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

[2025] SGHC 158

Magistrate's Appeal No 9182 of 2024

Between

Seng Yong Yi Lucas

… *Appellant*

And

Public Prosecutor

… *Respondent*

GROUNDS OF DECISION

[Criminal Law — Statutory offences — Protection from Harassment Act]
[Criminal Procedure and Sentencing — Trials — Taking and recording of evidence in]
[Evidence — Principles — Functions of judge]
[Evidence — Witnesses — Examination]

Seng Yong Yi Lucas
v
Public Prosecutor

[2025] SGHC 158

General Division of the High Court — Magistrate's Appeal No 9182 of 2024
Vincent Hoong J
30 July 2025

8 August 2025

Vincent Hoong J:

Introduction

1 This is a case of persistent stalking that spanned over five years. During this period, the offender sent the victim over 3,000 text messages, ordered sample products to be delivered to her residence, and mailed her his court papers to pressure her into dropping criminal charges against him. The harassment continued unabated even after the offender was arrested and charged for stalking the victim. During the trial which spanned over 70 hearing days from April 2021 to September 2024, the offender subjected the victim to seven days of cross-examination that entailed repeated questioning on irrelevant matters. He also subjected other witnesses to similar treatment. Among his antics in cross-examination, the offender asked the victim's cousin whether he could kiss her, accused the police officers involved in his case of corruption, and charged a witness with fabricating evidence by alleging that the witness was homosexual.

I will address the offender's conduct at the trial in my coda below, from [41] onwards.

2 The offender, Mr Seng Yong Yi, Lucas ("the Appellant") claimed trial to three charges of unlawful stalking under s 7(1) of the Protection from Harassment Act (Cap 256A, 2015 Rev Ed) ("POHA"), punishable under s 7(6) of the POHA.

(a) The first charge (MCN-901836-2019) was for repeatedly sending the victim ("Victim") text messages after she had informed the Appellant to stop bothering her ("the 1st charge").

(b) The second charge (MCN-901837-2019) was for ordering sample products and causing them to be delivered to the Victim and for filling up a form on the website of a gymnasium, Virgin Active, with the Victim's particulars and contact number, causing her to receive a call from Virgin Active ("the 2nd charge").

(c) The third charge (MCN-900207-2021) was for sending the Victim at least 117 text messages using the Globfone online messaging service and mailing to the Victim's address nine court mention slips, the first page of the Prosecution's sentencing submissions for the 1st and 2nd charges, and a printout of an email thread about a diamond proposal ring ("the 3rd charge").

3 The District Judge ("DJ") convicted the Appellant of all three charges. She sentenced him to nine months' imprisonment for each of the three charges and ordered the sentences for the 2nd and 3rd charges to run consecutively. This resulted in an aggregate sentence of 18 months' imprisonment. The DJ's

grounds of decision can be found in *Public Prosecutor v Seng Yong Yi Lucas* [2024] SGMC 93 ("the GD").

4 The Appellant appealed against both his conviction and sentence. I heard the parties on 30 July 2025 and dismissed the appeal with brief oral remarks. I now furnish the full grounds of my decision.

Appeal against conviction

5 I first set out the Appellant's arguments against his conviction.

(a) Regarding the 1st charge, the Appellant made the following arguments:

(i) First, he argued that he believed he was the Victim's boyfriend. He said that he formed this impression because of certain text messages the Victim had sent him, and because she supposedly accepted certain gifts that he had sent her.[1] In making this argument, the Appellant appeared to be invoking the defence in s 7(7)(*a*) of the POHA. He appeared to argue that his text messages to the Victim were reasonable in light of his belief that he was the Victim's boyfriend.

(ii) Second, the Appellant argued that the DJ erred in convicting him of the 1st charge because of her incorrect findings about a phone call that occurred on 3 July 2015.[2]

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1 Appellant's Written Submissions (dated 30 June 2025) ("AWS") at paras 3–6 and 9.

2 Grounds of Decision ("GD") at [61]–[62].

The Appellant claimed that the DJ wrongly found that the person who spoke to the Appellant on the call was the Victim's cousin, PW10, instead of the Victim.[3]

(iii) Third, the Appellant claimed that the Victim fabricated evidence against him.[4]

(b) Regarding the 2nd charge, the Appellant made the following arguments:

(i) First, the Appellant claimed that the Victim set a trap to frame him on 3 April 2017, by stalking the Appellant at his void deck, before telling him that she wanted to "patch back" her relationship with him and that the police reports she filed against him were a "test of love".[5]

(ii) Second, the Appellant claimed that the DJ erred in her assessment of the testimony of a Prosecution witness, PW13.[6]

(iii) Third, the Appellant claimed that the DJ erred by admitting into evidence the statement recorded by Investigation Officer Murad bin Mohammed Shariff ("IO Murad") on 4 April 2018. The Appellant argued that

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3 AWS at paras 7–9 and 18.

4 AWS at paras 15–17.

5 AWS at paras 11–12.

6 AWS at paras 19–21.

the statement was a "false confession" that he made in his "anxiety and panic[ked] state of mind".[7]

(iv) Fourth, the Appellant claimed that the Victim harassed him by calling an entity he referred to as the "National Blood Bank", to tell them that the Appellant's blood was "dirty".[8]

(c) Finally, regarding the 3rd charge, the Appellant argued again that he committed the offence while harbouring the belief that he was the Victim's boyfriend.[9]

6 I rejected the Appellant's arguments against the DJ's finding of guilt and upheld his conviction for all three charges. The arguments raised by the Appellant on appeal had already been raised before the DJ, and she had rightly rejected them.

The 1st charge

The Appellant's belief that he was the Victim's boyfriend

7 The Appellant's key argument against his conviction for the 1st charge was that he genuinely believed that he was the Victim's boyfriend. He relied on two text messages from the Victim to argue that this belief was reasonable.

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7 AWS at para 23.

8 AWS at para 14.

9 AWS at para 24.

(a) The first was a message sent by the Victim on 1 July 2014, where she said, "Y? u want to be my boyfriend?"[10] I agreed with the DJ's finding that this message was an attempt to ascertain the Appellant's intentions, rather than an invitation to enter a relationship.[11] First, the phrase "Y?" (which means "Why?") indicates a questioning, rather than invitational stance. Second, the Victim's message was sent amidst a conversation that began when the Appellant asked her, "Are you seeing someone?"[12] It was thus natural for the Victim to question the Appellant on his motives behind asking such a question.

(b) The second message was sent by the Victim on 2 July 2015, where she said, "Talk on the phone otherwise it's over". The Appellant argued that the word "it" must refer to a romantic relationship between them.[13] I disagreed with this argument because the pronoun "it" is highly equivocal and could refer to a wide variety of things (*eg*, the line of communication between them).

In any event, the Appellant could not have reasonably believed that he was in a romantic relationship with the Victim, as the Victim had sent the Appellant multiple text messages in which she clearly stated that she was not romantically interested in him.[14] For instance, in a message on 12 October 2014, the Victim

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10 Record of Appeal ("ROA") at p 7093.

11 GD at [104].

12 ROA at p 7093; GD at [103].

13 AWS at para 6.

14 See, *eg*, ROA at p 6565 (S/N 224) and pp 7101–7102.

said, "Since you are so great (not) at picking up signs and signals, then why haven't you picked up the sign that I have zero interest in you?"[15]

8 Even if the Appellant thought that he was the Victim's boyfriend, his text messages to her would not be reasonable under s 7(7)(*a*) of the POHA, given the Victim's unequivocal demands for the Appellant to stop messaging her. For instance, in a message the Victim sent to the Appellant on 13 September 2014, she said: "Please stop your nonsense" and "if you go on pestering me like this I will report you to the police …" [quotation modified].[16] Similar messages by the Victim in which she explicitly told the Appellant to stop sending her messages and threatened to report him to the police if he continued sending her messages were sent on 14 September 2014,[17] 12 October 2014,[18] and 6 July 2015.[19] The Appellant thus had no reasonable basis to believe that he could continue sending the Victim text messages.

The 3 July 2015 phone call

9 The Appellant's alleged belief that he was the Victim's boyfriend was also based on what a female voice had said to him in a call on 3 July 2015. In the transcript of the call, the female voice appeared to alternate between

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15 ROA at p 7102.

16 ROA at p 6564 (S/N 215). Original message reads: "Pl stop yr nonsense. U r embarrassed me n threatening me I wll report u to Police for harassment. Thinking u ex staff I js teased u n hv no other intention.You may wan to gv away things to others in airport is yr choice. bt I definitely did nt take any. If you go on pestering me like this i will report you to the police and my bf knows about it.."

17 ROA at p 6565 (S/N 224).

18 ROA at pp 7101–7102.

19 ROA at p 6592 (S/N 485) and p 6593 (S/N 486 and 488).

referring to the Victim in third-person voice[20] and first-person voice.[21] According to the Victim, there were three participants in the phone call – herself, PW10, and the Appellant.[22] There was therefore a possibility that the Victim spoke to the Appellant at some points of the call, while PW10 spoke at other points. In any event, however, the Appellant's assertion that the female voice in the 3 July 2015 phone call was the Victim did not assist him. Even taking his case at its highest, and assuming that the female voice was at all times the Victim, it was untenable for the Appellant to argue that the phone call reinforced his belief that he was the Victim's boyfriend. The things said by the female voice could not have given the Appellant the impression that the Victim was romantically interested in him. The female voice explicitly told the Appellant multiple times that the Victim did not have any romantic interest for the Appellant.[23] She also told the Appellant multiple times that she did not want the Appellant to contact her,[24] and the Appellant understood this. For instance, the Appellant told the female voice at one point, "You can just say you don't like it … then I will stop it …" (referring to the sending of text messages).[25] In response, the female voice said "it is … quite apparent and evident that … there is no interest … she has no interest talking to you anymore, she doesn't like you, and that's it, this is the last message, she's not going to entertain …"[26] Given the clear disavowal of any romantic interest, the express demands for the Appellant

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20 See, *eg*, ROA at p 7300 (S/N 59), p 7307 (S/N 203), and p 7308 (S/N 241).

21 See, *eg*, ROA at p 7298 (S/N 25), p 7304 (S/N 137), and p 7306 (S/N 167 and 169).

22 Transcripts of 3 October 2022 at p 92 (lines 14–27).

23 See, *eg*, ROA at p 7300 (S/N 59), p 7303 (S/N 125) and p 7305 (S/N 155).

24 See, *eg*, ROA at p 7304 (S/N 137).

25 ROA at p 7300 (S/N 58).

26 ROA at p 7300 (S/N 59).

to stop contacting the Victim, and the Appellant's understanding that he should stop contacting the Victim if she "say[s] she do[es]n't like it",[27] the Appellant cannot claim that the 3 July 2015 phone call reinforced his impression that he had a romantic relationship with the Victim and that he could reasonably continue to send her text messages.

Claim that the Victim fabricated evidence

10 As for the Appellant's assertion that the Victim fabricated evidence against him, the Appellant made two claims. He claimed that the Victim submitted false evidence to the police in relation to SingPass login attempts by a subscriber of SingTel and M1 internet services. He also claimed that the Victim fabricated an email that she never sent to the Appellant.[28]

(a) Turning first to the Appellant's claims concerning the SingPass login attempts, the evidence did not show that the Victim fabricated evidence. The Victim made a police report in which she said that she received notifications requesting for her one-time passcode ("OTP") from SingPass even when she did not engage any services that required SingPass access. She told the police that she suspected that the Appellant was behind this.[29] The Appellant also accepted that the Victim gave the police a screenshot of SingPass OTP messages that were sent to her mobile phone.[30] The Appellant did not seem to dispute that the

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27 ROA at p 7300 (S/N 58).

28 AWS at para 15.

29 ROA at p 5940.

30 Transcripts of 10 October 2022 at p 95 (lines 18–20); ROA at p 10486.

OTP messages were sent to the Victim. His case was that the Victim had caused the OTP messages to be sent to herself and then lied that it was the Appellant who triggered these OTP messages.[31] However, the Appellant presented no evidence for this assertion beyond his assumption that the Victim's National Registration Identity Card number (which is needed for a SingPass login attempt) was known only to her.[32] This assumption is speculative and inconclusive. It thus cannot, on its own, support the Appellant's assertion that the Victim triggered the OTP messages herself and then blamed the Appellant for them to frame him.

(b) The Appellant also argued that the Victim lied to the police by telling them that she had sent an email to the Appellant (when it was in fact unsent), in order to give them the impression that the Appellant was a "mad stalker".[33] The Appellant's claim that the email amounted to fabricated evidence against him was untenable. The bulk of the email comprised a message that the Appellant had sent to the Victim via text message, which the Victim copied and pasted into the email.[34] As the Victim provided the police with screenshots of this message in the form it was originally sent in,[35] there was no doubt that the Appellant

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31 Transcripts of 10 October 2022 at p 98 (lines 17–22) and p 98 (line 30)–p 99 (line 2).

32 Transcripts of 10 October 2022 at p 98 (line 30)–p 99 (line 2) and p 100 (line 21)–p 101 (line 32).

33 AWS at para 16.

34 Transcripts of 3 October 2022 at p 65 (lines 12–20).

35 ROA at pp 7098–7099.

> actually sent the Victim this message. The email contained, additionally, point-by-point responses that the Victim made in reply to the Appellant's message. Even if the Victim did not send these point-by-point responses to the Appellant, that would not mean that the email constituted false evidence against the Appellant. The portion of the email that amounted to incriminating evidence against the Appellant was the part that set out the message sent by him. That portion was not fabricated by the Victim. The email, even if unsent, therefore did not disclose any fabricated evidence that incriminated the Appellant. At best, it would show that the Victim did not send certain responses to the Appellant.

I thus rejected the Appellant's claim that the Victim fabricated evidence against him.

11 I was satisfied that the 1st charge was made out. There was documentary evidence of the messages sent by the Appellant, and at least some of these messages caused harassment, alarm or distress to the Victim, as evidenced by her testimony at the trial. Based on the Victim's unequivocal messages telling the Appellant to stop contacting her after his initial text messages in 2014, the Appellant ought reasonably to have known that his conduct was likely to cause her harassment, alarm or distress.

The 2nd charge

The incident at the void deck on 3 April 2017

12 The first argument that the Appellant relied on to challenge his conviction under the 2nd charge was his account of what occurred at his void

deck on 3 April 2017. The Appellant claimed that during this incident, the Victim told him that she wanted to "patch back" her relationship with him and that the police reports she had made against him were a "test of love".

13 The DJ's findings on what occurred at the void deck on 3 April 2017 were based in part on her assessment of the demeanour of the Appellant and a Defence witness, Ms Kwek Puay Keow ("Ms Kwek").[36] When the credibility of witnesses hinges on assessments of their demeanour, an appellate court will only interfere with the lower court's findings if they are plainly wrong or against the weight of the evidence (*ADF v Public Prosecutor and another appeal* [2010] 1 SLR 874 ("*ADF*") at [16(a)]). The DJ's findings did not appear to meet this high threshold of error. Rather, the DJ rightly preferred the evidence of the Prosecution witnesses (*ie*, the Victim and PW13) over that of the Defence witnesses (*ie*, the Appellant and Ms Kwek). The Appellant's evidence on what occurred at the void deck was inconsistent. In his police statements on 4 April 2018[37] and 26 February 2019,[38] the Appellant gave his account of what the Victim did at the void deck on 3 April 2017. However, he did not state in these accounts that the Victim had asked him to "patch back" their relationship. Nor did he say that she had told him that her previous police reports were a test of love. The DJ rightly considered this inconsistency to suggest that the Appellant's claims were afterthoughts.[39] Moreover, in his 4 April 2018 police statement, the Appellant mentioned that a "male Chinese age about 50 years old [*sic*]"[40] witnessed the encounter at the void deck, but the Appellant did not

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36 GD at [214], [222], [227], [230]–[231].

37 ROA at pp 5959–5963.

38 ROA at p 10473.

39 GD at [227].

40 ROA at p 5961.

mention any eyewitness that could correspond with Ms Kwek, thereby casting doubt on whether Ms Kwek had actually witnessed the incident. Moreover, Ms Kwek was only called as a Defence witness after PW13 testified at the trial that an "auntie" in her sixties had witnessed the incident at the void deck.[41] The DJ was right to find it suspicious that Ms Kwek could be identified and discovered by the Appellant as the stranger who PW13 said he saw at the void deck,[42] when PW13 did not provide any details to identify this person beyond her gender and approximate age.

Assessment of PW13's evidence

14 The second argument that the Appellant relied on was that the DJ had erred in her assessment of PW13's evidence. The Appellant repeated points that he made at the trial, namely, that PW13 was not a credible witness because he was referring to notes during his examination-in-chief ("EIC") and that PW13 was homosexual and thus was not actually the Victim's boyfriend.[43] These arguments did not assist the Appellant.

(a) First, there did not appear to be any indication that PW13 referred to notes extensively during his EIC. In cross-examination, the Appellant asserted that PW13 was referring to a small black book while testifying, but PW13 said that he did not have any such book.[44] Moreover, during PW13's EIC, the Appellant did not raise any objection stating that PW13

41 Transcripts of 2 December 2022 at p 7 (lines 6–8).

42 GD at [232].

43 AWS at paras 20–21.

44 Transcripts of 2 December 2022 at p 33 (lines 11–14).

was referring extensively to prepared notes, even though the Appellant raised objections for other points.[45] This suggested that the Appellant's allegation was an afterthought.

(b) Second, the Appellant's assertions about PW13's sexuality were ultimately meant to show that the Victim had "instigated and abetted him to lie in court as a prosecution witness as part of the victim's conspiracy".[46] His argument was that if PW13 was attracted to men, he could not have been the Victim's boyfriend, and consequently must have been a false witness that the Victim asked to lie in court. This supposed link between PW13's sexuality and the conclusion that he was therefore asked to lie in court was extremely tenuous. The Appellant provided no other evidence to show that PW13's evidence was false. The court could not make out such a serious allegation of a witness' misfeasance based only on speculative evidence about his sexuality.

Admissibility and interpretation of the statement recorded on 4 April 2018

15 The Appellant further argued that the statement recorded by IO Murad on 4 April 2018 should not have been admitted. At the trial, the Appellant challenged the admissibility of this statement, and an ancillary hearing was held. The DJ held that the statement was not made involuntarily or under oppressive circumstances.[47] In this appeal, the Appellant reiterated his argument that the

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45 Transcripts of 2 December 2022 at p 9 (lines 15–20).

46 Defence's Reply Submissions (dated 2 October 2023) at para 5, ROA at p 11704.

47 GD at [158].

statement was a false confession that he made after his father scolded him in the interview room and told him to "just anyhow admit to a few things".[48] He also claimed that the DJ misapplied the test in *Chong Hoon Cheong v Public Prosecutor* [2022] 2 SLR 778 ("*Chong Hoon Cheong*") when interpreting the internal differences in the statement.[49]

16 I first considered the Appellant's allegation that he made a false confession because he was in an anxious and panicked state of mind after his father scolded him. Even if this averment was true, it would not render the statement involuntary under s 258 of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) ("CPC"). For a threat, inducement or promise to render a statement invalid, it must emanate from a person "in authority" (CPC s 258(3)). This requirement is not met if the threat, inducement or promise is made by a person other than the investigating officer, in a one-on-one conversation with the statement-maker, without the investigating officer present (*Public Prosecutor v Lim Boon Hiong and another* [2010] 4 SLR 696 at [46]). In the present case, the Appellant testified that when his father scolded him and told him to confess to offences he did not commit, he and his father were alone in the interview room, without any police officers present.[50] Accordingly, any threat, inducement, or promise made by the Appellant's father would not be made by a person "in authority", and the statement cannot be considered involuntary under s 258 of the CPC.

17 Turning to the ground of oppression, the DJ appeared to suggest in her GD that oppression could only be made out if the oppressive circumstances

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48 AWS at para 23.

49 AWS at para 23.

50 Transcripts of 22 February 2022 at p 22 (line 29)–p 23 (line 14).

flowed from the person in authority.[51] This was wrong. Oppression can be made out even in circumstances where there is no overt act from a person in authority (*Tey Tsun Hang v Public Prosecutor* [2014] 2 SLR 1189 at [91]). Hence, it was still open to the Appellant to challenge the admissibility of the statement on the ground that it was recorded in oppressive circumstances. Nevertheless, the DJ rightly found that oppression was not made out here. For oppression to be made out, the circumstances must have "sapped the free will of the maker of the statement" (Explanation 1 to CPC s 258(3)). This is a high threshold. The statement-maker's will must have been "completely overborne" (*Fung Yuk Shing v Public Prosecutor* [1993] 2 SLR(R) 771 at [17]). He must have "had no will to resist making any statement which he did not wish to make" (*Tan Boon Tat v Public Prosecutor* [1992] 1 SLR(R) 698 at [38]). Even if the Appellant's testimony about his mental state was taken as true, his mental state did not cross this threshold, because the Appellant's testimony revealed the following:

(a) First, he had a keen enough sense of awareness to detect IO Murad mumbling to himself, "I hope for a light sentence and I hope that the authorities do not prosecute me in Court" while writing the same in the statement. He also had the mental acuity and will to object to IO Murad including this line.[52]

(b) Second, the Appellant had the presence of mind to tell IO Murad that he wished to make peace with the Victim through mediation mechanisms, and asked IO Murad to include this in the

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51 GD at [179].

52 Transcripts of 13 June 2022 at p 34 (lines 4–9).

statement.[53]

(c) Third, the Appellant had sufficient mental awareness to object to the use of the word "victim" in the statement. He also possessed the will to ask IO Murad whether he used the word and to ask IO Murad to cancel the word from the statement.[54]

The Appellant's account of his behaviour during the recording of the statement did not portray him as someone whose will was overborne. Instead, he had the mental acuity and keenness to make sense of what IO Murad was recording in the statement, and the will to raise objections and request for corrections. Oppression was therefore not made out in the circumstances. The DJ rightly admitted the statement.

18 The Appellant's other contention regarding the statement was that the DJ misapplied the test in *Chong Hoon Cheong* when interpreting the statement. His claim at the trial was that there were stark differences between paras 7 and 8 in the statement, and this showed that everything stated from para 8 onwards was false.[55] The test in *Chong Hoon Cheong* requires the court to determine the precise content of the statement and then determine the intended meaning of the statement, focusing on the subjective intention of the statement-maker at the time the statement was made (at [70]). Portions of the statement should only be disregarded if there is "reasonable doubt as to *either* what the accused person actually stated *or* what the accused person *intended to mean when he made such*

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53 Transcripts of 22 February 2022 at p 31 (lines 8–12); Transcripts of 13 June 2022 at p 34 (lines 10–12).

54 Transcripts of 13 June 2022 at p 66 (line 30)–p 67 (line 4).

55 Transcripts of 29 May 2024 at p 19 (line 12–28).

statement" [emphasis in original] (*Chong Hoon Cheong* at [70]). No reasonable doubt of this nature arose on the facts. The statement contained clear and detailed admissions that the Appellant ordered products or signed up for services using the Victim's details.[56] The meaning of these admissions alone was not in doubt. There were, however, apparent contradictions between those admissions and para 7. Nevertheless, some of these inconsistencies could be explained. For instance, in para 7, the Appellant stated that he "did not used [*sic*] any website to disturb [the Victim] with beauty salons, yoga classes or escort agencies", but para 8 described how he ordered products concerning beauty salons and yoga classes for the Victim after seeing these products on television advertisements.[57] This apparent difference may, however, be explained by the fact that para 7 appears concerned with the *mode* by which the Appellant was said to have "disturbed" the Victim (*ie*, using "websites"). There was no mention of the use of websites in ordering the products seen on television in para 8, and it was possible that the Appellant ordered the products without using a website (*eg*, by calling a phone number shown in the advertisement). In respect of some other facts, the inconsistencies may be harder to resolve (*eg*, the claim in para 7 that the Appellant did not know who a certain phone number belonged to, as contrasted against his claim in para 8 that he saw on the Victim's LinkedIn profile that the phone number belonged to her). Regardless, these discrepancies may be explained by a shift in the Appellant's account over the course of the interview. The mere presence of an initial denial followed by a subsequent admission in a statement cannot be sufficient to raise a reasonable doubt over its contents, because suspects under investigation may change their initial denials to admissions when caught in their lies or confronted with

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56 See, *eg*, P12 at paras 9–12, ROA at p 5961.

57 ROA at p 5961.

evidence. I thus did not consider the DJ's interpretation of the statement to be out of step with *Chong Hoon Cheong*.

19 The Appellant's last argument in respect of the 2nd charge was that the Victim had called the so-called "National Blood Bank" to tell them that the Appellant's blood was "dirty". Even if this was true, an act of harassment by the Victim against the Appellant would not in any way justify the Appellant's acts of harassment against the Victim.

20 I was satisfied that the 2nd charge was made out. The Appellant's statement on 4 April 2018 and the Victim's testimony provided sufficient evidence of the acts of unlawful stalking, which caused harassment, alarm or distress to the Victim. The Appellant ought reasonably to have known that his acts of unlawful stalking were likely to cause harassment, alarm or distress to the Victim, in light of a conditional warning he had received for his previous act of unlawful stalking.

The 3rd charge

21 Turning to the 3rd charge, the only contention the Appellant raised was that he thought that he was the Victim's boyfriend. This belief was untenable. As I noted earlier, before changing her phone number, the Victim had sent the Appellant numerous text messages stating in clear terms that she was not romantically involved with him.[58] Nothing that transpired after these messages could have altered this state of affairs. In fact, the Victim's lack of romantic interest in the Appellant was fortified by the police reports she filed against him. Moreover, the Appellant's claim that he thought the Victim was his girlfriend

[58] See, *eg*, ROA at p 6565 (S/N 224) and pp 7101–7102.

at this point was based on his assertion that she had first sent him a message calling him a "coward".[59] But the Appellant did not say that the Victim sent him any such message in his statement to the police on 11 December 2020, nor did he produce any such message. I thus rejected the Appellant's argument.

22 I was satisfied that the 3rd charge was made out. The Appellant's statement on 11 December 2020 and the testimony of the Appellant and Victim provided sufficient evidence of the acts of unlawful stalking, which caused harassment, alarm or distress to the Victim. The Appellant ought reasonably to have known that his acts of unlawful stalking were likely to cause harassment, alarm or distress to the Victim, in light of the history of police reports and investigations into his acts of unlawful stalking against the Victim.

23 Accordingly, I dismissed the Appellant's appeal against conviction.

Appeal against sentence

24 I then considered the Appellant's appeal against sentence. I did not find either the individual sentences or the aggregate sentence to be manifestly excessive.

Sentence for the 1st charge

25 For the 1st charge, the DJ rightly considered the harm caused for this offence to be on the higher end of the moderate range under the framework in *Lee Shing Chan v Public Prosecutor and another appeal* [2020] 4 SLR 1174 ("*Lee Shing Chan*"). Although the charge only covered the text messages sent from 6 July 2015 to 27 May 2016, the DJ rightly considered the text messages

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[59] Transcripts of 29 May 2024 at p 53 (lines 5–14).

sent from 8 July 2014 to 5 June 2016.[60] A sentencing court may consider all the circumstances of a case to assess the extent of a victim's suffering and the offender's culpability, even if these circumstances may technically constitute separate offences (*Public Prosecutor v Bong Sim Swan Suzanna* [2020] 2 SLR 1001 at [65] and [73]). The Appellant's offending occurred over a protracted period of two years, in which he sent over 3,000 messages. Many of these messages were explicitly sexual or carried sexual undertones. Even if the messages did not seriously impinge on the Victim's safety, reputation, or economic position, the scale and duration of the harassment she faced was immense, especially when such harassment involved unwanted romantic and sexual attention. Moreover, the Appellant's acts of unlawful stalking were not limited to the digital space but extended to physical stalking. The Appellant physically stalked the Victim near her place of residence. On multiple occasions, he went to the park near her flat and asked her to "come down".[61] On one occasion, he made eye contact with the Victim while she was jogging at the park near her flat.[62] Additionally, by his own admission, the Appellant went to the Victim's workplace to seek her out on no fewer than three occasions.[63] One of these visits caused the Victim to feel "afraid that [she would] get attack[ed] or injure[d] by him", leading her to call the police.[64] The DJ was therefore right to have classified the harm caused as falling within the higher end of the moderate range.

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60 GD at [313(a)].

61 Transcripts of 26 January 2023 at p 75 (lines 29–32) and p 17 (lines 11–22); Transcripts of 3 October 2022 at p 78 (lines 16–32).

62 Transcripts of 3 October 2022 at p 86 (line 18)–p 87 (line 3).

63 ROA at p 10462.

64 Transcripts of 3 October 2022 at p 7 (lines 21–22).

26 As for the Appellant's culpability, I agreed with the DJ that it fell within the lower end of the high range. Despite the lower *mens rea* stated in the charge, the Appellant clearly knew that his actions were likely to cause harassment, alarm or distress as the Victim had communicated to him explicitly, and on multiple occasions, that she did not want him to contact her. The Appellant was also highly persistent in his offending. He persisted in sending the Victim messages despite her pleas for him to stop, and despite being bombarded by her automatic replies stating that "[t]he recipient has chosen not to receive messages".[65] His persistence was reflected in the exceptional duration and frequency of his harassment, which occurred over two years and involved thousands of unwanted text messages. His higher culpability was reflected in his multimodal acts of harassment – he stalked the Victim digitally, through text messages, as well as physically, at her place of residence and workplace.

27 I then considered the offender-specific aggravating and mitigating factors under Step 4 of the *Lee Shing Chan* framework. I agreed with the DJ that the Appellant's deplorable conduct at the trial was a relevant offender-specific aggravating factor (*Public Prosecutor v Mustapah bin Abdullah* [2022] SGHC 262 at [113]). As I will elaborate on at [41] below, the Appellant engaged in victim-blaming, repeatedly asked irrelevant and scandalous questions, and made baseless allegations against almost all the Prosecution witnesses by accusing them of fabricating evidence and being corrupt. His conduct at the trial wasted judicial time and resources, caused annoyance to witnesses (including the Victim), and undermined the sanctity of the proceedings. It also evidenced a clear lack of remorse. Accordingly, the sentence of nine months' imprisonment imposed for the 1st charge was not manifestly excessive.

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65 See, *eg*, ROA at p 6602 (S/N 516–524).

The 2nd charge

28 Turning to the 2nd charge, I agreed with the DJ that the harm caused fell within the lower end of the moderate range. The Victim's life was disrupted by multiple unsolicited calls, text messages, and deliveries from vendors. Her privacy was infringed upon as her personal information and photograph were sent to third parties, including escort agencies. Harm was also caused to third parties, as vendors spent needless time and resources contacting the Victim and sending her samples.

29 I agreed with the DJ that the Appellant's culpability fell within the high range. His culpability for this charge was higher than that for the 1st charge. First, the Appellant's acts of harassment spanned a substantial duration of over one year. Second, his *mens rea* for the 2nd charge was more serious because he intended to cause the Victim harassment, alarm or distress. He admitted in his statement on 4 April 2018 that he committed these acts of harassment to retaliate against the Victim for intimidating, insulting and embarrassing him at the void deck on 3 April 2017.[66] Third, his offending conduct displayed a high degree of premeditation and sophistication. Beyond contacting the Victim himself, the Appellant evolved his *modus operandi* by making use of third parties to perpetrate harassment against the Victim. He spent time and effort to procure the Victim's personal information and to seek out numerous third parties to pass them her personal information. The planning and resourcefulness behind these acts of harassment also highlighted his persistence in harassing the Victim, as he found novel ways to cause unwanted communications to be made to her after she changed her mobile number.

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66 P12 at para 13, ROA at p 5961.

30 As for the offender-specific factors, the DJ rightly considered the Appellant's conduct at the trial to be aggravating.

31 Accordingly, the sentence of nine months' imprisonment imposed for the 2nd charge was not manifestly excessive.

The 3rd charge

32 Finally, for the 3rd charge, I agreed with the DJ that the harm caused by the offence was in the moderate range. The Globfone messages were relatively numerous and were sent over a substantial duration of around eight months. Numerous other items were also sent to the Victim.

33 The DJ rightly assessed the Appellant's culpability to fall within the high range. The Appellant displayed a degree of resourcefulness and premeditation as he sent messages using the Globfone web service, which hid his identity from the Victim. His messages to the Victim were aimed at obstructing the course of justice, as the messages tended to pressure the Victim to "drop" the case against him. The messages were also sent after the Appellant had been charged for previous instances of unlawful stalking against the Victim, demonstrating a clear lack of remorse and a strong penchant for harassing the Victim.

34 As for the offender-specific factors, the Appellant's conduct at the trial once again applied as an aggravating factor.

35 Accordingly, the sentence of nine months' imprisonment imposed for the 3rd charge was not manifestly excessive.

Aggregate sentence

36 Having addressed the individual sentences, I then considered the Appellant's aggregate sentence.

37 The DJ was bound to run at least two of the sentences consecutively, as s 307(1) of the CPC requires the court to run at least two sentences consecutively when an offender is convicted and sentenced to imprisonment for at least three distinct offences.

38 The aggregate sentence of 18 months' imprisonment did not violate the totality principle. It was commensurate to the very large scale and long duration of the Appellant's offending and his high culpability in persistently inflicting countless acts of harassment against the same victim. The aggregate sentence was ultimately in keeping with the Appellant's past record and future prospects.

39 Accordingly, I dismissed the Appellant's appeal against sentence.

Conclusion

40 The Appellant's appeal was therefore dismissed in its entirety.

Coda on the Appellant's conduct and managing proceedings involving self-represented persons

41 Before I conclude, I am compelled to make some observations concerning the Appellant's conduct at the trial. In short, it was outrageous. His antics included but were not limited to the following:

(a) Engaging in victim-blaming. For instance, he put to the Victim that she had brought some of the acts of harassment on herself because

she uploaded her resume onto LinkedIn.[67]

(b) Asking the Prosecution's witnesses scandalous and irrelevant questions at length during cross-examination. For instance, he asked PW13 if he knew the Victim's "cup size" and whether he knew that the Victim had allegedly told the Appellant to "touch her breasts".[68] He also asked PW13 if he liked "sexy men" and engaging in group sex.[69] In cross-examining PW10, the Appellant asked her, "Can I kiss you?" and "can I kiss you and hold you?"[70] He also asked PW10 whether she could be his girlfriend.[71] The Appellant's questioning was also highly repetitive and often pursued irrelevant or far-fetched points, such as by seeking to establish that the Victim had Munchausen Syndrome by proxy[72] and that the Victim's LinkedIn profile was actually registered with a scam website called LinkIn.[73] In the process, it cannot go unnoticed that the Victim was subjected to seven days of cross-examination.

(c) Making baseless allegations that the Prosecution, the police, and various witnesses were fabricating evidence and conspiring against him.

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67 Transcripts of 12 October 2022 at p 33 (lines 5–8); Transcripts of 19 October 2022 at p 73 (line 28)–p 74 (line 18).

68 Transcripts of 2 December 2022 at p 69 (lines 10–21).

69 Transcripts of 2 December 2022 at p 99 (lines 25–28).

70 Transcripts of 21 September 2022 at p 21 (lines 18, 22–23).

71 Transcripts of 21 September 2022 at p 48 (lines 28–29).

72 Transcripts of 19 October 2022 at p 76 (lines 1–11).

73 Transcripts of 19 October 2022 at p 68 (lines 15–20); Transcripts of 2 December 2022 at p 43 (lines 14–20).

> The Appellant accused the Victim of setting him up[74] and planting evidence on him.[75] He alleged that PW10 and PW13 had conspired with the Victim to "get [him] in trouble with the law".[76] He accused IO Murad of committing forgery[77] and destroying evidence.[78] He threatened to report various witnesses to the Corrupt Practices Investigation Bureau[79] and accused the police of deliberately giving false information to the Prosecution so they could weaponise it against him in court.[80]

42 That the Appellant was a self-represented person ("SRP") did not confer on him a right to conduct his defence in this manner. While he was entitled to cross-examine witnesses and test their evidence, he was not entitled to do so by harassing the witnesses with repetitive or irrelevant questions. As the Court of Appeal affirmed in *Mohammed Ali bin Johari v Public Prosecutor* [2008] 4 SLR(R) 1058 ("*Mohammed Ali*"), a trial judge has "power to protect a witness from harassment by questions that are repetitious or … irrelevant …" as well as "the right and the duty to prevent the trial from being unnecessarily protracted by questions directed to irrelevant matters" (at [138], citing *Regina v Valley* (1986) 26 CCC (3d) 207 (CA,O) at 230–232).

43 The Appellant was told repeatedly by the DJ that certain lines of

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74 Transcripts of 12 October 2022 at p 32 (lines 16–23).

75 Transcripts of 20 October 2022 at p 122 (lines 25–26).

76 Defence's Closing Submissions ("DCS") at para 101, ROA at p 11448.

77 Transcripts of 22 February 2022 at p 32 (line 30)–p 33 (line 14).

78 Transcripts of 5 May 2023 at p 55 (lines 25–27).

79 See, *eg*, Transcripts of 15 September 2021 at p 104 (lines 8–20); Transcripts of 7 February 2022 at p 41 (lines 1–4); Transcripts of 20 June 2022 at p 64 (lines 4–14); Transcripts of 13 July 2022 at p 57 (lines 14–16).

80 DCS at para 21, ROA at p 11394–11395.

questioning were irrelevant to the issues to be determined, and he should have heeded the DJ's directions instead of pursuing scandalous and fruitless lines of questioning as well as ventilating fanciful arguments that did not assist his case. By frequently raising scandalous allegations without any reasonable grounds, the Appellant only harmed his own case by demonstrating that he did not have a cogent defence that cast doubt on the Prosecution's evidence and had to resort to accusing the Prosecution's witnesses of unfounded conspiracies against him.

44 As I emphasised in *GHI v Public Prosecutor* [2024] 5 SLR 607, appropriate cross-examination involves asking clear and purposeful questions that are relevant and within legal limits (at [74]). Questions should not be asked without reasonable grounds or be indecent or scandalous in nature. Cross-examination should not be a platform for personal attacks or insulting or annoying remarks under the guise of questioning (at [74(c)]). Similarly, the court in *Lewis Christine v Public Prosecutor* [2001] 2 SLR(R) 131 has noted that the right of accused persons to prove their innocence does not give them liberty to blatantly besmirch the repute of Prosecution witnesses (at [38]). These principles do not only apply to represented defendants. They apply to SRPs as well (see *eg*, *AWN v AWO and another appeal* [2012] SGHC 228 at [10]). The Appellant ought to have conducted himself according to these principles, especially when the DJ pointed out to him that his questions were irrelevant, repetitive, or otherwise unacceptable. The Appellant's conduct at the trial was beyond the pale, and his punishment was rightly enhanced to reflect this.

45 Nevertheless, treating a defendant's troublesome conduct as an aggravating factor is not sufficient to prevent their antics from needlessly prolonging the trial or causing distress and annoyance to witnesses. Doing so only punishes the defendant after the fact. A preventive approach is necessary

to ensure that a party's troublesome conduct does not derail or prolong the trial. To this end, judges should track the lines of questioning employed by such parties and intervene at necessary junctures, ensuring that their questions are relevant and permissible.

46 This task admittedly requires judges to balance two sets of responsibilities effectively. On one hand, judges are tasked with controlling and managing the proceedings. They must ensure that lines of questioning are relevant, permissible, and generally within the bounds of reason in terms of their manner, duration and focus (*Thangarajan Elanchezhian v Public Prosecutor* [2024] 6 SLR 507 ("*Thangarajan*") at [74]). They must also act to prevent "prolix, unfocused and repetitive" cross-examination and ensure that witnesses – and especially the complainant – are not subjected to hostile or pointless questioning (*Thangarajan* at [73]). On the other hand, it has been said that our adversarial system "does not allow much room for effective or just intervention by the trial judge in the adversary fight about the facts" and requires them to view the case "from a peak of Olympian ignorance" (*Mohammed Ali* at [154], citing Marvin E Frankel, "The Search for Truth: An Umpireal View" (1975) 123 U Pa L Rev 1031 at 1042). Judges must, accordingly, guard against intervening excessively in a party's examination of witnesses to avoid giving the impression that they are predisposed towards a particular outcome or are perceived to have "descended into the arena" (*Mohammed Ali* at [175(c)], [138] and [127]).

47 The tension between these two responsibilities is especially palpable in cases involving SRPs. They are often unfamiliar with legal rules and procedure and have little experience navigating a trial. They are therefore afforded some latitude in the conduct of their cases to ensure that their positions are

nevertheless ventilated thoroughly for the court's consideration (see *eg*, *Envy Asset Management Pte Ltd (in liquidation) and others v Ng Yu Zhi and others* [2025] SGHC 143 at [73], *BNP Paribas SA v Jacob Agam and another* [2019] 1 SLR 83 at [103]). However, being afforded such latitude does not amount to a *carte blanche* and it must be remembered that "litigants in person are still subject to the same rules and procedure of court" (*Ong Chai Hong (executrix of the estate of Chiang Chia Liang, deceased) v Chiang Shirley and others* [2016] 3 SLR 1006 at [40]).

48 Furthermore, an SRP's lack of legal knowledge and experience also makes it likelier for their questions to veer towards being irrelevant, repetitive or scandalous. There is therefore a countervailing interest in keeping a tighter rein on the proceedings, to prevent them from being unfocused, protracted or taxing on witnesses. Criminal trials involving SRPs further present the unique challenge of requiring complainants to be directly cross-examined by the accused, thereby exacerbating the potential risk of scandalous or insulting questions posed to the complainant.

49 In my view, the balance between allowing an SRP to ventilate their case and exercising effective control over the proceedings may be struck by basing judicial interventions on the criteria of *relevance*, *permissibility*, and *repetitiveness*, in line with the rules of evidence.

(a) The Evidence Act 1893 (2020 Rev Ed) ("EA") requires the evidence given and the questions asked in court to fulfil the criterion of *relevance*. Under s 138(1), the court may ask a party proposing to give evidence of a fact how that fact, if proved, would be relevant. The court shall only admit the evidence if it thinks that the fact would be relevant

if proved. In a similar vein, s 140(2) provides that cross-examination must relate to relevant facts (see also *Thangarajan* at [66]–[67]). While questions may be asked about matters touching on a witness's veracity or credibility, the accuracy of their evidence, their position in life and their character (see s 148), such questions may not be asked in an unqualified manner. Under s 150, if a question is unconnected to the issues, but is only relevant because it affects the witness's credit by injuring their character, the court may decide not to compel the witness to answer it. Furthermore, the court may also forbid such questions from being asked if there are no reasonable grounds for thinking that the imputations they convey are well-founded (see s 151).

(b) Apart from relevance, the court should also consider whether the questions are *permissible*, bearing in mind ss 152–154A of the EA and the Evidence (Restrictions on Questions and Evidence in Criminal Proceedings) Rules 2018 ("ER"). Questions should generally not be indecent or scandalous (see EA s 153). Nor should they be intended to insult or annoy, or be needlessly offensive in form (see EA s 154) (see also *Thangarajan* at [68]–[69]).

(c) Finally, the court should also intervene if an SRP's questions are needlessly *repetitive*. If the court is satisfied that a witness has fully answered the question, the court should prompt the SRP to move on to another question instead of repeating the same question in the hopes of getting a different answer from the witness.

Judicial intervention on the bases discussed above would not amount to improper judicial interference in a party's case. As the Court of Appeal in *Mohammed Ali* noted, a judge may intervene in a party's questioning of

witnesses is if "it [is] necessary to *exclude irrelevancies* and/or *discourage repetition* and/or prevent undue evasion and/or obduracy by the witness concerned (or even by counsel)" [emphasis added] (at [175(c)(iii)]). The reference to counsel's undue evasion or obduracy must also apply to that of an SRP.

50 Judges should not let the latitude afforded to SRPs prevent them from making necessary and timely interventions during the SRP's questioning of witnesses. They should do so as and when it is necessary and appropriate, drawing guidance from the EA and ER as well as the applicable caselaw. Such interventions will not amount to "descending into the arena" but instead will be consonant with the very role of a trial judge, who may by wise and appropriate judicial intervention, in words endorsed by the Court of Appeal in *Mohammed Ali* (at [153]), "promote justice by saving time and costs and concentrat[e] on essential issues without any sacrifice of the principles".

Vincent Hoong
Judge of the High Court

Appellant in person;
Ng Jun Chong (Attorney-General's Chambers) for the respondent.