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

[2025] SGHC 134

Magistrate's Appeal No 9161 of 2024/01

Between

Poo Tze Chiang

… *Appellant*

And

Public Prosecutor

… *Respondent*

GROUNDS OF DECISION

[Criminal Law — Offences — Section 6(*a*) Prevention of Corruption Act (Cap 241, 1993 Rev Ed)]
[Criminal Law — Offences — Section 204A Penal Code (Cap 224, 2008 Rev Ed)]
[Criminal Procedure and Sentencing — Sentencing]

TABLE OF CONTENTS

Poo Tze Chiang
v
Public Prosecutor

[2025] SGHC 134

General Division of the High Court — Magistrate's Appeal No 9161 of 2024/01
Kannan Ramesh JAD
25 April 2025

11 July 2025

Kannan Ramesh JAD:

Introduction

1 HC/MA 9161/2024/01 concerned appeals against conviction and sentence by Mr Poo Tze Chiang (the "Appellant"). The Appellant had claimed trial to seven charges for offences of receiving bribes as an agent under s 6(*a*) of the Prevention of Corruption Act (Cap 241, 1993 Rev Ed) ("PCA") (the "Corruption Charges") and three charges for offences of obstructing the course of justice under s 204A of the Penal Code (Cap 224, 2008 Rev Ed) ("PC") (the "Obstruction Charges"). The Prosecution's case, in essence, was that the Appellant had accepted bribes from Mr Wang Huate ("Wang") and Mr Cordell Chan Yuen Kwang ("Chan") – who were senior members of the *Ang Soon Tong* secret society – to assist with police investigations against them. A District Judge (the "DJ") convicted the Appellant on all ten charges, sentencing him to

a total of 78 months' imprisonment and ordering payment of a penalty of $32,500, in default 14 weeks' imprisonment. The DJ's decision may be found at *Public Prosecutor v Poo Tze Chiang* [2024] SGDC 314 (the "GD").

2 At the hearing of the appeal, counsel for the Appellant indicated that the Appellant was no longer proceeding with the appeal against conviction on five of the Corruption Charges. The arguments proceeded on the remaining charges and I dismissed the appeal against the conviction in respect of the remaining charges and the appeal against sentence, with brief oral grounds. The full grounds of my decision follow.

Undisputed facts

3 I set out the facts and arguments that relate to the charges that were contested on appeal. Reference to the other charges and the facts in relation thereto is only made to the extent relevant to the analysis below.

4 At all material times, the Appellant was a veteran police officer with the Secret Societies Branch (the "SSB") of the Singapore Police Force and held the rank of Station Inspector.

KTV Meeting

5 In the early morning of 14 September 2019, Wang and Chan were involved in a bar brawl. The police were called to the scene and Wang was arrested for drunk behaviour and released the same morning. Chan was not arrested.

6 Given their secret society involvement, Wang and Chan were concerned that they would be detained by the SSB under the Criminal Law (Temporary

Provisions) Act (Cap 67, 2000 Rev Ed) (the "CL(TP)A"). They reached out to a fellow secret society member, Mr Ng Chuan Seng ("Ng"), for assistance. Ng was known to the Appellant to be a member of the *Ang Soon Tong* secret society and had previously reported to the Appellant when he was under police supervision. A few days later, Ng introduced Wang and Chan to the Appellant at a KTV club (the "KTV Meeting"). At the KTV Meeting, a red packet was offered to the Appellant. On 22 September 2019 – within a few days of the meeting – the Appellant deposited a sum of $2,000 into his POSB bank account.

The HillV2 Meeting

7 On 8 February 2020, when Wang was driving to Malaysia, he was detained for questioning by SSB officers at the Woodlands Checkpoint. Upon release the next morning, he informed Chan that he had been arrested by the SSB.

8 Late in the evening on 22 February 2020, Wang and Chan met the Appellant in the basement carpark of HillV2 shopping centre (the "HillV2 Meeting"). They each entered the carpark in separate cars between 10.53pm and 11.07pm and left between 11.20pm and 11.21pm. In the months following, the Appellant made multiple cash deposits totalling more than $20,000 into his POSB bank account. I expand on the facts in relation to this meeting in these grounds at [18] below.

Events on 5 August 2020

9 The SSB intended to detain Wang under the CL(TP)A when he reported for bail on 5 August 2020. Early that morning, before Wang was to report, the Appellant called Chan (the "5 August 2020 Telephone Call"). Following this call, Chan called Wang, who then visited a clinic and obtained a medical

certificate. Relying on the medical certificate, Wang did not report for bail. On the same day, a police gazette was issued against him for failing to report for bail.

10 Later that evening, Wang and Chan met the Appellant at the void deck of the Appellant's residential block. While they were seated at a table in the void deck, two police officers who were patrolling the area approached them to conduct a spot check. As they approached the group, the Appellant walked up to them and displayed his warrant card, resulting in the police officers leaving without question.

The Unsuccessful SSB Operation

11 On 25 November 2020, Chan met the Appellant at the latter's residential block. Chan parked his car in the carpark of the residential block and they proceeded for a meal in the Appellant's car. When they returned, the Appellant spotted an SSB unmarked vehicle – it turned out that SSB officers had spotted Chan's car in the carpark and were waiting to arrest him (the "SSB Operation").

12 On the Appellant's instructions, Chan left the car and was able to avoid detection by the SSB officers who were lying in wait. He boarded a bus and disembarked a few stops later, and did not return for his car until that night. After Chan left, the Appellant approached the SSB officers who told him that they were conducting "ambush operations".

Arguments below

13 The Prosecution's case was as follows:

(a) at the KTV Meeting, the Appellant received a bribe in the form of a red packet containing $2,000 from Wang and Chan in return for the Appellant's assistance in the SSB investigations concerning them (the "First Corruption Charge");

(b) the Appellant solicited and received a bribe of $20,000 from Wang during the HillV2 Meeting in return for the Appellant's assistance in the investigations concerning Wang (the "Second Corruption Charge");

(c) during the 5 August 2020 Telephone Call, the Appellant notified Chan that Wang would be detained by the SSB if Wang were to report for bail (the "First Obstruction Charge");

(d) the Appellant displayed his warrant card to the police officers who approached the group and informed them that he was "conducting [operations]" in order to dissuade them from conducting a spot check on Wang and Chan (the "Second Obstruction Charge"); and

(e) the Appellant had thwarted the SSB Operation by telling Chan to hide from the SSB officers and upon his signal, escape from his car (the "Third Obstruction Charge").

14 The Appellant contended as follows:

(a) on the First Corruption Charge, the Appellant rejected the red packet when Chan pushed it towards him saying it was for the New Year;

(b) on the Second Corruption Charge, the Appellant did not receive $20,000 from Wang or Chan – the HillV2 Meeting was just for coffee;

(c) on the First Obstruction Charge, the Appellant did not inform Chan during the 5 August 2020 Telephone Call that Wang would be detained if he were to report for bail – he was neither involved in nor privy to the investigations against Wang;

(d) on the Second Obstruction Charge, the Appellant only showed his warrant card because the police officers had asked for it; and

(e) on the Third Obstruction Charge, the Appellant informed Chan to leave his car only because he genuinely believed his colleagues were carrying out checks on him as he was on medical leave.

15 With respect to sentence:

(a) the Prosecution sought a global sentence of at least 78 months' imprisonment in respect of all ten charges and a penalty in respect of the Corruption Charges; and

(b) the Appellant sought a global sentence of not more than 35 months' imprisonment, without making submissions on the appropriate penalty.

Decision below

Corruption Charges

16 The DJ found that the Appellant had received the acts of gratification alleged in the Corruption Charges. I set out his reasons in respect of the First and Second Corruption Charges in brief.

17 First, the DJ found that the Appellant had received the red packet at the KTV Meeting and that it had contained $2,000. The DJ preferred the evidence

of Wang and Chan, which he found to be largely coherent, over the evidence of the Appellant which he regarded as rife with inconsistencies. The DJ regarded the Appellant's inability to explain the deposit of $2,000 into his POSB account shortly after the KTV Meeting as significant.

18 Second, the DJ found that the Appellant had received $20,000 from Wang at the HillV2 Meeting. Wang and Chan's evidence in this regard was preferred. Wang's evidence was that he had handed a plastic bag containing $20,000 to Chan who then handed it to the Appellant. His evidence –was corroborated by bank statements of the Appellant's account adduced by the Prosecution which showed that multiple deposits totalling over $20,000 were made following the meeting. The Appellant was unable to provide a satisfactory explanation as to the source and purpose of the deposits.

19 The DJ did not believe that the payments were not laced with corrupt intent. He made the following points:

(a) the Appellant must have, at the very least, known that the red packet was a bribe because he was adamant that he had rejected it;

(b) the sequence of the meetings between the Appellant and Wang and/or Chan coincided closely with actions taken by the police such that the meetings must have been related to the investigations against them;

(c) the Appellant admitted in one of his long statements that the moneys received from Chan were in exchange for information on the outcome of any investigations against him;

(d) the meetings and payments were furtive, which bolstered the inference that the Appellant had corrupt intention and was guilty; and

(e) the Appellant had motive to commit the offences as he was financially strapped at the time of the offences.

20 The DJ also found the following:

(a) the Appellant's credit was impeached as regards his assertion that he did not know that Wang and Chan were secret society members because he did not assert this in his Case for the Defence (the "CFD"); and

(b) in accordance with s 9(1) of the PCA, it was irrelevant that the Appellant did not have the power to, did not intend to and/or did not in fact assist Wang and Chan in the SSB investigations against them.

Obstruction Charges

21 The DJ convicted the Appellant on the Obstruction Charges finding that:

(a) The Appellant did not challenge, and was therefore precluded from denying, Wang and Chan's evidence that the Appellant had informed Chan during the 5 August 2020 Telephone Call that the SSB intended to detain Wang when he reported for bail on 5 August 2020.

(b) The evidence (particularly the Appellant's own long statement) showed that the Appellant had prevented the police officers from conducting a spot check on Wang and Chan – which would have led to their arrest – by displaying his warrant card and informing them that he was "conducting [operations]".

(c) The evidence (particularly the Appellant's own long statement) showed that the Appellant had foiled the SSB Operation by alerting

Chan that he saw his SSB colleagues, which allowed Chan to escape without detection. The Appellant's defence – that he thought his SSB colleagues were checking on him and not looking for Chan – was rejected.

Sentencing

22 The DJ considered (a) general sentencing principles, (b) the aggravating factors and (c) sentencing precedents before arriving at the individual sentences. He selected the sentences for the First and Second Corruption Charges and the Third Obstruction Charge to run consecutively, which gave rise to a total of 78 months' imprisonment. He also imposed a penalty equal to the amount of gratification received by the Appellant in the sum of $32,500.

Arguments on appeal

Appellant's arguments

23 In respect of the First Corruption Charge, the Appellant maintained that he declined the red packet when it was offered to him and made the following points:

(a) the evidence of Wang, Chan and Ng on *who* passed him the red packet was inconsistent, and the DJ erred in concluding that such inconsistency was immaterial in accepting their evidence;

(b) he was not in a position to aid Wang in the SSB investigations as he was in a branch of the SSB that dealt specifically with police supervision matters; and

(c) he was not aware that Wang and Chan were being investigated by the SSB.

24 In respect of the Second Corruption Charge, the Appellant made the following points:

(a) the evidence of Wang and Chan was inconsistent on whether the sum of $20,000 at the HillV2 Meeting was given in exchange for the Appellant's assistance for only Wang, or the both of them;

(b) the DJ had placed undue weight on Wang's inability to show where the $20,000 came from and to properly identify the Appellant in court; and

(c) the DJ placed too much weight on the bank statements of the Appellant's account tendered by the Prosecution given that they did not show that the moneys deposited therein were from Wang and Chan.

25 In respect of the First Obstruction Charge, the Appellant contended that the DJ (a) placed too much weight on Chan's evidence on what had transpired during the 5 August 2020 Telephone Call in concluding that the Appellant had called Chan to inform him to warn Wang not to report for bail; and (b) failed to provide reasons as to why he believed Chan's evidence over the Appellant's.

26 In respect of the Second Obstruction Charge, while the Appellant accepted that he had shown the police officers his warrant card, he contended he did so because he was asked to identify himself and not by reason of any intention to dissuade them from conducting a spot check on Wang and Chan.

27 In respect of the Third Obstruction Charge, the Appellant accepted that he was with Chan and had told him to leave. However, he denied that his intention was to prevent the SSB officers from apprehending Chan. He insisted that he believed his colleagues were there to check on him because he was on

medical leave. The Appellant submitted that the DJ erred in relying on the concession in his long statement that the SSB might have been looking for Chan instead of relying on his oral testimony on the stand.

28 In respect of all three Obstruction Charges, the Appellant submitted that:

(a) the DJ erred in preferring Chan's evidence over the Appellant's;

(b) the DJ erred in finding that the Appellant's credit was impeached because he claimed that he did not know that Wang and Chan were secret society members at the material time without asserting that fact in the CFD; and

(c) the Appellant did not know that Wang and Chan were under investigation and therefore could not have intended to obstruct the same.

29 As regards the appeal against sentence, the Appellant submitted as follows:

(a) the DJ had failed to consider his lack of antecedents;

(b) the DJ had failed to properly consider the sentencing precedents that were cited;

(c) the relevant sentencing precedent was *Abdul Aziz bin Mohamed Hanib v Public Prosecutor and other appeals* [2022] 5 SLR 640 ("*Abdul Aziz*") (which had not been cited to the DJ), where one of the accused persons were sentenced to 17 months' imprisonment; and

(d) the DJ had incorrectly applied the totality principle by failing to ensure that the aggregate sentence was proportionate and not crushing.

30 At the hearing of the appeal, counsel for the Appellant informed the court that submissions on the penalties and the corresponding default sentences in respect of the Corruption Charges would not be made.

Prosecution's arguments

31 The Prosecution submissions were aligned with the reasoning of the DJ.

32 In respect of the First Corruption Charge, the Prosecution contended that the evidence of Wang, Chan and Ng was consistent in material aspects, while the Appellant's evidence was not credible. Further, it was critical that the Appellant was not able to provide a satisfactory explanation for the sum of $2,000 that was deposited into his bank account a few days after the KTV Meeting.

33 In respect of the Second Corruption Charge, the Prosecution submitted that the evidence of Wang and Chan was cogent, consistent and clear that the purpose of the bribe was to assist Wang in the investigations against him. The proximity in time between Wang's arrest on 8 February 2020 and the HillV2 Meeting on 22 February 2020 was consistent with their evidence. The Appellant was also unable to provide a credible explanation for the deposits totalling more than $20,000 that were made into his bank account.

34 The Prosecution contended that the DJ rightly held that it was irrelevant whether the Appellant was in a position to assist Wang and Chan in the investigations. In any event, it could not be said definitively that the Appellant possessed no knowledge of the investigations against Wang and Chan just because he was not in the investigating team – not only did the evidence of the senior SSB officers *not* foreclose this possibility, the Appellant's claim was

contradicted by his admission that he informed Chan during the 5 August 2020 Telephone Call that Wang would be detained.

35 In respect of the First Obstruction Charge, the Prosecution submitted that the Appellant was precluded from denying that he had tipped Wang off as counsel for the Appellant had failed to challenge Wang and Chan's evidence on the 5 August 2020 Telephone Call. In any event, (a) the Appellant's evidence was incoherent and contrary to several admissions in his long statements; and (b) it was too much of a coincidence that Wang had failed to report for bail for the first time on the day of the 5 August 2020 Telephone Call.

36 In respect of the Second Obstruction Charge, the Prosecution submitted that the Appellant had accepted that (a) it was wrong to show his warrant card to the police officers; (b) he had given the police officers the impression that it was not necessary to conduct a spot check on Wang and Chan; and (c) he was trying to prevent the police officers from conducting a spot check. Not only was the Appellant's claim that he displayed his warrant card only because he was asked by the police officers for identification at odds with the admissions in his long statements, it was also contradicted by the evidence of the police officers, Wang and Chan.

37 In respect of the Third Obstruction Charge, the Prosecution highlighted that senior SSB officers had testified that the SSB did not conduct supervisory checks on officers who were on medical leave. There was therefore no basis for the Appellant's alleged belief that his colleagues were checking on him for this reason.

38 In respect of the Appellant's claims that he did not know that Wang and Chan were secret society members at the material time, the Prosecution pointed out that:

(a) the DJ rightly drew an adverse inference that the Appellant in fact knew this fact as that allegation was absent from his CFD; and

(b) the allegation was contradicted by an admission in the Appellant's long statement that he had found out at the KTV Meeting that Wang and Chan were members of the *Ang Soon Tong* secret society.

39 In respect of sentence, the Prosecution submitted that:

(a) no weight should be placed on the Appellant's lack of antecedents;

(b) the DJ had properly applied his mind to the cases cited by the Appellant and imposed sentences that were consistent with the precedents; and

(c) the global sentence of 78 months' imprisonment abided by the totality principle and was not crushing.

My decision

Corruption Charges

40 The provisions of the PCA relevant to the Corruption Charges are:

> **Punishment for corrupt transactions with agents**
>
> **6.** If —
>
> (*a*) any agent corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any

> other person, any gratification as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business;
>
> …
>
> he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $100,000 or to imprisonment for a term not exceeding 5 years or to both.
>
> **Presumption of corruption in certain cases**
>
> **8.** Where in any proceedings against a person for an offence under section 5 or 6, it is proved that any gratification has been paid or given to or received by a person in the employment of the Government or any department thereof or of a public body by or from a person or agent of a person who has or seeks to have any dealing with the Government or any department thereof or any public body, that gratification shall be deemed to have been paid or given and received corruptly as an inducement or reward as hereinbefore mentioned unless the contrary is proved.

41 As stated in *Kwang Boon Keong Peter v Public Prosecutor* [1998] 2 SLR(R) 211 ("*Kwang Boon Keong Peter*") (at [32]), an offence under s 6(*a*) of the PCA requires the Prosecution to establish the *actus reus* (*ie*, acceptance of gratification), and the *mens rea*. To establish the *mens rea*, it must be shown that:

(a) the gratification was an inducement or reward for helping the giver;

(b) there was an objectively corrupt element in the transaction; and

(c) the giver gave the gratification with guilty knowledge or corrupt intent.

42 If any person in the employment of the Government or any department thereof or of any public body receives gratification from a person who had or

sought to have any dealing with the Government or any department thereof or of any public body, he is presumed to have the requisite *mens rea*: s 8 of the PCA and *Tey Tsun Hang v Public Prosecutor* [2014] 2 SLR 1189 at [27].

43 As the Appellant was a police officer at the material time pursuant to s 8 of the PCA, the evidential burden would shift to him to prove that the transactions that were the subject of the of the First and Second Corruption Charges were not corrupt, assuming they were established.

44 The key issues were therefore whether the DJ was correct in finding that:

(a) as regards the First Corruption Charge, the Appellant had accepted the red packet from Wang and Chan during the KTV Meeting;

(b) as regards the Second Corruption Charge, the Appellant had received $20,000 from Wang and Chan during the HillV2 Meeting; and

(c) the Appellant received the gratification in each instance knowing that it was for his assistance with regard to investigations into Wang and Chan's activities as secret society members.

45 As these were findings of fact by the DJ, it is helpful to first set out the threshold for appellate intervention on a trial judge's finding of fact.

46 It is trite that an appellate court will not readily overturn factual findings, especially if the trial judge would have been better placed to assess the veracity and credibility of the witness(es). Appellate intervention is warranted where the trial judge's assessment is plainly wrong or manifestly against the weight of the evidence: *Public Prosecutor v BWJ* [2023] 1 SLR 477 at [73].

47 The analysis of the facts that follows supported the view that the threshold for appellate intervention had not been crossed in the appeal. I was of the view, the correct way to assess this case would be through the prism of the events that formed the basis of the First Corruption Charge – in particular, the nature and purpose of the KTV Meeting would explain the relationship between the Appellant, Wang and Chan and provide the context for the other charges. Thus, I first turn to the First Corruption Charge.

First Corruption Charge

48 The Appellant argued that the identity of the person who passed the red packet to him "[formed] part of the most important element of the charge, being acceptance", and the DJ should have paid heed to the inconsistencies between the evidence of Wang, Chan and Ng in this regard. I did not accept the argument. What was important was not the identity of the person, but whether the Appellant had received the red packet from one of Wang, Chan or Ng. The common thread in their evidence was that the Appellant had received the red packet:

(a) Chan testified that he saw Ng pass the red packet to the Appellant, who shoved the red packet into his trouser pocket.

(b) According to Wang, he left the KTV shortly after passing the sum of $1,000 to Chan. But he testified that Chan had informed him that this sum (together with another $1,000 from Chan) had been passed to the Appellant.

(c) Ng admitted in his long statement and the Statement of Facts that he passed the red packet to the Appellant. Although Ng changed his evidence at trial and instead claimed to have merely provided an empty

> red packet to Chan, I saw no reason to disagree with the DJ's conclusion that Ng's credibility ought to be impeached on the basis that his evidence at trial was inconsistent with his earlier statements.

The only evidence to the contrary was the Appellant's, which as was noted by the DJ, was rife with *material* inconsistencies.

49 There is a further point. The DJ found that the Appellant's claim that he did not report Chan's attempt to bribe him was contrived. The Appellant's explanation – that "once we reject the thing, if the subject did not persist, we will not report" – was at odds with the testimony of the officers from the SSB, who confirmed it was incumbent on them to report any offers of bribes to their superiors. Their testimony was also a matter of logic as there would be no material difference to the giver's culpability whether an offer of a bribe was rejected or accepted. The Appellant must have known this and would have followed protocol if he was acting honestly. It was critical in this regard to place the offer of the red packet in context. This was the first occasion the Appellant was meeting Wang and Chan. For the Appellant to be offered a red packet at the first meeting clearly pointed to Wang and Chan expecting something in return. In view of the situation that they were in, Ng's secret society connections (which were known to the Appellant) and the Appellant's position in the SSB, the *quid pro quo* was clear. In such circumstances, the Appellant's failure to report Wang and Chan was difficult to be fathomed. I expand on the context below (at [55]).

50 I make a further point. If, indeed, the Appellant had rejected the red packet, it was inexplicable that he would actively solicit and obtain a loan from Chan just two months later.

51 There is a final point. The Appellant's inability to satisfactorily explain the deposit of $2,000 (corresponding to the amount in the red packet) made in the Appellant's personal bank account within a few days after the KTV Meeting raised the irresistible inference that this was the sum that was in the red packet.

52 There was therefore no basis for appellate intervention in the DJ's finding of fact. Accordingly, the onus was on the Appellant to prove that the receipt of the $2,000 was not corrupt. I found that he failed to do so for the following reasons.

53 First, given that the Appellant's position was that he never received the moneys, he offered no evidence on why the moneys were deposited into his bank account. Thus, the presumption was unrebutted.

54 Second, the Appellant's claim that he did not know that Wang and Chan were secret society members defied belief:

(a) The Appellant claimed for the first time at trial that he did not know that Wang and Chan were secret society members. This allegation was not made in the CFD. On appeal, he argued that it was not necessary for the CFD to contain every point that would be raised at trial. But this was misconceived, given that s 217(1)(*a*) of the Criminal Procedure Code 2010 (Cap 68, 2012 Rev Ed) ("CPC") states that the CFD must contain "a summary of the defence to the charge and the facts in support of the defence". It was clear that this point ought to be included in the CFD, particularly since it was (as counsel for the Appellant conceded) a central plank of the Appellant's case that Wang and Chan were not known by him to be secret society members. The Appellant therefore did not have any reasonable excuse for not making the assertion in the

CFD. Accordingly, the DJ was correct to impeach the Appellant's credit and find that he knew that Wang and Chan were secret society members (at [109(a)]).

(b) Most telling was the admission in the Appellant's long statement that he knew that Wang and Chan were secret society members:

> … I saw [Chan] and an unknown male Chinese at the sofa seat. [Ng] introduced [Chan] to me and I replied to [Ng] that I knew [Chan]. [Chan] then introduce [*sic*] the unknown male Chinese to me as his "Hia Di" (recorder's note: "Brother" in Hokkien). From this, I knew that [Chan] meant that the unknown male Chinese is … one of the gang members of [Chan]'s "Ang Soon Tong" Secret Society. [Chan] told me that his name is Huate.

To explain this away, the Appellant claimed at trial (and maintained on appeal) that "he was under the impression that [Chan] had turned over a new leaf seeing as he had a respectable job working in a law firm". This was neither part of the Appellant's evidence nor was it put to Chan that he had informed the Appellant that he was no longer a member of a secret society.

55 Third, it was plain that the purpose of the KTV Meeting was for Wang and Chan to enlist the Appellant's help:

(a) It could not be matter of coincidence that the KTV Meeting was proximate in time to Wang's arrest after the bar brawl. Significantly, the Appellant was not able to provide a coherent explanation as to why he accepted the invitation to the meeting or what he understood the meeting to be for. He claimed that he knew Ng was meeting him, but that did not explain why Ng would bring Wang and Chan along. The fact that Ng did so suggested that he must have told the Appellant the purpose of the meeting when it was set up. Further, there was no reason for the red

packet to be given to the Appellant when, on his own case, Wang and Chan were strangers to him. In light of Wang's arrest following the bar brawl, the purpose of the red packet must have been to procure the Appellant's assistance with the investigations against Wang.

(b) The regularity with which the trio met subsequent to the KTV Meeting was telling. The KTV Meeting was their first meeting. Yet, they met in February 2020, and then again on 5 August 2020. Notably, each meeting coincided with police action against Wang – on 8 February 2020, Wang was detained at Woodlands Checkpoint, and on 5 August 2020, the SSB intended to detain Wang under the CL(TP)A.

56 For completeness, I was unpersuaded by the Appellant's argument that he was in no position to assist Wang with the investigations against him. As was observed by the DJ, s 9(1) of the PCA states that the accused, being a receiver, would be guilty of an offence even if he "did not have the power, right or opportunity" to show favour or disfavour in relation to his principal's affairs or business. This also disposed of the Appellant's attempt to rely on the same argument for the Second Corruption Charge. In any event, as discussed below (at [71]–[72]), I also had difficulties with the Appellant's argument that he could not assist Wang because his team was only responsible for police supervision, and he therefore had no access to the investigations against Wang.

57 For these reasons, the Appellant's conviction on the First Corruption Charge was sound.

Second Corruption Charge

58 In my view, two factors were pertinent to the Second Corruption Charge. First, if the First Corruption Charge was made out, the purpose of the HillV2

Meeting would be clear. The purpose was underscored by the second factor – the Appellant's inability to explain the deposits totalling more than $20,000 made to his personal account soon after the HillV2 Meeting. Seen together, the conclusion was clear – the gratification given to the Appellant during the HillV2 Meeting was for the purpose alleged in the Second Corruption Charge.

59 The Appellant claimed that there was no direct evidence, *ie*, video footage to prove that he had received the moneys. But, as was rightly observed by the Prosecution, there was direct evidence from Wang and Chan. Video evidence was not necessary if their evidence was credible and accepted. The DJ found Wang and Chan's evidence in this regard to be credible and I saw no reason to disagree. Their evidence painted a consistent picture that they met the Appellant for the sole purpose of giving him the sum of $20,000. The Appellant weakly argued that their evidence was inconsistent as to the purpose for giving the sum – Wang claimed that the purpose of the moneys was to obtain the Appellant's help for both of them, while Chan claimed that it was to obtain the Appellant's help for only Wang as he had been detained at the Woodlands Checkpoint. It was unclear to me how this was material. The fact remained that the evidence was consistent that the moneys were given for the purpose of the Appellant providing assistance.

60 The Appellant emphasised that Wang was unable to say what the source of the sum of $20,000 was. He argued that if Wang had indeed taken the money from his company (as he had claimed), there would have been some documentary records to prove this. The argument missed the point. Even if there was no evidence as to where the moneys had come from, there was evidence as to where the moneys had *gone*. Had the Appellant satisfactorily explained the source of the funds that were deposited in his bank account, the DJ could have

concluded that the deposits bore no relation to the Charge and would have placed no weight on the bank statements.

61 It was also unclear what point the Appellant was making by highlighting that Wang was unable to identify him properly in court – on the Appellant's own case, he had met Wang at the KTV Meeting, the HillV2 Meeting and at his void deck on 5 August 2020.

62 Finally, the Appellant maintained that the group met for coffee at the HillV2 Meeting. However, as observed by the DJ, this was not credible – the meeting was at 11pm, when most of the shops in the mall would have been closed.

63 For these reasons, the Appellant's conviction on the Second Corruption Charge was sound.

Obstruction Charges

64 The Obstruction Charges were based on s 204A(*a*) of the PC:

> **Obstructing, preventing, perverting or defeating course of justice**
>
> **204A.** Whoever does an act that has a tendency to obstruct, prevent, pervert or defeat the course of justice —
>
> (*a*) knowing that the act is likely to obstruct, prevent, pervert or defeat the course of justice; or
>
> (*b*) intending to obstruct, prevent, pervert or defeat the course of justice,
>
> shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

65 The key issues were whether the DJ was correct in finding that:

(a) the Appellant knew that Wang and Chan were secret society members who were under investigations;

(b) in respect of the First Obstruction Charge, the Appellant had informed Chan during the 5 August 2020 Telephone Call of the SSB's intention to detain Wang when he was to report for bail that day;

(c) in respect of the Second Obstruction Charge, the Appellant had flashed his warrant card to the police officers knowing that would deter them from conducting a spot check on Wang and Chan; and

(d) in respect of the Third Obstruction Charge, the Appellant had asked Chan to leave his car so as to avoid detection by the SSB officers.

66 Given that these were findings of facts made by the DJ, the threshold for appellate intervention in respect of factual findings (see above at [46]) applied equally. As will be explained, there was no basis to disturb the DJ's findings in this regard.

67 The conclusion above on the First and Second Corruption Charges impacted the assessment of the Obstruction Charges, in particular, as regards whether the Appellant (a) knew that Wang and Chan were secret society members and that they were concerned about police investigations against them; and (b) agreed to assist with regard to those investigations.

First Obstruction Charge

68 I agreed with the DJ's finding that the Appellant had informed Chan during the 5 August 2020 Telephone Call that the SSB intended to detain Wang when he reported for bail that day. The conclusion was based on Wang and Chan's evidence. The Appellant's failure to challenge Wang and Chan's

evidence in this regard precluded the Appellant from denying that he did tip off Wang when he called Chan – see the rule in *Browne v Dunn* (1893) 6 R 67, as affirmed by the Court of Appeal in *Sudha Natrajan v The Bank of East Asia Ltd* [2017] SLR 141 (at [48]).

69 In any event, the finding was supported by other evidence. If things had run their course, Wang would have reported for bail that day and be detained by the SSB. However, he skipped bail for the first time, following the 5 August 2020 Telephone Call. Later that evening, Wang and Chan met the Appellant. It was unlikely that these events were matters of coincidence. The better explanation was that after Wang was tipped off, the group rendezvoused to discuss how to deal with the SSB.

70 It was important that while the Appellant did not dispute the fact of the 5 August 2020 Telephone Call, he disputed its purpose. However, Chan's evidence was preferred to the Appellant's in this regard. In essence, the Appellant claimed that he (a) did not know that Wang and Chan were secret society members; (b) would not have known about the SSB's intention to detain Wang because he did not have access to information regarding detentions under the CL(TP)A; and (c) only called Chan to inform him that "there are cases that 'Ang Soon Tong' members operating at Ang Mo Kio are detained under [the CL(TP)A] when they reports [*sic*] to bail".

71 As stated above, the Appellant had admitted that he knew that Wang and Chan were members of the *Ang Soon Tong* secret society from the KTV Meeting. He claimed that he called to inform Chan of the detention of *Ang Soon Tong* members. This too worked against the Appellant as it (a) confirmed that he knew Chan was also a member and (b) contradicted his evidence that he believed Chan to be reformed and no longer part of the secret society. It also

exposed his lie that he was not privy to information regarding detentions under the CL(TP)A.

72 In this regard, counsel for the Appellant submitted that a senior SSB officer had confirmed that there was no way for the Appellant to have access to information regarding the detention of Wang and Chan on account of such information being confidential and strictly handled by the investigating officer. But the evidence of the said senior officer was not as categorical as counsel put it – as pointed out by the Prosecution, he only stated that he was "not very sure, because certain things may have … spread out".

73 For these reasons, the Appellant's conviction on the First Obstruction Charge was sound.

Second Obstruction Charge

74 The conclusion on the First Obstruction Charge shaded into the analysis on the Second Obstruction Charge. Importantly, the 5 August 2020 Telephone Call set the stage for the meeting of the group that evening at the void deck of the Appellant's residential block. By then, the Appellant would have known that (a) the SSB intended to detain Wang; and (b) Wang had failed to report for bail. I agreed with the DJ that the Appellant would therefore have known that a police gazette would likely have been issued against Wang or, at the very least, that Wang was wanted by the SSB.

75 The Appellant accepted that he had displayed his warrant card to the police officers. However, his claim that he only did so for the reasons set out above (at [26]) was against the weight of the evidence. The officers testified that they noticed the group at the void deck, and it was the Appellant who stood up from the stone table, approached them, displayed his warrant card and identified

himself as an SSB officer who was "conducting [operations]". I found that the DJ rightly accepted the evidence of the police officers as they had no reason to embellish their evidence. Their evidence was also corroborated by Wang and Chan:

(a) Chan testified that it was the Appellant who walked up to the police officers when he saw them approaching, spoke to them and showed them his warrant card; and

(b) Wang testified that the Appellant told him and Chan that he would "settle" the police officers before he stopped them from conducting the spot check.

76 It must have occurred to the Appellant that by (a) displaying his warrant card; (b) identifying himself as an SSB officer; and (c) explaining that he was "conducting [operations]", the police officers would not have pursued the matter any further. As the DJ rightly noted, the Appellant had admitted that he had given the police officers the impression that they did not need to conduct a spot check on Wang and Chan, and that he was trying to prevent the police officers from conducting the spot check. For the reasons above (at [74]), the Appellant must have known that, had the police officers conducted the spot check, they would have found out that Wang had been placed on a police gazette and would have immediately arrested him. His actions were therefore calculated to prevent that from happening.

77 For these reasons, the Appellant's conviction on the Second Obstruction Charge was sound.

Third Obstruction Charge

78 It was pertinent that the Appellant (a) knew that Chan was a member of the *Ang Soon Tong* secret society; (b) knew that *Ang Soon Tong* members were being detained by the SSB; and (c) had received gratification to assist in the investigations against, *inter alios*, Chan. Therefore, when the Appellant spotted the unmarked SSB vehicle, he must have known that it was necessary to ensure that Chan escaped detection.

79 The only explanation the Appellant could give was that he believed that the SSB officers had come to check on him as he was on medical leave. However, there was no basis for this. Senior SSB officers had testified that the SSB did not have a practice of conducting supervisory checks on its officers who were on medical leave, though such visits might happen depending on the circumstances. Even if such a practice were in place, it was inconceivable that it would involve waiting in an unmarked police car in the carpark.

80 For these reasons, the Appellant's conviction on the Third Obstruction Charge was sound.

Sentence

81 An appellate court would not ordinarily disturb the sentence imposed by the trial court, unless it was satisfied that (a) the trial judge erred with respect to the proper factual basis for sentencing; (b) the trial judge failed to appreciate the material before him; (c) the sentence was wrong in principle; or (d) the sentence was manifestly excessive or manifestly inadequate, as the case may be: *Public Prosecutor v UI* [2008] 4 SLR(R) 500 at [12].

82 A sentence is "manifestly excessive" or "manifestly inadequate" where the sentence is unjustly severe or lenient, and "requires substantial alterations rather than minute corrections to remedy the injustice": *Public Prosecutor v Siew Boon Loong* [2005] 1 SLR(R) 611 at [22].

83 The key issues on sentence were:

(a) whether the Appellant's lack of antecedents was a relevant mitigating factor;

(b) whether the DJ had properly considered the relevant sentencing precedents; and

(c) whether the global sentence imposed by the DJ was consistent with the totality principle and not crushing.

Relevance of the Appellant's lack of antecedents

84 As was held by the Court of Appeal, an offender's "lack of antecedents is no more than the absence of an aggravating factor, which is not mitigating but neutral in the sentencing process": *BPH v Public Prosecutor and another appeal* [2019] 2 SLR 764 at [85]. Further, no weight should be placed on the lack of antecedents where the offender is charged with multiple offences, unless the series of offences arose from a single incident: *Janardana Jayasankarr v Public Prosecutor* [2016] 4 SLR 1288 at [18]. As was rightly pointed out by the Prosecution, the Appellant had committed ten offences in a span of a year – his lack of antecedents therefore merited no weight.

Whether the DJ had properly considered the relevant sentencing precedents

85 As regards the Corruption Charges, the Appellant submitted that the DJ had not considered several precedents where the sentences imposed were far lower despite the circumstances being far more aggravating than in the case of the Appellant. In particular, the Appellant pointed out that the DJ made no mention of *Hassan bin Ahmad v Public Prosecutor* [2000] 2 SLR(R) 567 ("*Hassan*") despite that case being "the most suitable if not the only suitable precedent for the case at hand".

86 The submission was not a fair reflection of the DJ's decision. In his decision, the DJ had considered and distinguished, correctly in my view, the four cases of *public sector* corruption involving police officers that the Appellant had cited in his mitigation plea:

> (a) In *Public Prosecutor v Woo Poh Liang* [2016] SGDC 303 ("*Woo Poh Liang*"), the offender, an Investigating Officer, holding the rank of Staff Sergeant, pleaded guilty to two charges under s 6(*a*) of the PCA for corruptly obtaining gratification of $25,000 and $10,000. In respect of the former charge, the offender was sentenced to 30 months' imprisonment. The DJ noted (at [178]) that this would have been a discounted sentence because the offender had pleaded guilty. Without the discount, the sentence would be 42 months' imprisonment. Further, he observed (at [169]) that the aggravating factors in *Woo Poh Liang* also featured in the present case and the Appellant also held a higher rank and had many more years of experience than the offender in that case. He therefore held (at [178]) that a sentence of 48 months' imprisonment for the Second Corruption Charge was justified.

(b) In *Sim Bok Huat Royston v Public Prosecutor* [2001] 1 SLR(R) 588 ("*Royston Sim*"), the offender, a Police Inspector, accepted an unspecified amount of money as gratification in return for using his position to assist a moneylender with his operations. He was convicted after trial on one charge under s 6(*a*) of the PCA and his sentence was enhanced on appeal to 18 months' imprisonment. The DJ (at [177]) observed that the holding in *Royston Sim* that "a commensurate sentence must be meted out in order to deter would-be offenders from accepting that *first bribe*" was applicable to the First Corruption Charge.

(c) In *Pandiyan Thanaraju Rogers v Public Prosecutor* [2001] 2 SLR(R) 217 ("*Pandiyan*"), the offender, a police officer for 29 years who held the rank of Staff Sergeant, obtained a $2,000 loan in exchange for keeping the giver apprised of developments in an assault case that the giver was involved in and also promised to assist with future matters. He was convicted after trial on one charge under s 6(*a*) of the PCA and his sentence was enhanced on appeal to nine months' imprisonment. The DJ observed (at [177]) that the Appellant held a higher rank and unlike the offender in *Pandiyan*, he had provided tangible information to Wang and Chan. The DJ referred to the sentence in *Pandiyan* for the First Corruption Charge and three of the uncontested Corruption Charges. The DJ also took into account (where appropriate) the need to deter would-be offenders from accepting the first bribe (at [177]), the actual harm occasioned by the Appellant's offence (at [180] and [183]), the fact that the Appellant initiated the corrupt payment (at [180]), and the quantum involved (at [183]).

(d) In *Hassan*, the offender, an Assistant Superintendent of the police, obtained bribes totalling $8,000 over four occasions from an illegal moneylender. He was convicted after trial and was sentenced to an *aggregate* sentence of 18 months' imprisonment. The DJ noted (at [172]) that the appellate court in *Hassan* observed (at [23]) that the sentence was "generous" but affirmed it anyway. He therefore held (at [179]) that the sentence of 18 months' imprisonment which was imposed in respect of one of the uncontested Corruption Charges (for the Appellant's receipt of a S$5,000 bribe) was justifiably higher than the "generous" sentence imposed in *Hassan*.

87 The other two cases which the Appellant had cited below (*ie*, *Goh Ngak Eng v Public Prosecutor* [2022] SGHC 254 and *Kwang Boon Keong Peter*) were irrelevant to sentence because they related to *private sector* corruption. The DJ did not consider them in the GD and he was correct to do so.

88 On appeal, the Appellant highlighted *Abdul Aziz*. This case was also irrelevant as it pertained to the corruption of a foreign public official and there is a separate string of cases that govern such offences.

89 In respect of the Obstruction Charges, the Appellant cited *Parthiban a/l Kanapathy v Public Prosecutor* [2021] 2 SLR 847 ("*Parthiban*"), which involved a drug trafficker who passed a hand-written note to his co-accused while they were in the midst of a capital trial. The note contained detailed instructions on how the latter should falsely testify in a way so as to exonerate both of them from capital charges. But it was unclear how *Parthiban* was relevant, since it did not involve an offender who was a public servant. When questioned, counsel for the Appellant responded without basis that it was a *prison warden* who passed the note to the co-accused in *Parthiban*.

90 Ultimately, the differences between the individual sentences imposed by the DJ and those in the sentencing precedents were at the margins. I therefore did not find that the individual sentences in this case were manifestly excessive.

Whether the global sentence was consistent with the principle of totality

91 If an offender is convicted and sentenced to imprisonment for at least three distinct offences, the court must order the sentences for *at least* two of those offences to run consecutively: s 307(1) of the CPC.

92 According to the Appellant, the DJ had "incorrectly applied the totality principle by failing to consider that the aggregate sentence was not proportionate and crushing".

93 However, as was held by the Court of Appeal in *ADF v Public Prosecutor and another appeal* [2010] 1 SLR 874 ("*ADF*") (at [146]):

> … ***[T]he totality principle cannot be unthinkingly invoked to minimise punishment for those who maliciously pursue a deliberate course of criminal behaviour***. Multiple wrongdoing by a multiple wrongdoer as a general rule must be viewed more severely than single offending involving similar offences. The community (and the victim(s)) have suffered more because of the greater harm done. … In my view, an order for *more than* two sentences to run consecutively ought to be given serious consideration in dealing with distinct offences when one or more of the following circumstances are present, *viz*:
>
> (a) ***dealing with persistent or habitual offenders*** …;
>
> (b) ***there is a pressing public interest concern in discouraging the type of criminal conduct being punished*** …
>
> (c) there are multiple victims; and
>
> (d) other peculiar cumulative aggravating features are present …

> In particular, where the overall criminality of the offender's conduct cannot be encompassed in two consecutive sentences, further consecutive sentences ought to be considered.
>
> [emphasis added in bold italics]

94 *ADF* was applied in *Public Prosecutor v Tay Sheo Tang Elvilin* [2011] 4 SLR 206 ("*Elvilin*"), where a police officer was convicted of five charges under the PCA and the High Court ordered three sentences to run consecutively. I was satisfied that the overall criminality of the Appellant's conduct was higher than that of the offender in *Elvilin*, given that he was convicted of ten charges, seven of which were under the PCA. Further, I noted that the DJ was already more than generous, having selected only three sentences (out of ten) – as compared to three sentences out of five in *Elvilin* – to run consecutively, of which one was the second lowest sentence.

Conclusion

95 For the reasons above, I dismissed the appeal against conviction and sentence.

Kannan Ramesh
Judge of the Appellate Division

K Jayakumar Naidu (Jay Law Corporation) for the Appellant;
David Rajeev Menon, Bryan Wong Jun Bin and Daniel Ong Yan Loong (Attorney-General's Chambers) for the Respondent.