 also made references to project 4 and project 7. Most significantly, she wrote "…*My only advice to you is, do exercise moderation when you purchase project 4 later, not more than $30 each for a start*…", which clearly referred to the purchase of 4D and Toto numbers.

54 The third was the letter of agreement (Exhibit P7). The letter described both project 4 and project 7 as "treasure", which was pertinently consistent with the testimony of PW3 that the accused had described proceeds of gambling as

[30] NE Day 3, page 13 line 7 to page 14 line 25; page 16 line 16 to page 17 line 16.

[31] NE Day 3, page 41 lines 25-31.

[32] NE Day 1, page 22 lines 7-20.

[33] NE Day 3, page 17 lines 2-18.

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treasure. This was significant because the letter of agreement and its contents were only known to the accused and the defence witnesses. PW3's knowledge of the two terms and what they referred to must have come from the accused.

55 The defence did not dispute the authenticity of the documents referred to above and their contents although a different context for them was offered. DW7 who made the entries in the handwritten notes agreed that the entries in Annex E were related to numbers used in gambling. However, she described these entries as part of a research work she had embarked on, and the numbers in Annex E had been provided to her by people on the ground. I rejected this explanation. Other than a bare assertion, the defence was unable to provide cogent and credible evidence to support the assertion.

56 I agreed with the prosecution that the entries in Annex E represented an on-going and continuing process of generating numbers rather than a recollection of past process. This was borne out when one looked at each page of Annex E closely. In particular, the entries in Annex E-3 and E-5 strongly suggested that the numbers in the pages of these annexes were generated for the purpose of being used either on the same date reflected in the pages or on a future date. The dates reflected in them also co-incidentally fell within the period in which PW1, PW2 and PW4 said the accused had taught them that gambling was permissible. Further, the initials "AR" was written by DW7 before each set of numbers generated. I agreed with the prosecution that "AR" denoted "Abang Razif", the term which DW7 had addressed the accused.

The accused was able to summon the spirit of one Mbah

57 The evidence adduced at the trial clearly showed beyond reasonable doubt that the accused had held himself out as being able to summon the spirit

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of a persona called Mbah, and that this Mbah was the Prophet Muhammad or was one of his lineage.

58 PW1[34] testified that on occasions during the classes, the accused would take on a different persona. In this persona, he called himself Mbah and claimed he was of the same level as the Prophet Muhammad. According to him, when Mbah appeared, the class became stunned and were very submissive and attentive towards him. PW1 also stated that the accused spoke with an Indonesian accent when he became Mbah.

59 The testimony of PW4[35] was along similar lines. He described how the accused told the class that he wanted to introduce his spiritual being, Mbah, to the class. The accused also revealed to them that Mbah was the Prophet Muhammad. The class was stunned by this revelation. He described how when the accused assumed the Mbah persona, the class had kissed the accused's hands and some had even kissed him they believed that their journey to heaven was fixed. PW4 also testified that Mbah spoke with an Indonesian accent, and Mbah had answered all their questions about the religion.

60 PW2[36] testified that during one class that she attended, the students suddenly started to cry and wailed loudly. She then found out this was because the accused had transformed into Mbah. She learned later from one of those present that Mbah was the Prophet Muhammad. She described how the class had kissed or shook Mbah's hands.

[34] NE Day 1, page 17 line 9 to page 19 line 23.

[35] NE Day 3, page 11 line 3 to page 13 line 6.

[36] NE Day 2, page 22 line 6 to page 23 line 6.

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61 There were similar testimonies from the other witnesses. PW3[37] testified that when the accused changed into Mbah, his voice changed and he spoke with an Indonesian accent. PW6[38] described how he saw the accused closed his eyes and became Mbah and spoke with a Javanese accent. He said that unlike the accused, Mbah had a more angry and impatient personality. PW11[39] described how during a class, DW7 had told her that the accused was going to have a spirit enter his body. She then saw the class gathering around the accused and then she heard the accused's voice changed.

62 The email thread between PW6 and DW7 corroborated all these testimonies. In the email thread, PW6 had voiced his concern and discomfort over the accused's ability to allow Mbah to "sit in him". This was consistent with his oral testimony about witnessing the accused becoming Mbah during one of the classes that he had attended. Pertinently, DW7 did not rebut or challenged PW6 on this in her reply. This omission by DW7 was materially significant as it showed that the accused's assuming the persona of Mbah was true. This was strong corroboration of all the witnesses' testimonies. Further, PW6 had also raised his concern over DW7's categorisation of the accused as higher than a saint because in his mind, only a prophet was higher than a saint. Again, this was consistent with and gave credence to the witnesses' testimonies that the accused had claimed that Mbah was the last Prophet or one of his lineage. It gave context to DW7's assertion to PW6 that the accused was higher than a saint. DW7 had believed that the accused had transformed into Mbah and was therefore in Mbah's persona was the last Prophet.

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[37] NE Day 2, page 58 lines 11-28.

[38] NE Day 4, page 10 lines 1- 16.

[39] NE Day 7, page 7 lines 19-32.

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Spiritual marriage was permissible

63 The totality of the evidence proved beyond reasonable doubt that the accused had taught that spiritual marriage was permissible in Islam.

64 PW3[40] testified that the accused had proposed to her that she entered into a spiritual marriage with him. That was the first time she had heard the accused spoke about spiritual marriage. This happened when the group was at a mausoleum at Radin Mas. She disclosed that PW4, DW4 and DW7 were present at the time. She said the accused had told her that in a spiritual marriage, the normal legal rules applicable in a normal valid Islamic marriage were not required. All that was required was an agreement between the man and woman.

65 PW4[41] testified about how the accused had taught them that spiritual marriage was valid and permissible in Islam. According to PW4, it started with the accused declaring that he needed to have 13 wives and that he would achieve this by engaging in spiritual marriages. He said that a spiritual marriage was valid as Allah and the angels would be the witnesses, and Mbah would act as the judge ("Kadi"). PW4 then described how he was present when the accused had proposed to PW3 that they entered into such a marriage. He was not sure but he thought the proposal was made to her when the class was at a mosque. Subsequently, the spiritual marriage rites were carried out in a small room at the back of PW3's shop at Joo Chiat Complex. PW4 said that other than the accused, PW3 and himself, DW7 was also present.

[40] NE Day 2, page 60 line 20 to page 61 line 3.

[41] NE Day 3, page 19 line 4 to page 22 line 16.

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66 PW1 also mentioned spiritual marriage in his testimony. He could only recollect that the accused had mentioned spiritual marriage and said that spiritual marriage had been permissible since the time of the Prophet.

67 There was corroboration by way of the letter written by DW7 to the accused. In the letter, DW7 had described herself as one of the accused's wives at least 10 times. She also made references to being divorced by him three times. DW7 also described the inter-relations between the accused, herself and his other three wives namely, DW2, DW4 and DW5. As the prosecution had aptly described, the contents in the letter served as a natural extension of the evidence of the prosecution witnesses on the accused's teachings on spiritual marriage. Not only had the accused taught that spiritual marriages were permissible in Islam, he was also part of several spiritual marriages with these defence witnesses, who incidentally were his ardent and loyal acolytes.

68 There was also corroboration in the form of the handwritten notes by DW7 (at Annex F-4). The translation of this document was at Annex G. The handwritten notes contained references to the teachings of Mbah. At page 5 of Annex G, there was a pertinent entry -

> "come 2005…a.Rf will become a successful business – soon will have 9 legitimate wives.."

I agreed with the prosecution that the term "a.Rf" was the term of endearment used by DW7 to refer to the accused. What was striking about this excerpt was the similarity in the declaration that the accused would have nine wives found in this document and what PW3 said in court[42] which was set out below –

[42] NE Day 2, page 58 lines 25-31.

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> "Q Okay. Anything else you want to tell us about the differences between the normal state of Razif and this Mbah state?
>
> A I remember when he talk (sic), different slang. I think more to Indonesian accent. And then he told us that one day Mbah will marry nine wives. And then, he said that we all---those who are attended this class is very lucky because those who have been kissed by him on the forehead will go to heaven."

69 Given that PW3 had never seen the handwritten notes, the only logical inference to be drawn from the similarity in the evidence in relation to the number of wives was that both PW3 and DW7 had been told this information by the accused. It also gave the context why the accused had preached the permissibility of spiritual marriage, which was, as the vehicle for him to achieve the objective of having multiple wives.

70 Therefore, these contemporaneous evidence above strengthened the credibility of the prosecution witnesses when they said that the accused had taught them that spiritual marriage was permissible. They eliminated the possibility of fabrication, collusion and human fallibility in the power of recall.

Conclusion on credibility of the prosecution witnesses

71 From the discussions above, I have no difficulty in finding that the prosecution witnesses were credible and their testimonies coherent and cogent. Their testimonies coincided an/or overlapped on many specific material areas. This was remarkable given that some of these witnesses had met the accused and attended his classes at different periods of time and had therefore not known or met one another. It was therefore improbable that their evidence was

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fabricated or that there was collusion among them. In any case, the defence had failed to adduce reasonable credible evidence of fabrication or collusion.

72 There is one other example which further reinforced their credibility. This was in relation to the testimonies of PW5[43], PW6[44] and PW12[45] when they described the accused's teaching them about the ritual of cleansing oneself after defecating by using a toothpick. The similarity in their evidence was noteworthy for two reasons. One, the ritual taught by the accused was not only unusual but from the point of view of mainstream Islam, bizarre. Two, PW12 had met and attended the accused's classes some two to four years after PW5 and PW6 had done so. Therefore, the fact that they gave similar evidence on this unusual/bizarre cleansing ritual cemented their overall credibility.

73 I was also satisfied that there was no reason for the prosecution witnesses to lie. The defence had argued revenge as a motive especially in relation to PW4 and PW10. PW4 and PW10 were ex-spouses of DW4 and DW7 respectively. The defence submitted that they had blamed the accused for the breakdown of their marriages. They had therefore fabricated evidence and persuaded the other prosecution witnesses to fabricate evidence against the accused as a way of extracting revenge. I noted that, other than this bare assertion, the defence had failed to adduce any cogent or credible evidence to support their case theory.

74 In conclusion, I agreed with the prosecution's submission that the totality of the evidence adduced formed an "*unbroken tapestry of evidence*

[43] See NE Day 3, page 101 line 21 to page 102 line 5.

[44] See NE Day 4, page 11 lines 10-21.

[45] See NE Day 4, page 73 lines 14-17.

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which paint[ed] a clear picture"[46]; which was that the witnesses' recollections were true. The caution about human fallibility in recalling events after a long passage of time was significantly ameliorated if not removed through corroboration by the various contemporaneous documentary evidence. In any event, I found that it was not suspicious that these witnesses were still able to recall the events despite the long passage of time. Given the very singular nature of their interactions with the accused, these interactions must have had a great personal impact on them. As such, it was not improbable that they still remembered the significant events that had transpired. As aptly put by PW2[47], when asked the very question how she was able to remember events that occurred some time ago, her reply was –

> "Well, I don't remember every bit of it. I remember what's like---things that jumped, you know"…"Things like, if he say he's really the prophet, like, you know. And the tsunami thing. The gambling thing. You---you---I don't think you'll forget these things."

The accused and the defence witnesses were not credible witnesses

75 On the totality of the evidence before me, I found that the accused and the defence witnesses were not credible in their testimonies. I have addressed some of the more significant aspects of the testimonies of the accused and the defence witnesses and their lack of credibility in the paragraphs above. I would now set out some other aspects of the same below.

76 The accused's denial of the prosecution's allegations rang hollow especially when he failed to provide cogent and credible evidence to support his

[46] Prosecution's Closing Submissions at [38].

[47] NE Day 2, page 32 lines 6-11.

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case. Even when he was given the opportunity to present the evidence when he was on the stand. When confronted with the testimonies of the prosecution witnesses, his go-to tactic was to launch *ad hominem* attacks on them instead. To PW1's testimony that he heard the accused said that gambling proceeds could be cleanse, the accused's countered that it was PW1 who had said that during a discussion between PW1 and PW2[48]. To PW3's testimony that the accused had referred to 4D gambling proceeds as 'treasure', the accused countered that it was PW3 who had gambled in 4D[49]. And to PW3's testimony that the accused had proposed spiritual marriage to him, he countered that PW3 was the one who had wanted to marry him[50]. I noted that these various allegations and aspersions were not put to the prosecution witnesses when they were on the stand. I could only conclude that the accused had employed this tactic as a diversion because he had no cogent or credible evidence to rebut their testimonies.

77 The accused's assertion that he had no idea what the terms "project 4" and "project 7" meant was also shown to be untrue. He had made a statement to the police (Exhibit P9) that directly contradicted this. At Q&A 15 of the exhibit, he was asked about teaching that gambling was permissible in Islam if it helped the needy. He did not answer the question directly but rather volunteered information about project 4 and project 7 –

> "It is called "Project 4" and "Project 7". Project 4 is betting on 4D while Project 7 is betting in Toto with Singapore pools. In 2018, I was in

[48] NE Day 8, page 21 line 24 to page 22 line 3.

[49] NE Day 8, page 41 lines 8-15.

[50] NE Day 8, page 39 line 12-16.

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financial difficulty. I came out with this idea of Project 4 and Project 7. I admit coming out with this idea alone and I placed the bets alone."

78 When he was confronted during cross-examination with the above answer, he tried to distance himself from his statement by claiming that he had said those things because he was "pressed" to provide an answer. When the DPP pressed him further on the issue, that explanation morphed into the claim that the answer had not come from him. I noted that before he was confronted with his answer in Exhibit P9, the accused was shown the exhibit and he had confirmed that he had given the statement in Exhibit P9 voluntarily. He had confirmed that there was no threat, inducement or promise made to him during or before the recording, and that he had been honest in all his replies. As such, I found that the claims made by him was clearly a belated attempt at disowning his police statement. I rejected both his claims that he was "pressed" to provide an answer or that the answers in Exhibit P9 did not come from him. Not only were they inconsistent with one another, he had failed to provide credible evidence to support his claims.

79 I noted that the answer he gave in Q&A 15 was consistent with his answers in the subsequent three questions (Q&A 16 to 18). These were logical follow-ups to his answer in Q&A 15. In these answers, he had elaborated on how he had placed bets in relation to these projects and how he had won some small amounts for project 7 but not for project 4. Contextually, Q&A 15 to 18 presented a consistent and logical flow in their sequence and contents.

80 I rejected the defence's contention that the accused had lacked understanding or comprehension of the questions posed given his limited educational background and mental acuity. The coherent replies that he gave to the questions bore this out. Further, the questions asked were not complex or

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sophisticated or convoluted such that a person as described by the defence would be unable to give coherent responses. As for the defence's contention that plausibly the two terms project 4 and project 7 and their references had been furnished by the recording officer to the accused and being pressured and confused, the accused had accepted what the recording officer had told him were wholly unsupported by any evidence.

81 DW7's contention that all the documents made by her ie the letter, the handwritten notes and the iPad notes, were all created for the purpose of developing a storyline for a TV production. Essentially, the plot was situated around the Majapahit era being adapted into the modern world[51]. DW7 explained that the story contained a blend of two genres, fiction and ground research. Fiction included the letter and the iPad notes. Ground research included the topic on gambling[52]. She claimed that she had wanted to publish the work through her "media friends" including one "Jon Ramlan". Yet she was unable to furnish any evidence to support this. Her claim about research work on gambling, was similarly bereft of supporting evidence. As pointed out by the prosecution, she did not keep any records of the steps she had purportedly taken in her research. For example, there was no record of the people whom she claimed she had interviewed and the verbatim notes of these interviews, or even the dates when these interviews had taken place. DW7's claims were therefore not credible and I rejected them.

Antecedents

82 The Accused was a first offender.

[51] NE Day 14, page 125 lines 4-14.

[52] NE Day 14, page 104 lines 10-30; page 131 lines 11-32.

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The sentence

The prescribed punishment

83 The prescribed punishment for the offence was a fine not exceeding $2,000 or to imprisonment for a term not exceeding 12 months or to both.

The prosecution's submission on sentence

84 The prosecution sought a sentence of five to seven months' imprisonment.

85 First, they submitted that deterrence was the dominant sentencing consideration for the offence. The need to deter deviant teachings formed the very *raison d'etre* behind s 139(1) AMLA, as reflected in the various statements made by the Minister of Muslim Affairs in Parliament –

> (a) "Bill also provides for the control of Muslim religious lectures so as to ensure that such lectures are not used for political or communal propaganda or to advocate teachings or doctrines which are repugnant to the teachings of Islam."[53].
>
> (b) "It is critical that we do not allow false doctrines to be propagated within our community, especially if they threaten our socio-religious peace and harmony, and our way of life in Singapore.
>
> (…)

[53] Second Reading of the AMLA Bill, Singapore Parliamentary Debates, Official Report (30 December 1965), Vol 24, Col 773, Mr Inche Othman Wok, Minister for Culture and Social Affairs. At Tab A of the Prosecution's Address on Sentence (Bundle of Authorities).

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Section 139 of the Administration of Muslim Law Act imposes criminal sanctions on those who promulgate false doctrines."[54].

(c) "Majlis Ugama Islam Singapure (MUIS) takes a very serious view on the propagation of false doctrines, especially if it threatens our socio-religious peace and harmony, and our way of life in Singapore. At the Sitting on 4 January 2021, I addressed the matter of how MUIS adopts a multi-pronged approach to counter individuals spreading deviant teachings in the name of Islam."[55].

86 In addition, the prosecution submitted that the distinct nature of the offence and the manner in which it was committed warranted deterrence. At least three of the specific characteristics highlighted by the High Court in *PP v Law Aik Meng* [2007] 2 SLR(R) 814 ("*Law Aik Meng*") were present. They were –

(a) The offence involved community and/or race relations, had "triggered unease and offended public sensibilities. The revelation of the case in the media in 2020 had led to significant public outcry.

(b) There was a high degree of premeditation. These were shown through the manner in which recruitment of followers were done, the long period of offending, the unabashed personification of a divine entity (Mbah) designed to garner awe and give legitimacy to him as a religious teacher, and expelling dissenters and doubters.

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[54] Singapore Parliamentary Debates, Official Report (4 January 2021), Vol 95, Mr Masagos Zulkifli, MP. At Tab B of the Prosecution's Address on Sentence (Bundle of Authorities).

[55] Singapore Parliamentary Debates, Official Report (2 February 2021), Vol 95, Mr Masagos Zulkifli, MP. At Tab C of the Prosecution's Address on Sentence (Bundle of Authorities).

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(c) Numerous people were conned into becoming his followers. Some went beyond being passive followers, exhibiting deep loyalty and became active participants in the accused's deviant teachings.

87 The prosecution submitted that the harm caused was low while the accused's culpability was high. They arrived at this assessment by applying the first step of the framework in *Logachev Vladislav v PP* [2018] 4 SLR 609 ("*Logachev*"). The factors towards harm were –

(a) The offence persisted for about eight years. In that time, the accused had recruited between 8 to 20 students or followers. 5 of them – DW2, DW3, DW4, DW5 and DW7 – became his ardent and loyal followers and were complicit in recruiting other students for his classes and in the preparation of these classes.

(b) Significant degree of public outcry and disapprobation were created by the accused's teachings. This was the very mischief that s 139(1) AMLA was targeted at.

(c) Direct and indirect harm were caused to those who attended the classes. For example, some had engaged in gambling activities because of the accused's teachings. As the Mufti had declared, gambling was a grievous sin in Islam.

(d) The deviant teachings had destroyed family relationships. Relations became distant and strained, and in some cases estranged. Marital relationships had in some cases irretrievably broken down leading to divorces.

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88 The factors on culpability were –

(a) The false doctrines taught by the accused concerned very grave sins in Islam. His students had also participated in putting into practise these false doctrines, for example, they had taken part in gambling activities and spiritual marriage.

(b) There were significant premeditation and deliberation in the commission of the offence. The accused professed to have supernatural powers by pretending to be infused with the spirit of Mbah. He also made promises of a guaranteed admission into heaven to his followers. All these actions were designed to instil awe, develop loyalty and conformity among his followers.

(c) The accused was motivated by self-interest. He taught that spiritual marriage was permissible with the clear intention of engaging in a spiritual marriage himself with one of his followers. He taught that gambling was permissible for the express purpose of engaging in gambling to raise money for his group's business activities.

(d) In order to conceal his deviant teachings, he enforced a code of silence through getting pledges from his followers not to disclose his teachings.

89 The prosecution also submitted that there was no mitigating factor that the accused could rely on. He could not avail himself to any sentencing discount. In the course of the trial, the accused had cast aspersions on the prosecution witnesses, As such, the prosecution argued that there was no reason to revise the sentence downwards.

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The mitigation plea

90 Counsel for the defence highlighted the accused clean record and good character. He showcased the accused's commitment and contribution to the community, including supporting families with autistic children. The present case has caused extreme hardship for him personally because he was ostracised by the Malay-Muslim community and his livelihood was jeopardised. All these were compelling reasons to believe that the accused would not re-offend. In that light, a lengthy custodial sentence would be manifestly harsh and unwarranted.

91 Mr Tan submitted that the level of harm and culpability was low. He argued that the harm caused was minimal, in that, "the overall impact of the offence was limited to the transmission and sporadic practicing of false doctrines, with a significant lack of significant material harm to the victims. He pointed out that all the prosecution witnesses had renounced these false doctrines which the accused had transmitted. Throughout the period of offending, the victims were free to cease all interactions with the accused as they pleased. The transmission of the false doctrines by the accused was also done in a limited manner. The accused had only taught between eight to 20 persons over the relevant period. He had not adopted the use of modes of transmission which could potentially reach out to a larger audience such as social media or other online means.

92 Mr Tan submitted that on account of the absence of any significant aggravating factors the custodial threshold had not been crossed. As such he submitted that a fair and adequate sentence was the maximum fine of $2,000.

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Sentence of the Court

93 The objective of s 139(1) AMLA was to deter the propagation of deviant teachings and doctrines which were repugnant to the teachings of Islam. Deviant teachings can threaten our socio-religious peace and harmony. For this reason, the dominant sentencing principle is deterrence.

94 There is no case precedence to serve as a guide on sentence. I would have to determine the appropriate sentence by applying the harm-culpability matrix to determine the overall gravity of the offence: see *Logachev*.

95 I found the level of harm to be moderate on account of the following factors –

(a) Over a period of eight years, the accused had taught the false doctrines to his group ranging between eight to 20 participants, including his five acolytes. These numbers were not insignificant.

(b) The offence had triggered unease and offended the sensibilities of the public in general and the Malay-Muslim community in particular after it was publicly disclosed. Even the defence had acknowledged that there were significant media attention and backlash from the public, in particular from the Malay-Muslim community.

(c) At least two victims had been so convinced by the accused's deviant teachings that gambling was permissible that they had voluntarily taken part in the act of gambling. Gambling was a grave sin in Islam, and the realisation that they had committed a grave sin would have a psychological impact on them.

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(d) The accused's deviant teachings had contributed to the breakdown in familial relationships. PW2 had shared how her relationship with DW7, her cousin, became distant after the deviant teachings became public knowledge. PW9 shared about how the family had become estranged ever since he had discovered the notes written by DW7. PW4 and PW10 both shared that the deviant teachings had led to the breakdown of their marriages. This was because their ex-spouses, DW4 and DW7, had remained loyal to the accused.

96 I found the accused's culpability to be high on account of the following factors –

(a) The false doctrines taught by the accused were relating to grave sins in Islam. More significantly, the teachings were acted upon by the participants in that some had engaged in gambling on 4D and Toto, and also in spiritual marriages.

(b) There was a significant degree of premeditation and deliberation in how the accused had committed the offence. The steps taken by the accused was the textbook in cult behaviour. In claiming to hold supernatural powers and promising a place in heaven for his followers, he secured their loyalty and obedience. He adopted the persona of Mbah to further cement his religious credentials and claims of special religious powers.

(c) The accused was motivated by self-interest. His teachings that spiritual marriages were permissible was with the intention of engaging in spiritual marriages himself. The injunction that gambling was permissible was also to generate income for the group through the profits from gambling in 4D and Toto.

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97 Deviant teaching in religion is inherently dangerous. It involved the manipulation of individuals, the breakdown of social cohesion and posed a threat to public safety, and in some cases, mental health. It could erode trust in and undermine legitimate religious authority. The groups formed from such teachings often employed systematic, cult-like tactics and forcing followers to pledge unquestioning loyalty to the teacher. To ensure this, the followers were usually isolated from friends, family and society. They would often coerce their loved ones to adopt the same set of beliefs which would result in broken families and severed friendships. On a more sinister note, these teachings could warp religious concepts and if left unchecked, could lead to radicalisation and justifying violence, extremism and intolerance.

98 For the above reasons, the dominant sentencing consideration for such an offence must be deterrence. In this case, some of the elements stated above were present. I take the view that a custodial sentence was warranted and appropriate. A strong and clear signal should be sent to like-minded offenders and the general public. Given that the harm was moderate and culpability high, I was of the view that the indicative starting point ranged between four to six months' imprisonment. As the accused had claimed trial, no sentencing discount could be accorded to him. Other than his clean record, there was no significant mitigating factor that would justify revising the indicative starting point downwards.

99 All considered, I sentenced the accused to four months' imprisonment.

Conclusion

100 The Accused has lodged an appeal against his conviction and sentence. He is presently on bail pending appeal.

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Shaiffudin Saruwan
District Judge

DPP Hidayat Amir/Srutti Bopanna and DPP Jini Pillay (AGC) for the prosecution
Mr Simon Tan and Mr Nikolas Wong (Attorneys Inc. LLC) for the accused

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