

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

**[2025] SGHC 197**

Criminal Case No 24 of 2025

Between

Public Prosecutor

And

Nguyen Ngoc Giau

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**JUDGMENT**

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[Criminal Law — Offences — Murder]

[Criminal Law — General exceptions — Intoxication]

[Criminal Law — Special exceptions — Sudden fight]

## TABLE OF CONTENTS

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<b>BACKGROUND FACTS .....</b>	<b>1</b>
<b>THE PROSECUTION’S CASE.....</b>	<b>4</b>
<b>THE DEFENCE’S CASE .....</b>	<b>6</b>
<b>ISSUES TO BE DETERMINED .....</b>	<b>8</b>
<b>WHETHER THE ACCUSED’S ADMISSIONS IN HER STATEMENTS SHOULD BE GIVEN FULL WEIGHT .....</b>	<b>9</b>
WHETHER THE INTERPRETATION OF THE LONG STATEMENTS WAS INACCURATE .....	15
WHETHER THE IO’S ROLE IN THE STATEMENT RECORDING PROCESS UNDERMINED THE RELIABILITY OF THE LONG STATEMENTS .....	17
WHETHER THE ACCUSED’S ADMISSIONS IN HER LONG STATEMENTS WERE BASED ON “FALSE MEMORIES” .....	22
<b>WHETHER THE OFFENCE OF MURDER UNDER S 300(C) OF THE PENAL CODE IS ESTABLISHED BEYOND REASONABLE DOUBT .....</b>	<b>25</b>
APPLICABLE LEGAL PRINCIPLES .....	26
WHETHER THE ACCUSED INFLICTED THE FATAL WOUNDS .....	26
WHETHER THE ACCUSED INTENDED TO INFLICT THE FATAL WOUNDS .....	28
<i>The accused’s state of mind leading up to and at the time of the         incident .....</i>	<i>34</i>
<i>Whether the defence of intoxication is established .....</i>	<i>37</i>
<b>WHETHER THE PARTIAL DEFENCE OF SUDDEN FIGHT UNDER EXCEPTION 4 TO S 300(C) OF THE PENAL CODE IS ESTABLISHED ON A BALANCE OF PROBABILITIES .....</b>	<b>42</b>
APPLICABLE LEGAL PRINCIPLES .....	42

THE PROSECUTION’S CASE .....	44
THE DEFENCE’S CASE .....	46
MY FINDINGS .....	54
<b>CONCLUSION.....</b>	<b>59</b>

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**Public Prosecutor**  
**v**  
**Nguyen Ngoc Giau**

**[2025] SGHC 197**

General Division of the High Court — Criminal Case No 24 of 2025  
Dedar Singh Gill J  
8–11, 15–17, 22, 23, 28 April, 16 June 2025

7 October 2025

Judgment reserved.

**Dedar Singh Gill J:**

1 This is a tragic case of love gone wrong. The accused, Nguyen Ngoc Giau, and the deceased, Cho Wang Keung, were lovers. Their relationship was fraught with frequent quarrels and fights. In this mix entered a female beer promoter. This ignited suspicion and anger. A life has been needlessly lost. The accused has been charged for murder. She raises the defences of intoxication (resulting in the absence of intention) and sudden fight. These defences fail.

2 The accused faces a charge under s 300(c) of the Penal Code (Cap 224, 2008 Rev Ed) (the “Penal Code”) for killing the deceased on 15 July 2021 at approximately 12.55am. At the material time, the accused was living with the deceased in his Housing Development Board flat on the fifth floor (the “Flat”).

**Background facts**

3 The charge against the accused reads as follows:

That you, **NGUYEN NGOC GIAU**, on the 15<sup>th</sup> day of July 2021, at about 12:55 a.m., along the common corridor of the 5th storey of Blk 562 Ang Mo Kio Avenue 3, Singapore, did commit murder by causing the death of one Cho Wang Keung, and you have thereby committed an offence under section 300(c) of the Penal Code (Cap 224, 2008 Rev Ed) which is punishable under section 302(2) of the said Code.

4 The accused is a 43-year-old Vietnamese national and Singapore permanent resident.<sup>1</sup> The deceased, a Singapore citizen, was 51 years old when he died.<sup>2</sup> The deceased is also known to the accused as “Peter”. The accused moved into the Flat as a tenant sometime in July 2020 and initially slept in the living room. By around October 2020, the deceased and the accused became romantically involved and began to share a bedroom.<sup>3</sup> There was another tenant, Tan Cheng Mun, who stayed in the Flat from March 2020.<sup>4</sup> Tan Cheng Mun is also known to the accused as “Ah Wen”.

5 Between 12 July 2021 and 13 July 2021, the accused and the deceased had a dispute.<sup>5</sup> From 12.20pm on 14 July 2021 to 12.48am on 15 July 2021, the accused consumed a number of cans of beer while alone in the Flat. She also repeatedly called the deceased on his mobile phone but her calls went unanswered.<sup>6</sup>

6 On 15 July 2021 at about 12.50am, the deceased and Tan Cheng Mun returned to the common corridor outside the Flat.<sup>7</sup> There was a confrontation

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<sup>1</sup> Agreed Statement of Facts (“ASOF”) at para 1.

<sup>2</sup> ASOF at para 2.

<sup>3</sup> ASOF at para 3.

<sup>4</sup> ASOF at para 4.

<sup>5</sup> ASOF at para 7.

<sup>6</sup> ASOF at para 8.

<sup>7</sup> ASOF at para 9.

between the deceased and the accused about two minutes later.<sup>8</sup> At around 12.55am, Tan Cheng Mun dialled “999” with the following message: “This roommate girlfriend want beat us. she dont want to leave when we told her to get out”.<sup>9</sup> Tan Cheng Mun called “999” again at about 12.59am with the following message: “THE GIRL SLASH MY ROOMATE ALREADY BLEEDING”.<sup>10</sup>

7 The police arrived at around 1.03am. The accused and the deceased were found in a pool of blood along the common corridor outside the Flat.<sup>11</sup> Two groups of paramedics arrived subsequently. The accused was unresponsive and groaning in pain whilst the deceased was responsive. They were conveyed in separate ambulances to Tan Tock Seng Hospital.<sup>12</sup> The deceased succumbed to his injuries and was pronounced dead at 7.17am.<sup>13</sup>

8 On 16 July 2021 at about 10am, Dr Chan Shijia (“Dr Chan”), a Consultant Forensic Pathologist of the Health Sciences Authority, conducted an autopsy on the deceased.<sup>14</sup> According to the autopsy report dated 16 July 2021, the deceased had a total of 30 external injuries.<sup>15</sup> The cause of death was the stab wounds to the neck, chest and back (the “Fatal Wounds”).<sup>16</sup> It is not disputed

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<sup>8</sup> ASOF at para 10.

<sup>9</sup> ASOF at para 5; Agreed Bundle (“AB”) at p 429.

<sup>10</sup> ASOF at para 6; AB at p 430.

<sup>11</sup> ASOF at para 11.

<sup>12</sup> ASOF at para 12.

<sup>13</sup> ASOF at para 13.

<sup>14</sup> ASOF at para 13.

<sup>15</sup> AB at pp 31–34.

<sup>16</sup> AB at p 39.

that the Fatal Wounds would have been sufficient in the ordinary course of nature to cause death.<sup>17</sup>

9 The accused was interviewed by Dr Cheow Enquan (“Dr Cheow”), a Consultant with the Department of Forensic Psychiatry of the Institute of Mental Health (“IMH”), on 29 July 2021, 2 August 2021 and 4 August 2021.<sup>18</sup> The interviews were conducted in Vietnamese through an interpreter, Do Ngoc Xuan. Dr Cheow prepared a medical report dated 16 August 2021 (the “IMH Report”).<sup>19</sup> According to the IMH Report, the accused “clearly ha[d] an Alcohol Use Disorder” and “was likely in a state of Acute Alcohol Intoxication” at the material time. But the accused was not of unsound mind at the time of the alleged offence.<sup>20</sup>

### **The Prosecution’s case**

10 The Prosecution’s narrative is that the accused became upset with the deceased as a female beer promoter visited the Flat on 12 July 2021. She had previously witnessed this beer promoter sitting on the deceased’s lap. As such, the accused locked the deceased out of their bedroom on the night of 13 July 2021.<sup>21</sup>

11 On 14 July 2021, the accused tried to call the deceased over 30 times throughout the day while he was outside. She texted the deceased, “Call me back fuck you” at approximately 11am. Thereafter at 8.56pm, she texted the

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<sup>17</sup> ASOF at para 13.

<sup>18</sup> ASOF at para 18; AB at p 107.

<sup>19</sup> AB at p 108–112.

<sup>20</sup> ASOF at para 18; AB at p 112, paras 21–22.

<sup>21</sup> Prosecution’s Closing Submissions (“PCS”) at para 6.

deceased, “446 good”. “446” referred to the coffeeshop where the beer promoter worked and the accused sent this message because she suspected the deceased had gone there to drink with the beer promoter. The deceased did not respond to her messages nor call her back.<sup>22</sup>

12 At approximately 12.50am on 15 July 2021, the deceased returned to the Flat with Tan Cheng Mun. Instead of entering immediately, they proceeded downstairs to dispose of unwanted furniture that was left outside the Flat.<sup>23</sup> The accused confronted the deceased when he came back to the fifth floor at about 12.52am. She questioned him about where he had gone to drink and recorded a video of the confrontation on her mobile phone. When the deceased ignored her questions and attempted to move away, the accused grabbed his shirt collar and pulled him back. The deceased then asked Tan Cheng Mun to call the police to take the accused away. While Tan Cheng Mun was speaking to the police, the accused told the deceased not to “be overboard as a person” before returning to the Flat and ending the video recording.<sup>24</sup>

13 After retrieving a yellow-handled knife from the Flat, the accused went back out to the common corridor and stabbed the deceased several times. During this attack, she noticed Tan Cheng Mun photographing her actions. She chased him to the staircase landing on the fifth floor while armed with the knife but did not pursue him further when he fled downstairs. The accused subsequently inflicted stab wounds on herself.<sup>25</sup>

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<sup>22</sup> PCS at para 7; P176A; P176B.

<sup>23</sup> PCS at para 8.

<sup>24</sup> PCS at para 9; AB at p 270.

<sup>25</sup> PCS at paras 10–11; P8.

**The Defence's case**

14 The Defence submits that the accused is not guilty of murder under s 300(c) of the Penal Code. The crux of the Defence's case is that the accused was so intoxicated at the material time that she could not have formed the necessary intention to inflict the stab wounds on the deceased.<sup>26</sup> Further, that the deceased's death was caused upon a sudden fight between the deceased and the accused.<sup>27</sup> If either defence is established, the accused may be convicted for culpable homicide not amounting to murder punishable under s 304 of the Penal Code.<sup>28</sup>

15 The Defence's narrative is that this was an unfortunate case of a couple in an "unhealthy relationship plagued by quarrels and fights".<sup>29</sup> For instance, a neighbour had reported hearing screams for help from the Flat in February 2021.<sup>30</sup> In April 2021, a member of the public also saw the parties "beating" each other at the void deck of their residential block.<sup>31</sup>

16 On 12 July 2021, the accused drank beer with the deceased and his friends in the Flat after dinner. A dispute arose during this gathering and a woman was heard screaming. This resulted in another police report being lodged by a neighbour shortly after midnight and paramedics attended to the accused who sustained injuries.<sup>32</sup> On 13 July 2021, the accused and the deceased

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<sup>26</sup> Defence's Closing Submissions ("DCS") at para 48.

<sup>27</sup> DCS at para 97.

<sup>28</sup> DCS at para 13.

<sup>29</sup> DCS at para 2; NEs (8 April 2025) at p 37, lines 10–23.

<sup>30</sup> DCS at para 26; AB at p 497.

<sup>31</sup> DCS at para 27; AB at p 501.

<sup>32</sup> DCS at paras 28–30; AB at p 502.

left the Flat together. After they had breakfast and ran errands, the deceased arranged for a taxi to send the accused back to the Flat. However, the accused alighted at a coffeeshop to purchase beer and food before returning to the Flat and began drinking in the afternoon.<sup>33</sup>

17 On 14 July 2021 at about 11.32am, the accused took out a can of beer from the freezer and began drinking. She removed a knife and a stone knife sharpener from the kitchen at about 12.21pm.<sup>34</sup> Throughout the day, she consumed beer while making six audio recordings of herself. In these recordings, she appeared to be crying and spoke about having been beaten up.<sup>35</sup> She expressed that she “[did] not want this life anymore” and asked the police to “burn [her]” and “put everything into the sea” after her death.<sup>36</sup> At approximately 9pm, the accused went to a minimart and purchased another four cans of beer before returning to the Flat and resuming her drinking. She vomited several times throughout the day. The final vomiting episode occurred at around 12.06am on 15 July 2021. She consumed roughly ten cans of beer in total.<sup>37</sup>

18 At 12.51am, the accused used her mobile phone to film an upside-down video which captured her walking in and out of the Flat before eventually stepping out to the common corridor. She could be heard giggling. At roughly 12.52am, the accused had a confrontation with the deceased, during which Tan Cheng Mun called the police. She recorded another video of this confrontation on her mobile phone and was not holding a knife at this point. She questioned

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<sup>33</sup> DCS at para 31; NEs (17 April 2025) at p 48, lines 1–27.

<sup>34</sup> DCS at paras 32–33.

<sup>35</sup> DCS at para 34; AB at p 234.

<sup>36</sup> AB at pp 237 and 243.

<sup>37</sup> DCS at paras 35–36.

the deceased about where he had been and Tan Cheng Mun called her a “silly cunt” in Cantonese. The final footage from the doorbell camera outside the Flat captures a male voice saying, “Eh eh, eh eh” and the accused shouting, “I love you” and “I love you so much” multiple times. At 12.56am and 12.57am, Tan Cheng Mun took photographs of the deceased and the accused struggling along the corridor. He went downstairs alone a minute later.<sup>38</sup>

19 When the police arrived at the scene at about 1.03am, they found the accused in a seated position with the deceased lying across her body and right leg. The deceased was responsive, moved and could speak to the police officers whereas the accused slumped onto the floor, was unresponsive and groaned in pain.<sup>39</sup> Both parties sustained multiple stab wounds and were conveyed to the hospital separately.

### **Issues to be determined**

20 There are four main issues for my determination:

- (a) whether the accused’s admissions in her statements should be given full weight;
- (b) whether the offence of murder under s 300(c) of the Penal Code has been established beyond a reasonable doubt;
- (c) whether the defence of intoxication under s 86(2) of the Penal Code has been established on the balance of probabilities; and

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<sup>38</sup> DCS at paras 37–42; AB at p 263.

<sup>39</sup> DCS at paras 43–45.

- (d) whether the partial defence of sudden fight under Exception 4 to s 300 of the Penal Code has been established on the balance of probabilities.

**Whether the accused’s admissions in her statements should be given full weight**

21 Before analysing the elements of the offence of murder under s 300(c) of the Penal Code, I first address a preliminary issue regarding the weight to be accorded to the accused’s statements.

22 The police recorded one cautioned statement on 20 August 2021 pursuant to s 23 of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) (“CPC”) and eight long statements between 21 August 2021 and 2 September 2021 pursuant to s 22 of the CPC.<sup>40</sup> All the statements were taken in Vietnamese and interpreted by Chu Thi Nam Hai Jasmine (“Ms Chu”). In these statements, the accused made several admissions in respect of the alleged offence. She also admitted that her injuries were self-inflicted.

23 The accused said in her long statement taken on 21 August 2021 at 10.10am (“21 August 2021 Statement”):<sup>41</sup>

2. ... I was angry with Ah Wen for threatening me and saying that he will call the Police. I went back to my house and I took a knife which is sharp which I normally used. *I only used that knife because the other knives in the house are blunt.*

3. I held the knife in my hands and went out of the house to confront Ah Wen. I was very angry with Ah Wen, but I did not see Ah Wen outside the house. I could not remember if Peter said anything. *I then used the knife on Peter and made Peter die.*

...

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<sup>40</sup> ASOF at para 14.

<sup>41</sup> AB at pp 442–443, paras 2–4 and 7.

4. The next thing I know was that I was in the hospital and woke up with many injuries on my body. *I know Peter did not use the knife on me and I think I could have used the knife to injure myself.*

...

7. *I am very sure that Peter did not stab me to cause my injuries.* I am sure that I was not angry with Peter on that day and I do not know why I made him die. I only know that I drank a lot of beer.

[emphasis added]

24 In a further long statement taken on 27 August 2021 at 2.45pm (“27 August 2021 Statement”), the accused said:<sup>42</sup>

23. ... At the kitchen, I took a knife from the knives rack which is beside the washing basin. The knife I took was a yellow handled knife which I usually used for cooking as the blade is sharp. *I did not choose the other knives from the knife rack as I knew that the rest of the knives blades were blunt.* I held the knife in my right hand. I could not remember how I held the knife in my right hand and don’t remember if I had hid my right hand which was holding the knife, behind my back before I walked out of the house.

24. I walked out of the house and I stood at the corridor just outside my house. I did not see Ah Wen outside the house and I saw Peter standing at the corridor just outside the house and next to the staircase. I was feeling very angry at that moment but I did not see Ah Wen at the corridor so my attention was on Peter. *I could not control my anger and when I saw Peter, I used the knife which I held in my right hand and I stab Peter on his body. I could not remember how many times I had stabbed Peter on his body.*

25. After I had stabbed Peter, *I think I had used the knife and stabbed myself on my body.* I think I was too angry and I wanted to die at that moment that was why I had used the knife on myself. ...

[emphasis added]

25 The following day, the accused gave another long statement at 2.10pm

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<sup>42</sup> AB at p 450, paras 23–24.

(“28 August 2021 Statement”). She corroborated her 21 August 2021 Statement and 27 August 2021 Statement:<sup>43</sup>

29. That made me very angry and I walked back to my house’s kitchen where I took a knife from the knives rack which beside the washing basin area. I had held the knife, which is a yellow handled with blade, in my right hand. From what I remember, I think I may have held the knife in my right hand with the blade facing downwards. But I could not remember where I had placed my hands when I walked towards the main entrance to look for Ah Wen and Peter. When I took the knife from the kitchen, I was very angry, and I could not control my anger as I had been drinking beer.

30. When I walked out of the house, the only person I saw standing at the corridor just outside my house next to the staircase, was Peter. I did not see Ah Wen around the corridor. I was very angry at that moment and I could not control my anger and emotions as I had drank beer. My attention was turned towards Peter instead and I was angry with Peter for being together with Ah Wen and coming home together. At that moment of anger, *I think I had pulled Peter using my left hand and I think I had stabbed him on his body area with the knife with the blade facing downwards on my right hand, at the corridor area next to the staircase landing just outside my house. I believed that I could have stabbed Peter on the upper part of the body but I could not remember the sequence of where I had stabbed him first.*

31. I then pulled Peter over to the other side of the corridor where we usually hung the wet clothing. *At this corridor area, I think I had continued to stab Peter on the upper body area.* I do not remember seeing Ah Wen at the corridor area when I was stabbing Peter.

[emphasis added]

26 On 29 August 2021 at 1.12pm, a further long statement was taken (“29 August 2021 Statement”) where the accused stated:<sup>44</sup>

46. I was angry and drunk at that time when I took the knife from the knife rack. I know I had taken the knife with the intention to look for Ah Wen. However, I could not recall what

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<sup>43</sup> AB at p 455, paras 29–31.

<sup>44</sup> AB at pp 460–462, paras 46, 50–51 and 55.

was my intention when I held the knife to confront Ah Wen with it.

...

50. I know I stabbed Peter however I could not remember how I stabbed Peter with the yellow handle knife. I think I had stabbed him on his whole body, but I could not describe how I had stabbed him with the yellow handle knife.

51. I was very angry with Peter for being with Ah Wen at that moment and for listening to Ah Wen to chase me out of the house.

...

55. I remember that I had stabbed Peter, but I could not remember how many times I had stabbed him.

27 Similarly, in the long statement taken on 31 August 2021 at 2.45pm (“31 August 2021 Statement”), the accused claimed that:<sup>45</sup>

84. I could only remember that I had stabbed Peter with my right hand and had stabbed him on his whole body. I think I had held the yellow handle knife in my right hand with the blade facing downwards. But I could not remember the manner and how I had used the knife to stab Peter on his body. I also think that I had anyhow pulled Peter using my left hand, but I could not remember which part of Peter’s body I had pulled.

28 The accused again corroborated her previous statements in her long statement taken on 1 September 2021 at 3.20pm (“1 September 2021 Statement”):<sup>46</sup>

106. During the incident of the attack on Peter, I could only remember that *I had stabbed Peter’s whole body with the yellow handle knife*. But I could not remember the way I had stabbed Peter on his body and when I had stopped stabbing him. I also could not remember how Peter had collapsed after I had stabbed him and if I had stabbed myself thereafter.

107. When I woke up in the hospital, I found out that Peter had died after I was charged for murder. While at the hospital, I had tried recalling what had happened during the incident of

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<sup>45</sup> AB at p 475, para 84.

<sup>46</sup> AB at pp 484–485, paras 106–107.

the attack on Peter. When I saw the injuries on my body, *I started thinking that I may have injured myself with the knife after Peter had died.* Why I believed that I wanted to die with Peter was because I have been having suicide thoughts in my mind prior to the attack on Peter. *I could not remember how I had injure myself with the knife but I am sure that Peter did not injure me with the knife.*

[emphasis added]

29 Despite her multiple admissions in her long statements, the accused tried to retract those admissions at trial, claiming instead that she only admitted to stabbing herself because she did not want to blame the deceased.<sup>47</sup>

30 The Defence cites *Muhammad bin Kadar and another v Public Prosecutor* [2011] 3 SLR 1205 (“Kadar”) at [73] where the Court of Appeal held that the truth of the contents of an admitted statement (and thus the weight to be given to that statement) must be “evaluated on an ongoing basis throughout the trial”. This is especially so if the truth is disputed by its maker. Even where a statement is admitted, it does not mean that its contents ought to be given some or any weight after being assessed alongside all the other evidence in the case. The court should conduct an examination of the internal consistency of the statement, the corroborating evidence, the contradictory evidence and evaluate the credibility of the witnesses.<sup>48</sup>

31 The Defence also refers the court to *Jagatheesan s/o Krishnasamy v Public Prosecutor* [2006] 4 SLR(R) 45 (“Jagatheesan”) at [85] where the High Court cautioned that the evidential weight to be assigned to retracted statements should be assiduously and scrupulously assessed by the courts. The extent to which a retraction undermines the credibility of the witness and the veracity of

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<sup>47</sup> NEs (22 April 2025) at p 7, lines 25–26 and p 10, lines 12–13.

<sup>48</sup> DCS at para 193.

his statement turns on whether a reasonable and reliable explanation can be provided for the retraction (*Jagatheesan* at [87]).<sup>49</sup>

32 In the present case, the accused advances three main arguments to challenge the weight to be attached to her long statements.

(a) First, the accused contends that she had difficulties communicating with Ms Chu during the recording of the statements.<sup>50</sup>

(b) Second, the accused asserts that the Investigation Officer (“IO”) had informed her that there was a witness to the offence as well as camera evidence. This persuaded her to admit to the offence.<sup>51</sup>

(c) Third, the Defence’s psychiatrist, Dr Jacob Rajesh (“Dr Rajesh”), testified that it was possible that the accused may have been influenced by information provided by the IO during the statement recording process, leading her to form “false memories” upon which her admissions were based.<sup>52</sup>

33 None of these assertions were raised in the accused’s police statements. Neither did Dr Rajesh discuss the phenomenon of “false memories” in his medical report dated 8 November 2023.<sup>53</sup> I shall nevertheless address each point in turn, beginning with the allegations concerning the interpretation of her statements.

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<sup>49</sup> DCS at paras 194–195.

<sup>50</sup> NEs (22 April 2025) at p 44, line 21 to p 45, line 12.

<sup>51</sup> NEs (22 April 2025) at p 9, lines 1–10.

<sup>52</sup> NEs (23 April 2025) at p 31, lines 13–25.

<sup>53</sup> AB at pp 503–517.

***Whether the interpretation of the long statements was inaccurate***

34 The Defence alleged at trial that the accused “encountered some communication difficulties [with Ms Chu] ... because of the difference in the vocabulary and the pronunciation” during the recording of her long statements.<sup>54</sup> The purported miscommunication stems from the fact that the accused is from southern Vietnam while Ms Chu is from northern Vietnam.<sup>55</sup>

35 During her cross-examination, the accused explained that when referring to a “knife”, people in northern Vietnam say “cun” whereas those in southern Vietnam use “lut”.<sup>56</sup> She also averred that she had informed the IO that she wanted a male interpreter.<sup>57</sup> When asked why, she explained that it was because she did not want to directly tell the IO that she did not like Ms Chu.<sup>58</sup> The IO in question was Assistant Superintendent Tan Li Beng Cedrick (“ASP Cedrick Tan”) who recorded all the long statements.

36 In my view, the accused’s assertions about the accuracy of the interpretation services must be rejected.

37 Ms Chu is a certified interpreter who has been providing interpretation and translation services to the Singapore Courts, Singapore Police Force and other government agencies since 2003.<sup>59</sup> Ms Chu testified at trial that although the people in northern Vietnam and southern Vietnam sometimes use different

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<sup>54</sup> NEs (10 April 2025) at p 64, lines 5–8.

<sup>55</sup> NEs (10 April 2025) at p 63, lines 11–17.

<sup>56</sup> NEs (22 April 2025) at p 45, lines 5–12.

<sup>57</sup> NEs (22 April 2025) at p 45, lines 19–27.

<sup>58</sup> NEs (22 April 2025) at p 46, lines 9–11.

<sup>59</sup> AB at p 218.

vocabulary, “more than 90% [of the language used] is the same”.<sup>60</sup> She further explained that there is some difference in the tone used but people from different parts of Vietnam will not have any problems understanding one another.<sup>61</sup> Moreover, Ms Chu testified that she made sure to clarify the meaning of the words used by the accused when interpreting the long statements such that there would not have been any miscommunication.<sup>62</sup>

38      Regardless of the accused’s views of Ms Chu, I accept the Prosecution’s argument that the point remains that the accused did not object to Ms Chu acting as her interpreter whilst giving her long statements.<sup>63</sup> ASP Cedrick Tan and Ms Chu are consistent in their position that the accused had unequivocally confirmed on each occasion that she had no objections to Ms Chu acting as her interpreter.<sup>64</sup> There was thus no reason for ASP Cedrick Tan to believe that the accused was not satisfied with Ms Chu or that Ms Chu could not understand her. More importantly, the accused failed to identify precisely which portions of her statements were misinterpreted or explain what she actually said that differed from the interpreted version.

39      The accused also did not adduce any evidence to prove that people in northern Vietnam would face problems understanding people from southern Vietnam or that Ms Chu in particular failed to comprehend and accurately

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<sup>60</sup>      NEs (10 April 2025) at p 63, lines 18–19.

<sup>61</sup>      NEs (10 April 2025) at p 63, lines 21–26.

<sup>62</sup>      NEs (10 April 2025) at p 64, lines 11–16.

<sup>63</sup>      PCS at para 25.

<sup>64</sup>      AB at p 410, para 67; AB at p 411, para 73; AB at p 413, para 79; AB at p 414, para 83; AB at p 415, para 87; AB at p 416, para 93; AB at p 418, para 102; AB at p 420, para 108; AB at p 220, para 14; AB at p 221, para 17; AB at p 222, para 22; AB at p 223, para 25; AB at p 224, para 28; AB at p 225, para 33; AB at p 227, para 41; AB at p 229, para 46.

translate what she said. During the cross-examination of Ms Chu, the accused even conveyed through her counsel that she was “not making any allegation ... or complaints” against Ms Chu.<sup>65</sup> Further, the accused’s claim regarding her request for a male interpreter was first raised during her cross-examination and was not put to Ms Chu or ASP Cedrick Tan. There is also no evidence to corroborate her assertion that she had asked ASP Cedrick Tan for a male interpreter.

40 As such, there is no basis for her allegation at trial that she had difficulties communicating with Ms Chu or that her statements may not have been interpreted accurately by Ms Chu.

***Whether the IO’s role in the statement recording process undermined the reliability of the long statements***

41 At trial, the accused testified that she only admitted to stabbing the deceased and herself because the IO (*ie*, ASP Cedrick Tan) had informed her that there was evidence in the form of a witness and a camera recording.<sup>66</sup> She claims that she actually did not remember and did not know anything.<sup>67</sup> The Defence submits that several aspects of the statement recording process compromise the reliability of the long statements.

42 The Defence points to certain inaccurate details in the accused’s statements, particularly her initial account of retrieving a yellow-handled knife from the knife rack moments before the attack (see [24] above).<sup>68</sup> A review of

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<sup>65</sup> NEs (10 April 2025) at p 63, lines 7–9.

<sup>66</sup> NEs (22 April 2025) at p 7, line 20 to p 8, line 5.

<sup>67</sup> NEs (22 April 2025) at p 7, lines 22–23.

<sup>68</sup> DCS at para 217.

the closed-circuit television (“CCTV”) footage reveals that she had actually removed the knife from the kitchen sometime between 12.21pm and 12.31pm on 14 July 2021.<sup>69</sup> When the CCTV footage was subsequently shown to the accused, she clarified that she brought the knife to the bedroom to sharpen it but could not recall whether she later took it out of the bedroom.<sup>70</sup> The Defence’s position is that the accused’s initial account in her statements originated from ASP Cedrick Tan’s suggested version of events. ASP Cedrick Tan, having been briefed by Senior Station Inspector Kwek Kim Cheng (“SSI Kwek”) and Station Inspector Mohammed Syazwan Bin Abdullah about Tan Cheng Mun’s account, proposed this version to the accused during the statement recording.<sup>71</sup> The accused only agreed to the proposed version because she “wanted to cooperate and did not want to blame the deceased”.<sup>72</sup>

43 Next, the Defence highlights ASP Cedrick Tan’s admission during cross-examination that he had posed clarificatory questions to the accused which were not recorded in the statements.<sup>73</sup>

44 Finally, the Defence argues that ASP Cedrick Tan had a predetermined conclusion that the accused had murdered the deceased, which prevented him from maintaining an open mind to alternative possibilities during the investigation and statement recording process.<sup>74</sup> ASP Cedrick Tan did not ask the medical professionals at Tan Tock Seng Hospital to ascertain whether the accused suffered defensive injuries. During the statement recording process, he

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<sup>69</sup> AB at p 475, paras 86–87.

<sup>70</sup> AB at p 476, paras 88–90.

<sup>71</sup> DCS at paras 220–222.

<sup>72</sup> DCS at para 223.

<sup>73</sup> DCS at para 229.

<sup>74</sup> DCS at para 230.

failed to show the accused evidence that was inconsistent with the Prosecution’s case theory, including her mobile phone video recording, the doorbell camera footage and her voice recordings.<sup>75</sup> He also did not consider the disparity in number and size between the accused, the deceased and Tan Cheng Mun. Nor did he investigate the possibility of a sudden fight.<sup>76</sup> It is the Defence’s case that ASP Cedrick Tan did not conduct the investigations with an open mind and that his manner of recording the accused’s statements makes it “unsafe to place weight on them”.<sup>77</sup>

45 Having examined the evidence, I dismiss the Defence’s arguments as they lack merit.

46 First, the Defence’s allegations are directly contradicted by ASP Cedrick Tan’s testimony. ASP Cedrick Tan gave clear evidence that during the recording of the statements, he had recorded the questions he asked and the answers provided by the accused as interpreted by Ms Chu.<sup>78</sup> ASP Cedrick Tan testified that he would have asked the accused to elaborate if the accused was unclear about any portion of the statements.<sup>79</sup> Indeed, Ms Chu also testified that ASP Cedrick Tan had asked the accused questions in English before she interpreted the same to the accused in Vietnamese. The accused then replied in

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<sup>75</sup> DCS at para 239.

<sup>76</sup> DCS at paras 236–238 and 240.

<sup>77</sup> DCS at paras 230–231.

<sup>78</sup> AB at pp 410–411, paras 67–69; AB at pp 411–413, paras 73–77; AB at p 413, paras 79–81; AB at p 414, paras 83–85.

<sup>79</sup> NEs (16 April 2025) at p 39, lines 25–30.

Vietnamese and Ms Chu interpreted what the accused said. ASP Cedrick Tan recorded the responses accordingly.<sup>80</sup>

47 Even if the accused was factually wrong in initially claiming that she took the yellow-handled knife from the knife rack, that alone does not support the Defence’s assertion that ASP Cedrick Tan cued answers to the accused. It is entirely plausible that the error was due to the accused’s imperfect recollection. Indeed, the statements show that ASP Cedrick Tan had documented instances when the accused claimed she could not remember. For example, he recorded in the 29 August 2021 Statement that she “could not remember the colour of the two other small knives” in the knife rack and “could not recall what [her intention was] when [she] held the knife to confront Ah Wen with it”.<sup>81</sup> While the accused knew that she was angry at the material time, she stated that she “could not remember what other thoughts were in [her] mind” and that she “could not remember how [she] stabbed Peter”.<sup>82</sup>

48 ASP Cedrick Tan had also recorded the times he gave the accused external cues. For instance, it was on record that he told her investigations revealed that she had made voice recordings using one of her mobile phones and that she did not retrieve the yellow-handled knife from the kitchen rack during the incident.<sup>83</sup> He also noted it down when he showed her the documents seized from her and the picture of the knife in question.<sup>84</sup> Similarly, he recorded

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<sup>80</sup> AB at p 220, para 15; AB at p 221, para 18; AB at p 222, para 23; AB at p 223, para 26; AB at p 224, para 29; AB at p 225, para 34; AB at p 227, para 42; AB at p 229, para 47.

<sup>81</sup> AB at p 460, paras 44 and 46.

<sup>82</sup> AB at p 461, paras 48 and 50.

<sup>83</sup> AB at p 468, Q36; AB at p 469, Q38.

<sup>84</sup> AB at p 469, Q40; AB at pp 471–472; AB at p 475, Q44.

that he showed her the CCTV footage from the kitchen and a picture of the sharpening stone that was seized from the Flat.<sup>85</sup> Overall, ASP Cedrick Tan's testimony is internally consistent and corroborates both Ms Chu's account and the statements he recorded.

49 Second, the accused had unequivocally admitted to the offence before the long statements were recorded by ASP Cedrick Tan. On 20 August 2021, the accused said in her cautioned statement recorded by Assistant Superintendent Ang Ghim Sing, "I am sorry for causing problem to Singapore and also for causing the death of my boyfriend."<sup>86</sup>

50 Third, I accept the Prosecution's submission that the accused's long statements contain detailed descriptions of the incident which undermine her claim that she did not remember and did not know anything.<sup>87</sup> The accused explained that she felt "very angry" and she walked to the kitchen where she took a knife from the knife rack beside the wash basin area.<sup>88</sup> Her memory of the knife included precise details such as its approximate length and the yellow handle. She recalled that she usually used it for cooking because of its sharp blade and that she chose this particular knife because she knew it was sharp while the rest were blunt.<sup>89</sup> The accused's recollection of the actual attack was equally detailed. She remembered pulling the deceased using her left hand and stabbing him with her right hand, with the blade facing downwards. She was even able to sketch the crime scene and identify the precise location where she

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<sup>85</sup> AB at p 475, Q45; AB at p 477, Q47.

<sup>86</sup> AB at p 194.

<sup>87</sup> PCS at para 31.

<sup>88</sup> AB at p 455, para 29.

<sup>89</sup> AB at p 450, para 23; AB at p 460, para 45.

attacked him and where she pulled him to after she stabbed him for the first time.<sup>90</sup>

51 Finally, the Defence’s contention that the long statements are unreliable because ASP Cedrick Tan recorded them with a closed mind is not borne out by the evidence. Although ASP Cedrick Tan did not present the audio recordings to the accused during the statement recording process, he expressly told her that she made such recordings and asked her about the circumstances leading to the recordings.<sup>91</sup> Overall, the accused’s statements contain numerous details that are corroborated by objective evidence, indicating that they reflect her genuine recollection rather than suggested answers.

52 Therefore, I also reject the Defence’s assertion that the accused only admitted to stabbing the deceased and herself because ASP Cedrick Tan told her there was evidence of this and suggested answers to her.

***Whether the accused’s admissions in her long statements were based on “false memories”***

53 The Defence’s final challenge to the reliability of the accused’s statements focuses on Dr Rajesh’s evidence about “false memories”. In his medical report, Dr Rajesh wrote that:<sup>92</sup>

35. Regarding alcohol blackout, [the accused] had evidence of suffering from an alcoholic blackout of a fragmentary nature at the material time. An alcoholic blackout may be complete (*en-bloc*) or partial (*fragmentary, or grayout*). An *en bloc* blackout is complete amnesia for significant events otherwise memorable under usual circumstances. The defining characteristic of a complete (*en-bloc*) blackout is that memory loss is permanent

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<sup>90</sup> AB at p 452; AB at p 455, paras 30–31.

<sup>91</sup> AB at p 468, Q36.

<sup>92</sup> AB at pp 513–514, para 35.

and cannot be recalled under any circumstances. Fragmentary blackouts occur more frequently. In fragmentary blackouts, the memory is patchy, and recall is usually possible and can be aided by cueing.

54 Dr Rajesh explained at trial that there is a phenomenon called “false memories” especially when one experiences patchy memory loss in fragmentary blackouts.<sup>93</sup> False memories may occur when a third party feeds misinformation to a person who had undergone a blackout (“the subject”). As the subject tries to fill gaps in their memory arising from the blackout, he becomes “more prone to being suggestible”. For instance, if a person present at the scene tells the subject that he did a specific act or was at a particular place, he may be more willing to accept the narrative.<sup>94</sup> Dr Rajesh was told that the accused’s testimony was that her police statements were recorded after she was informed by the IO that there was eyewitness evidence and camera evidence of her stabbing the deceased and stabbing herself.<sup>95</sup> With this information, Dr Rajesh found it possible that the accused had false memories when she gave her admissions to the police.<sup>96</sup> This “possibility” is reinforced by her deference to the police and her possible fragmentary blackout given her position that she does not remember stabbing the deceased nor herself.<sup>97</sup>

55 Building on Dr Rajesh’s evidence, the Defence argues that the accused’s statements are unreliable because she could not and cannot remember what happened on the day of the incident.<sup>98</sup> Unlike her recount of other historical

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<sup>93</sup> NEs (23 April 2025) at p 27, lines 7–14.

<sup>94</sup> NEs (23 April 2025) at p 27, line 18 to p 28, lines 10.

<sup>95</sup> NEs (23 April 2025) at p 28, line 30 to p 29, line 2.

<sup>96</sup> NEs (23 April 2025) at p 31, lines 21–25.

<sup>97</sup> NEs (23 April 2025) at p 29, lines 18–23 and p 31, lines 10–25.

<sup>98</sup> DCS at paras 208–209.

events, her statements on the incident contain “uncertain or speculative” words such as “I think”, “I may have” or “I could have”.<sup>99</sup> Furthermore, her long statements are contradicted by objective evidence. For instance, the accused claimed in the 27 August 2021 Statement that she stood at the entrance of the Flat and said “sorry” to the deceased after he came back with Tan Cheng Mun.<sup>100</sup> However, the video recording from her mobile phone shows her confronting the deceased at the lift landing and asking him where he had gone to drink.<sup>101</sup>

56 The Defence avers that her alleged memory loss is substantiated by both Dr Rajesh and Dr Cheow’s evidence.<sup>102</sup> Her claim of her inability to recall is credible because she could not remember facts that would have been helpful to her defence during the recording of the long statements, such as her audio recordings on 14 July 2021 about wanting to end her life and going to the minimart to buy more beer.<sup>103</sup> On the whole, the Defence submits that the combination of the accused’s memory loss and her good opinion of the police made her particularly susceptible to suggestions by ASP Cedrick Tan.

57 In my view, the Defence’s case that the accused’s admissions were based on “false memories” is speculative. During the trial, Dr Rajesh himself stated that this phenomenon of “false memories” is not an established psychiatric diagnosis covered in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (“DSM-5”).<sup>104</sup> The DSM-5 is an American

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<sup>99</sup> DCS at paras 213–214.

<sup>100</sup> AB at p 449, para 22.

<sup>101</sup> DCS at para 215.

<sup>102</sup> DCS at para 233.

<sup>103</sup> DCS at para 234.

<sup>104</sup> NEs (23 April 2025) at p 46, lines 18–28.

classification of psychiatric disorders.<sup>105</sup> Dr Cheow also testified that he was in no position to comment on this phenomenon as he was only an expert in psychiatric conditions.<sup>106</sup>

58 Even if I go so far as to accept that the phenomenon of “false memories” exists, there is no evidence that ASP Cedrick Tan, or any other IO for that matter, had cued the accused into making those admissions. Conversely, as discussed above at [47], ASP Cedrick Tan had recorded the times the accused claimed that she could not recall. Dr Rajesh also acknowledged at trial that he could not reliably tell whether the accused’s long statements were based on actual memories or false memories or whether the accused was “dishonest” or cued by ASP Cedrick Tan.<sup>107</sup>

59 Accordingly, I do not accept the Defence’s claim that the accused’s admissions were based on “false memories”.

60 For the foregoing reasons, I place full weight on the accused’s admissions in her long statements to the police.

**Whether the offence of murder under s 300(c) of the Penal Code is established beyond reasonable doubt**

61 Next, I go on to determine whether the offence of murder under s 300(c) of the Penal Code is established.

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<sup>105</sup> NEs (23 April 2025) at p 19, lines 11–13.

<sup>106</sup> NEs (15 April 2025) at p 46, lines 11–20.

<sup>107</sup> NEs (23 April 2025) at p 47, lines 10–20.

***Applicable legal principles***

62 Section 300(c) of the Penal Code reads as follows:

**300.** Except in the cases hereinafter excepted culpable homicide is murder —

...

- (c) if it is done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death ...

63 The elements of the offence of murder under s 300(c) of the Penal Code have been set out in *Wang Wenfeng v Public Prosecutor* [2012] 4 SLR 590 at [32]:

- (a) death has been caused to a person by an act of the accused;
- (b) that act resulting in bodily injury was done with the intention of causing that bodily injury to the deceased; and
- (c) that bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death.

64 Element (c) is clearly satisfied. It is not in dispute that the Fatal Wounds were the cause of the deceased's death and the Fatal Wounds were sufficient in the ordinary course of nature to cause death.<sup>108</sup>

***Whether the accused inflicted the Fatal Wounds***

65 The Defence does not argue that the stabbing was caused by another person, unintentional or accidental.<sup>109</sup> The Defence's case is that the accused

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<sup>108</sup> ASOF at para 13; NEs (10 April 2025) at p 10, lines 9–19.

<sup>109</sup> DCS at para 8.

was so intoxicated that she could not have formed the necessary intention to cause the stab wounds. The Defence also contends that there was a sudden fight between the deceased and the accused.<sup>110</sup>

66 In her cautioned statement of 20 August 2021, the accused apologised for “causing the death” of the deceased.<sup>111</sup> The accused also admitted unequivocally on at least six occasions across the various long statements that she was the one who stabbed the deceased (see [23]–[28] above). Moreover, there is no evidence that anyone else had stabbed the deceased or that the deceased had stabbed himself.

67 The accused’s admissions are corroborated by Tan Cheng Mun and the deceased himself, the only two eyewitnesses present at the material time. Tan Cheng Mun said that while he was calling the police, he saw the accused grabbing the deceased by the neck with her left arm. He noticed that the deceased was bleeding on the facial area and there was a lot of blood on the front of his shirt.<sup>112</sup> His account of events is verified by the photographs he took on his mobile phone which show the accused gripping a knife with her right hand while holding the deceased’s neck down with her left arm. Blood can be seen on the deceased’s shirt, leg and the floor as he attempts to restrain her right hand.<sup>113</sup> When the police attended at the scene, SSI Kwek asked the deceased about the wounds sustained by his “friend”. The deceased said in Mandarin that “he/she took knife and chop/slash me” and “he/she stab me multiple times”. In the circumstances, it can be reasonably inferred that “he/she” referred to the

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<sup>110</sup> DCS at paras 96 and 243.

<sup>111</sup> AB at p 194.

<sup>112</sup> AB at p 143, para 9.

<sup>113</sup> P194–P197.

accused as she was the only other person present when the police arrived. This exchange was captured by SSI Kwek's body-worn camera footage.<sup>114</sup>

68 The evidence establishes beyond a reasonable doubt that the accused inflicted the Fatal Wounds on the deceased. Therefore, element (a) is also satisfied.

***Whether the accused intended to inflict the Fatal Wounds***

69 Unlike element (c) which is determined objectively, element (b) is subjective (see *Public Prosecutor v Azlin bte Arujunah and other appeals* [2022] 2 SLR 825 (“*Azlin*”) at [71], referring to *Kho Jabing and another v Public Prosecutor* [2011] 3 SLR 634 at [22]). The sole question is whether the accused person intended to inflict the specific bodily injury caused (see *Azlin* at [72]). In this case, the question is whether the accused intended to inflict the Fatal Wounds on the deceased.

70 The Defence's position is that the accused was so intoxicated at the material time that she could not have formed the necessary intention to cause the Fatal Wounds.<sup>115</sup>

71 Section 86(2) of the Penal Code reads as follows:

(2) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention or had any knowledge or belief, specific or otherwise, in the absence of which he would not be guilty of the offence.

72 *Tan Chor Jin v Public Prosecutor* [2008] 4 SLR(R) 306 (“*Tan Chor Jin*”) at [27] establishes two requirements to invoke this subsection:

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<sup>114</sup> AB at pp 320–321.

<sup>115</sup> DCS at para 48.

(a) First, the accused person must show evidence of his intoxication. In this regard, objective evidence of the accused's level of intoxication is crucial (see *Jin Yugang v Public Prosecutor* [2003] SGCA 22 ("*Jin Yugang*") at [32]).

(b) Second, even if the accused person can prove that he had consumed a considerable amount of alcohol, the surrounding facts must show that he was so intoxicated that he could not form the intention which is a necessary element of the alleged offence (see *Mohd Sulaiman v Public Prosecutor* [1994] 2 SLR(R) 528 ("*Mohd Sulaiman*") at [31]).

73 As a matter of completeness, ss 85(2) and 85(3) of the Penal Code do not apply to the present case. They are reproduced below.

(2) Intoxication is a defence to any criminal charge if by reason of the intoxication the person charged, at the time of the act or omission complained of —

(a) did not know what he was doing; or

(b) did not know that such act or omission was wrong (whether wrong by the ordinary standards of reasonable and honest persons or wrong as contrary to law),

and the state of intoxication was *caused without the knowledge or against the will of the person charged with the offence*.

(3) Intoxication is a defence to any criminal charge if by reason of the intoxication *the person charged was of unsound mind* as determined in accordance with section 84.

[emphasis added]

74 Section 85(2) of the Penal Code is inapplicable as the accused had consumed the alcohol on her own volition (see *Tan Chor Jin* at [18]). Section 85(3) of the Penal Code is also inapplicable as there is no evidence that the accused was of unsound mind at the material time.

75 The Prosecution’s case is that there is “no reliable basis” to say that the accused had such a high blood alcohol concentration (“BAC”) that she would not have been able to form the relevant intention.<sup>116</sup>

76 In his medical report, Dr Rajesh estimated the accused’s BAC at the material time to be approximately 200mg per 100ml. He said that one 330ml can of beer increases a person’s BAC by 15mg to 20mg per hour and the rate is closer to the higher end of the range in heavy and regular drinkers. Based on the accused’s reported consumption of ten cans of beer on 14 July 2021 and the fact that she was a frequent drinker, her BAC may have been closer to 200mg per 100ml.<sup>117</sup> The Prosecution emphasises that Dr Rajesh’s opinion is ultimately couched as a matter of “possibility” since it is merely a retrospective estimate of the accused’s BAC at the material time.<sup>118</sup>

77 The Prosecution posits that the accused had a steady gait and was not suffering from incoordination as evinced by the video recordings from the Flat’s doorbell camera, the lift’s CCTV and the accused’s mobile phone.<sup>119</sup> Her mental capacity was also not so severely impaired that she would have been unable to form the requisite intention to commit the offence.<sup>120</sup> She acted rationally and turned on Tan Cheng Mun with the knife after spotting him taking photographs of her attacking the deceased. Her admissions in her statements also display goal-directedness and rationality on her part. She stabbed him with a knife she knew was sharp because she was angry with him.<sup>121</sup>

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<sup>116</sup> PCS at para 59.

<sup>117</sup> AB at p 513, para 33.

<sup>118</sup> PCS at para 57.

<sup>119</sup> PCS at para 61.

<sup>120</sup> PCS at para 62.

<sup>121</sup> PCS at paras 63–64.

78 The Defence submits that the evidence shows that the accused was intoxicated at the time of the alleged offence. At the outset, Dr Cheow’s evidence is that the accused “was likely in a state of Acute Alcohol Intoxication at the material time”. This is corroborated by Dr Rajesh’s opinion that the accused fulfilled the DSM-5 criteria for “alcohol intoxication” at the material time.<sup>122</sup> The CCTV footage in the kitchen also reveals that the accused froze large cans of beer, retrieved them and threw the empty cans away throughout the day. The ten cans of beer she consumed amounted to a substantial quantity especially in light of her small stature.<sup>123</sup> Her multiple vomiting incidents were also indicative of a high level of intoxication given the toxic effects of alcohol on the stomach and the gastrointestinal system.<sup>124</sup> In any event, the Defence argues that the absence of any formal testing of the accused’s BAC at the material time does not hinder the analysis as her BAC is not determinative of whether she was incapable of forming an intention to cause the Fatal Wounds (citing *Public Prosecutor v Ramasamy a/l Sebastian* [1990] 2 SLR(R) 197 (“*Ramasamy*”) at [40]).<sup>125</sup>

79 According to the Defence, the surrounding circumstances illustrate that the accused’s intoxication prevented her from forming the requisite intention to cause the Fatal Wounds.<sup>126</sup> The Defence refers to *Ramasamy* at [40] where the High Court stated that the more reliable indicator of the accused’s state of mind “must be the conduct of the accused immediately prior to and after the offence”. The Defence makes four points in this regard.

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<sup>122</sup> DCS at para 55.

<sup>123</sup> DCS at para 56.

<sup>124</sup> DCS at para 57; NEs (23 April 2025) at p 23, lines 25–30.

<sup>125</sup> DCS at para 58.

<sup>126</sup> DCS at para 60.

80 First, the accused vomited about 45 minutes before the alleged offence and that was not the first time she had vomited that day. After vomiting, she retrieved additional cans of beer from the freezer.<sup>127</sup> Dr Rajesh testified at trial that the circumstances and the accused's conduct and behaviour depict an impairment of judgment and that such impairment of judgment may occur in alcohol addiction or alcohol use disorder.<sup>128</sup> The Defence argues that Dr Rajesh's evidence is "reasoned, believable, and accords with human experience".<sup>129</sup>

81 Second, the accused recorded a video using her mobile phone in an inverted orientation which, according to Dr Rajesh, depicts "incoordination".<sup>130</sup> Although the accused had no difficulty walking around in the subsequent video, the Defence claims that unsteady gait is only one of the signs of intoxication and that the "physiological and psychological effects of alcohol vary from one individual to another" (citing *Public Prosecutor v Astro bin Jakaria* [2010] 3 SLR 862 at [122]).<sup>131</sup> Dr Rajesh opined that the accused's giggling (as recorded in her upside-down video) could be a "behavioural manifestation of intoxication" because alcohol can lead to mood elevation and fluctuations.<sup>132</sup> Her giggling is also inconsistent with the Prosecution's theory that she was angry with the deceased.<sup>133</sup>

82 Third, the accused stated in her cautioned statement that she had no

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<sup>127</sup> DCS at para 62.

<sup>128</sup> NEs (23 April 2025) at p 23, line 23 to p 24, line 16 and p 40, lines 9 to 15.

<sup>129</sup> DCS at paras 63–64.

<sup>130</sup> DCS at para 65; NEs (23 April 2025) at p 26, lines 16–25.

<sup>131</sup> DCS at para 66.

<sup>132</sup> DCS at para 67; NEs (23 April 2025) at p 26, lines 23–24.

<sup>133</sup> DCS at para 68.

intention to kill the deceased. She claimed to have “lost control” because she lacked sleep and had not eaten for three days. She also “drank a lot of beer”, “was not feeling well” and was “unable to think properly”.<sup>134</sup>

83 Fourth, the accused could not remember the circumstances prior to the alleged offence, her confrontation with the deceased or what happened afterwards. She could not recall using her mobile phone to record the confrontation. Neither could she remember making the audio recordings of herself or going to the minimart to buy beer on the night before the alleged offence.<sup>135</sup> Her memory loss is substantiated by the findings of both expert psychiatrists. Dr Rajesh stated that the accused suffered from “alcoholic blackout (alcohol induced amnesic episode) of a fragmentary nature” and Dr Cheow agreed that the accused suffered memory impairment due to alcohol intoxication.<sup>136</sup> The Defence also contends that the accused was not responding as relevantly as the Prosecution proclaims. In the video recording from the Flat’s doorbell camera, the accused responded that she loved the deceased very much when Tan Cheng Mun called her a “silly cunt”.<sup>137</sup> Further, the Defence avers that it is possible for the accused to engage in conversation whilst experiencing an alcoholic blackout in a state of alcohol intoxication.<sup>138</sup>

84 The Defence seeks to distinguish the present case from *Ramasamy, Jin Yugang* and *Mohd Sulaiman*. In *Ramasamy* at [41], the High Court observed that the accused person was “very conscious of his surroundings” and “knew

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<sup>134</sup> DCS at para 70; AB at p 194.

<sup>135</sup> DCS at para 71.

<sup>136</sup> DCS at para 73; AB at p 513, para 33; NEs (15 April 2025) at p 14, lines 14–16.

<sup>137</sup> DCS at paras 74–75; AB at p 262.

<sup>138</sup> DCS at para 76.

what he was saying or doing”. In *Jin Yugang* at [32], the Court of Appeal found that the appellant did not adduce evidence to prove his intoxication. In *Mohd Sulaiman* at [31], the Court of Appeal found that the appellant was able to recount the incidents prior to the murder.

85 The Defence argues that unlike the three cases above, the evidence and circumstances here show that the accused could not have formed the necessary intention. The accused had threatened to call the police when the deceased returned presumably for violating COVID-19 measures, which is illogical if she intended to murder him.<sup>139</sup> Furthermore, knowing that the deceased and Tan Cheng Mun had notified the police and they were likely on the way, it is irrational for her to have intended to kill him.<sup>140</sup> Importantly, the accused loved the deceased dearly. The doorbell camera captured her shouting “I love you” and “I love you so much” many times. She also kissed the deceased two days before the incident and broke down multiple times in court when the deceased was mentioned and footages and images of him were displayed.<sup>141</sup> In her audio recordings of 14 July 2021, she cried as she talked about ending her life but did not mention any plan to harm the deceased.<sup>142</sup>

*The accused’s state of mind leading up to and at the time of the incident*

86 Before addressing the Defence’s arguments on intoxication, I first discuss the accused’s state of mind leading up to the offence.

87 The parties’ tumultuous relationship and the events preceding the

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<sup>139</sup> DCS at para 82.

<sup>140</sup> DCS at para 83.

<sup>141</sup> DCS at paras 85–86; AB at p 263.

<sup>142</sup> DCS at paras 90–91.

incident on 15 July 2021 show that the accused had been angry with the deceased at the material time. As accepted by the Defence, the parties' relationship was fraught with quarrels and fights. Multiple police reports had been lodged before as a result of their disputes (see [15] above). In her 21 August 2021 Statement, the accused stated that she "was angry with [the deceased] for allowing a beer lady to come to the house" on 12 July 2021 and she had previously seen the same beer promoter sitting on the deceased's lap.<sup>143</sup> In one of her audio recordings made on 14 July 2021, she also lamented about the beer promoter at "446" who she claimed had hugged the deceased.<sup>144</sup> The accused's phone call logs indicate that she made 33 calls on 14 July 2021 and two calls past midnight on 15 July 2021 to the deceased.<sup>145</sup> On 14 July 2021, she texted the deceased "Call me back fuck you" and "446 good".<sup>146</sup> In my view, "446" is an obvious reference to the coffeeshop where the said beer promoter worked. The Defence did not dispute the Prosecution's claim that "446" referred to the coffeeshop.

88 Indeed, the accused's subsequent attempts to deny being angry with the accused do not withstand scrutiny. She claimed in her 21 August 2021 Statement that she was only angry with Tan Cheng Mun and had no dispute with the deceased at the time.<sup>147</sup> She also said that she was sure that she was not angry with the deceased on that day and did not know why she "made him die".<sup>148</sup> During the trial, she asserted that calling him many times without receiving a

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<sup>143</sup> AB at p 442, para 5.

<sup>144</sup> AB at p 234.

<sup>145</sup> P176A.

<sup>146</sup> P176B.

<sup>147</sup> AB at p 442, para 3.

<sup>148</sup> AB at p 443, para 7.

response was “very normal” and that she was not unhappy with him.<sup>149</sup> However, her assertions are contradicted by her multiple previous admissions that she was angry with the deceased. For instance, she confirmed in the 27 August 2021 Statement that she was angry with the deceased for being with Tan Cheng Mun whom she did not like.<sup>150</sup> She also stated in the 28 August 2021 Statement that she was angry with the deceased for “being together with Ah Wen and coming home together”.<sup>151</sup> Similarly, the accused admitted in the 29 August 2021 Statement that she was “very angry with Peter for being with Ah Wen at that moment and for listening to Ah Wen to chase [her] out of the house.”<sup>152</sup> As seen in the video recording in her mobile phone, the accused had a dispute with the deceased before she went back into the Flat to retrieve the yellow-handled knife. She even warned him not to “be overboard as a person”.<sup>153</sup>

89 In any event, the accused appears to have been angry with both Tan Cheng Mun and the deceased simultaneously. These feelings were not mutually exclusive. While I accept the Defence’s case that she harboured anger towards Tan Cheng Mun, her distaste for him was precisely what fuelled her anger towards the deceased for associating with him. It is telling that the accused immediately targeted the deceased upon retrieving the knife. She only turned her attention to Tan Cheng Mun after noticing him photographing her assault of the deceased but made no attempt to pursue him when he fled downstairs. These actions demonstrate that the deceased, not Tan Cheng Mun, was her primary

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<sup>149</sup> NEs (22 April 2025) at p 15, line 28 and p 16, lines 1–23.

<sup>150</sup> AB at p 450, para 23.

<sup>151</sup> AB at p 455, para 30.

<sup>152</sup> AB at p 461, para 51.

<sup>153</sup> AB at p 270.

target.<sup>154</sup>

90 Apart from being angry with the deceased, the accused also admitted that she deliberately chose the yellow-handled knife because she knew it was sharper than the other knives (see [23]–[24] above). She even explained in her 31 August 2021 Statement that she had sharpened the knife on 14 July 2021.<sup>155</sup>

92. This is the stone knife sharpener that I had taken from the kitchen on the day of the incident, 14 July 2021 *and I had used it to sharpen the yellow handle knife*. From the video that I had watched earlier, I confirmed that this is the same stone knife sharpener that I had taken. I had ever used the stone knife sharpener to sharpen all the other knives in the house because their blades were always blunt. I could not remember the last time I had sharpened those knives. But I would often sharpen the yellow handle knife as I frequently used it.

[emphasis added]

91 In the circumstances, it is apparent to me that the accused was angry with the deceased over his interactions with the beer promoter even before he returned home on 15 July 2021. Her anger intensified upon seeing Tan Cheng Mun and the deceased come home together. She became even more upset when the deceased refused to answer her questions about where he had been and instead asked Tan Cheng Mun to call the police to take her away.<sup>156</sup> She thus deliberately retrieved a knife which she knew was sharp to attack the deceased.

*Whether the defence of intoxication is established*

92 Next, I address the Defence's argument on the defence of intoxication. To recapitulate, there are two requirements to successfully invoke this defence in the present case (see [72] above): (a) the accused must provide evidence of

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<sup>154</sup> AB at pp 143–144, paras 9–11.

<sup>155</sup> AB at p 477, para 92.

<sup>156</sup> AB at pp 268–270.

her intoxication; and (b) the surrounding facts must show that she was so intoxicated that she could not form the intention to inflict the Fatal Wounds.

93 On the first element, it is undisputed that the accused had consumed alcohol prior to the incident.<sup>157</sup> However, Dr Rajesh’s medical report concedes that there is no direct evidence of the accused’s precise level of intoxication at the material time as no test was performed to determine the accused’s BAC after her arrest while she was in the hospital.<sup>158</sup>

94 I also accept the Prosecution’s argument that Dr Rajesh’s estimation of the accused’s BAC is not convincing. Dr Rajesh conceded in his medical report and at trial that his retrospective assessment is not a precise estimate of the accused’s BAC at the material time. He did not have regard to any specific, individual-related factors which he admitted would be relevant to one’s BAC, including the accused’s sex, water distribution, weight and tolerance to alcohol.<sup>159</sup> Dr Cheow also found Dr Rajesh’s estimation to be “speculative at best” as it did not take into account factors such as the rate of the accused’s alcohol consumption.<sup>160</sup>

95 Nevertheless, both parties’ psychiatric experts agree that the accused was likely intoxicated at the material time. Dr Rajesh opined in his medical report that the accused fulfilled the DSM-5 criteria for alcohol intoxication and was probably suffering from an “alcoholic blackout (alcohol-induced amnestic episode) of a fragmentary nature”.<sup>161</sup> In the IMH Report, Dr Cheow stated that

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<sup>157</sup> PCS at para 52.

<sup>158</sup> AB at p 513, para 33.

<sup>159</sup> AB at p 516, para 45; NEs (23 April 2025) at p 41, lines 28–30.

<sup>160</sup> NEs (15 April 2025) at p 14, lines 20–24.

<sup>161</sup> AB at p 513, para 33.

the accused “clearly [had] an Alcohol Use Disorder and was likely in a state of Acute Alcohol Intoxication at the material time”.<sup>162</sup> It is also Dr Cheow’s opinion that the accused had memory impairment due to alcohol intoxication.<sup>163</sup> In addition to the psychiatric experts’ opinions, the accused’s consumption of ten cans of beer and her numerous vomiting incidents throughout the day bolster the finding that she was intoxicated. Therefore, on the evidence before me, I conclude that the accused was in fact intoxicated at the material time.

96     However, I am not satisfied that the accused was so intoxicated that she could not form the intention to inflict the Fatal Wounds. Instead, the evidence demonstrates that she retained sufficient mental capacity to form and act upon her specific intention to stab the deceased at his neck, chest and back.

97     Based on the video evidence from the Flat’s doorbell camera, the lift’s CCTV and the accused’s mobile phone,<sup>164</sup> the accused demonstrated clear physical coordination and cognitive awareness throughout the incident. She walked steadily, held her phone to record the confrontation and deliberately grabbed the deceased’s shirt when he tried to walk away. Both Dr Cheow and Dr Rajesh confirmed, after reviewing the video of the confrontation that she filmed, that there was no evidence of unsteady gait or incoordination in her movements.<sup>165</sup> The Defence’s argument that the absence of an unsteady gait does not preclude severe intoxication misses the point. It is incumbent on the Defence to positively establish on a balance of probabilities that the accused’s intoxication was so severe as to prevent the formation of intention to cause the

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<sup>162</sup> AB at p 112, para 21.

<sup>163</sup> NEs (15 April 2025) at p 14, lines 14–16.

<sup>164</sup> P217 (CD 5); P306 (CD 8); P176 (CD 1).

<sup>165</sup> NEs (15 April 2025) at p 30, lines 13–23; NEs (23 April 2025) at p 44, lines 8–18.

Fatal Wounds. The mere possibility that one might be severely intoxicated despite walking steadily is insufficient to discharge this burden.

98 Moreover, the accused demonstrated goal-oriented behaviour and rationality as she engaged in relevant conversation with the deceased.<sup>166</sup> In the video recording on her mobile phone, the accused confronted the deceased by asking him where he had gone to drink and threatened to call the police on the deceased presumably for flouting COVID-19 regulations.<sup>167</sup> The deceased then instructed Tan Cheng Mun to call the police to take her away and said that the accused was “creating trouble”. She responded that she was “not creating trouble”.<sup>168</sup> Tan Cheng Mun proceeded to call the police as the accused asked, “Is it enough for you already”. The accused then said, “Do not be overboard as a person” before she walked back into the Flat to retrieve the knife.<sup>169</sup>

99 Similarly, she displayed situational awareness by first noticing that Tan Cheng Mun was taking photographs of the attack and then turning to chase him away with the knife.<sup>170</sup> Of significance is the fact that she made a deliberate choice to retrieve a specific knife she had sharpened earlier that day (see [23]–[24] and [90] above). The Defence’s contention that the ability to engage in conversation does not preclude severe intoxication again attempts to reverse the burden of proof. The Defence must establish on a balance of probabilities that the accused’s intoxication actually prevented her from forming the necessary intention.

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<sup>166</sup> NEs (23 April 2025) at p 44, line 19 to p 45, line 22.

<sup>167</sup> AB at p 268.

<sup>168</sup> AB at p 269.

<sup>169</sup> AB at p 270.

<sup>170</sup> AB at pp 143–144, paras 10–11.

100 In my judgment, the accused’s actions demonstrate a clear chain of purposeful decision-making. She was initially angry with the deceased over his association with the beer promoter. She suspected that he was drinking outside and confronted him when he returned. Upon seeing him come back with Tan Cheng Mun and hearing about their plan to evict her, she became further enraged. She thus decided to return to the Flat to retrieve a weapon and in the midst of doing so, made the conscious choice to select the yellow-handled knife because she knew it was sharper than the others. This level of strategic thinking illustrates that she could form the requisite intention notwithstanding her intoxicated state.

101 The Defence argues that certain behaviours – such as the accused’s giggling, her expressions of love for the deceased and her apparent lack of logic in attacking him despite knowing that the police had been called – show that she was too intoxicated to form the necessary intention. Even if alcohol may have lowered her inhibitions, the evidence (as discussed at [97]–[100] above) proves that she remained capable of forming and acting upon her specific intention to stab the deceased multiple times.

102 This conclusion is consistent with both psychiatric experts’ evidence. In reviewing various parts of the accused’s statements (including those cited at [24]–[27] above),<sup>171</sup> Dr Cheow opined that the long statements bolstered his view that the accused “was not in a severe state of alcohol intoxication and that she was aware of what was happening and responding relevantly”.<sup>172</sup> She had clearly “formed the intent” to stab the deceased with the knife.<sup>173</sup> Likewise, Dr

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<sup>171</sup> NEs (15 April 2025) at p 19, line 21 to p 24, line 13.

<sup>172</sup> NEs (15 April 2025) at p 20, lines 4–6.

<sup>173</sup> NEs (15 April 2025) at p 21, lines 17–19 and p 23, lines 15–16.

Rajesh agreed that assuming there was no contamination by false memories, the statements demonstrate the accused's capacity to form an intent to attack the deceased.<sup>174</sup>

103 There is also no merit to the Defence's reliance on the accused's claimed memory lapses. The ability to recall events subsequently is distinct from the capacity to form an intention at the time of the offence. The contemporaneous evidence (as analysed at [97]–[100] above) provides a more reliable indicator of her state of mind at the material time.

104 Therefore, while I acknowledge that the accused was intoxicated at the material time, her intoxication was not so severe as to prevent her from forming the intention to inflict the Fatal Wounds. The evidence instead portrays someone who remained capable of forming specific intentions and acting upon them in a rational and calculated manner.

105 Accordingly, I find that the defence of intoxication is not made out on a balance of probabilities. The accused's intention to inflict the Fatal Wounds is established beyond a reasonable doubt.

**Whether the partial defence of sudden fight under Exception 4 to s 300(c) of the Penal Code is established on a balance of probabilities**

***Applicable legal principles***

106 Exception 4 to s 300(c) of the Penal Code provides that:

*Exception 4.*—Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel, and without the offender having taken undue advantage or acted in a cruel or unusual manner.

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<sup>174</sup> NEs (23 April 2025) at p 45, lines 23–32.

The above exception is subject to the proviso that the offender did not know and had no reason to believe that the person whose death was caused was acting in obedience to the law, or was a public servant acting in the lawful exercise of the powers of such public servant.

107 There are three main ingredients to establish the exception of sudden fight (see *Chan Lie Sian v Public Prosecutor* [2019] 2 SLR 439 at [82]):

- (a) a sudden fight in the heat of passion upon a sudden quarrel;
- (b) an absence of premeditation; and
- (c) an absence of undue advantage or cruel or unusual acts.

108 The Court of Appeal in *Tan Chun Seng v Public Prosecutor* [2003] 2 SLR(R) 506 at [21] also set out three main guidelines:

- (a) Premeditation: Whether the fight and injuries suffered by the deceased were premeditated by the accused.
- (b) Armed beforehand: Whether the accused was armed with the relevant weapon before the fight began, *ie*, whether he came armed.
- (c) Undue advantage: Whether, during the fight, the accused had reason to resort to a weapon, *ie*, the courts place substantial emphasis on the disparity of size between the deceased and the accused.

109 The principles concerning the inquiry of premeditation are set out in *Public Prosecutor v Seow Khoo Kwee* [1988] 2 SLR(R) 310 at [34], affirming *Kirpal Singh v The State* AIR 1951 Punjab 137 at 140:

Exception 4 comes into play only if death is caused without pre-meditation. *To constitute a pre-meditated killing it is necessary*

*that the accused should have reflected with a view to determine whether he would kill or not; and that he should have determined to kill as the result of that reflection; that is to say, the killing should be a pre-determined killing upon consideration and not a sudden killing under the momentary excitement and impulse of passion upon provocation given at the time or so recently before as not to allow time for reflection. Pre-meditation may be established by direct or positive evidence or by circumstantial evidence. Evidence of pre-meditation can be furnished by former grudges or previous threats and expressions of ill-feelings; by acts of preparation to kill, such as procuring a deadly weapon or selecting a dangerous weapon in preference to one less dangerous, and by the manner in which the killing was committed. For example, repeated shots, blows or other acts of violence are sufficient evidence of pre-meditation. Pre-meditation is not proved from the mere fact of a killing by the use of a deadly weapon but must be shown by the manner of the killing and the circumstances, under which it was done or from other facts in evidence.*

[emphasis added]

### ***The Prosecution's case***

110 The Prosecution argues that the partial defence of sudden fight is not made out as there was no sudden fight in the heat of passion upon a sudden quarrel and the accused had taken undue advantage as she was armed.<sup>175</sup>

111 The accused did not mention a fight between herself and the deceased in any of her police statements and she admitted instead that she was angry and retrieved a knife from the Flat. This is corroborated by the video footage from her mobile phone which shows her confronting the deceased. On the other hand, there is no evidence of aggression by the deceased. The photographs taken by Tan Cheng Mun at 12.56am also depict that only the deceased was injured, but not the accused.<sup>176</sup>

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<sup>175</sup> PCS at para 68.

<sup>176</sup> PCS at para 69; P194–P197.

112 Moreover, the Prosecution submits that the evidence shows that the injuries suffered by the accused were self-inflicted. The accused admitted multiple times in the police statements that the deceased did not cause her injuries. The fibre damage analysis performed on her shirt also revealed only hospital-type damage which is “damage presumably made by medical staff to facilitate the removal of garments from the wearer”.<sup>177</sup> According to the forensic scientist, Eng Yah Mui Vanessa (“Ms Eng”), there was no other damage to the front of the accused’s shirt where the accused’s wounds were found. This meant that for the wounds to have been inflicted by the deceased, he would have had to pull the accused’s shirt up significantly to attack her, which is unlikely in those circumstances.<sup>178</sup> SSI Kwek’s body-worn camera footage also portrays the deceased shaking his head and replying, “No” in Mandarin when asked if he had stabbed the accused.<sup>179</sup>

113 The transcriber and translator called by the Defence, Ji Jia (“Ms Ji”) testified that based on the body-worn camera footage, the deceased said “I have no choice” in Mandarin when asked if he had stabbed the accused.<sup>180</sup> Ms Ji is a freelance transcriber, translator and interpreter with 15 years of experience.<sup>181</sup> The original transcriber and translator, Jason Ng Jian Sheng (“Mr Ng”), disagreed with Ms Ji and said that he could only hear “I don’t” in Mandarin, followed by the Chinese word “ba” which had no meaning in the context.<sup>182</sup> Mr Ng is a certified Chinese interpreter attached to the Interpreter Section of the

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<sup>177</sup> PCS at para 70; AB at p 75, footnote 2; AB at pp 442–443, paras 4 and 7; AB at pp 484–485, para 107.

<sup>178</sup> PCS at para 70; NEs (10 April 2025) p 52, line 32 to p 53, line 1.

<sup>179</sup> PCS at para 71; AB at p 321.

<sup>180</sup> NEs (28 April 2025) at p 5, line 21 to p 6, line 31.

<sup>181</sup> NEs (28 April 2025) at p 3, lines 10–13.

<sup>182</sup> NEs (9 April 2025), p 30, line 22 to p 31, line 2.

Criminal Investigation Department.<sup>183</sup> He was requested by ASP Cedrick Tan to interpret the body-worn camera footages of the police officers.<sup>184</sup>

114 The Prosecution says that more weight should be placed on Mr Ng’s opinion as he spent more time listening to all the body-worn camera footages and would have had better context of the answers by the deceased, as opposed to Ms Ji who did not review the rest of their interactions.<sup>185</sup> Furthermore, the phrase “I have no choice” does not convey that the deceased had caused the accused’s injuries.<sup>186</sup> Lastly, the accused had taken undue advantage of the deceased as she was armed with a knife when she attacked him.<sup>187</sup>

### *The Defence’s case*

115 The Defence’s case is that all three elements of the partial defence of sudden fight are made out.

116 With respect to the first element, the Defence argues that there was no premeditation by the accused. In the audio recordings on 14 July 2021, the accused reflected about ending her life, not killing the deceased. Throughout the day she was drinking and reflecting about her unfortunate life experiences.<sup>188</sup> The accused stared at the CCTV in the kitchen at roughly 12.21pm before taking the knife and the stone sharpener. The Defence submits that if there was premeditation to kill the deceased, she would logically have tried to evade

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<sup>183</sup> AB at p 230, para 1.

<sup>184</sup> AB at p 231, para 5.

<sup>185</sup> PCS at para 72.

<sup>186</sup> PCS at para 73; AB at p 321.

<sup>187</sup> PCS at para 74.

<sup>188</sup> DCS at paras 103–105; AB at p 243.

detection.<sup>189</sup> Less than an hour later at 1.05pm, she recorded herself asking the police to “burn [her]” and “put everything into the sea” after her death. The proximity in timings of both acts reinforces the theory that she sharpened the knife to kill herself and not the deceased.<sup>190</sup>

117 Dr Cheow’s opinion that the accused “deliberately chose this sharp knife” on the basis that “she took the knife from the knife rack” is unreliable because subsequent investigations revealed that the knife was not retrieved from the knife rack.<sup>191</sup> Moreover, the Defence posits that “everything happened very fast” and there was “no time for pause, reflection or consideration”. The accused confronted the deceased at the lift landing at about 12.52am and four minutes later the accused and the deceased were photographed by Tan Cheng Mun in the midst of their altercation.<sup>192</sup> This suggests that there was “no time to think” and the choice of a sharp knife was not deliberate.<sup>193</sup>

118 In relation to the second element, the Defence submits that there was a sudden fight in the heat of passion upon sudden quarrel. It is also reasonably plausible that the stab wounds suffered by the accused were inflicted by the deceased during their fight.<sup>194</sup>

119 The Defence avers that the accused would not have repeatedly asked the deceased where he had been drinking if she was indeed angry with him. The

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<sup>189</sup> DCS at para 107; P216.

<sup>190</sup> DCS at paras 108–109; AB at p 243.

<sup>191</sup> DCS at para 111; NEs (15 April 2025) at p 23, lines 1–6 and p 24, line 2.

<sup>192</sup> DCS at para 112.

<sup>193</sup> DCS at para 115.

<sup>194</sup> DCS at para 136.

parties' quarrel escalated in the heat of the moment which is consistent with the accused's position in her cautioned statement that she had "lost control".<sup>195</sup>

120 Like the deceased, the accused suffered stab wounds that caused internal injuries to her major organs including her liver, stomach, small intestine and bowel.<sup>196</sup> Dr Anissa Lye Hui Min ("Dr Lye") and Dr Tang Man Hon ("Dr Tang"), both doctors who attended to the accused upon her hospital admission, could not definitively rule out that the accused's stab wounds were caused by an external party.<sup>197</sup> Dr Chan had also confirmed that the deceased's variety of injuries distributed across different areas of his body suggest that he moved and the injuries were possibly inflicted during a struggle.<sup>198</sup>

121 To this end, the Defence cites the case of *Eu Lim Hoklai v Public Prosecutor* [2011] 3 SLR 167 ("*Eu Lim Hoklai*") at [46] in which the Court of Appeal held that the accused person's very serious injuries raised the reasonable possibility that the injuries were inflicted by the deceased and sustained during a violent struggle, which is a foothold to the accused establishing the defence of sudden fight. The accused person in that case suffered nine abdominal injuries, four of which had penetrated the abdominal cavity but did not damage any major organs.<sup>199</sup> In the present case, the Defence argues that the accused's injuries were more serious than those in *Eu Lim Hoklai*, which demonstrate that they were possibly inflicted by the deceased during a violent struggle.<sup>200</sup> According

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<sup>195</sup> DCS at paras 138–140 and 144.

<sup>196</sup> DCS at para 148.

<sup>197</sup> DCS at para 151; NEs (11 April 2025) at p 26, lines 21–31; NEs (15 April 2025) at p 7, line 23 to p 8, line 1.

<sup>198</sup> DCS at para 147; NEs (10 April 2025) at p 16, lines 20–24.

<sup>199</sup> DCS at para 145.

<sup>200</sup> DCS at para 152.

to the Defence, this “possibility” raises the “very real and reasonable possibility that a short but intense struggle took place”, rendering the defence of sudden fight viable (citing *Eu Lim Hoklai* at [62]).<sup>201</sup>

122 Next, the Defence casts doubt on the plausibility of the accused lifting her own shirt and using the knife on herself after stabbing the deceased. When the police officers arrived at the scene, the accused was in a seated position while the deceased was lying across her body and right leg. The knife was found nearer to the deceased.<sup>202</sup>

123 The Defence contends that the Prosecution’s theory about the accused’s self-inflicted injuries is “unrealistic, improbable and unreasonable” given the physical circumstances at the scene.<sup>203</sup> For the Prosecution’s theory to hold true, an improbable sequence of events would need to have occurred: the accused would have had to stab the deceased, lift her own shirt to inflict injuries on herself, manoeuvre herself into a seated position, move and position the deceased across her right leg and body and then place the knife closer to the deceased.<sup>204</sup> It would also have been physically impossible for the accused to inflict the injuries on herself while the deceased was already lying across her body. This would have required her to somehow lift her shirt whilst the deceased was lying on her, reach across the deceased’s body and inflict three abdominal wounds and one sternum wound in areas that were obstructed by the deceased’s body.<sup>205</sup> The accused’s intoxicated state also prevented her from having the

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<sup>201</sup> DCS at para 154.

<sup>202</sup> P304; NEs (9 April 2025) at p 5, lines 1–21.

<sup>203</sup> DCS at para 159.

<sup>204</sup> DCS at para 160.

<sup>205</sup> DCS at para 161.

requisite alert presence of mind or physical energy to execute this whole sequence.<sup>206</sup>

124 Regarding the fibre damage analysis of the accused’s shirt, the Defence challenges the Prosecution’s interpretation on several grounds:

(a) Ms Eng could not definitively rule out that the damage was caused by “cut[s]” (presumably from the yellow-handled knife) rather than “hospital-type damage”.<sup>207</sup>

(b) Assistant Superintendent Toh Mei Sze Violet (“ASP Toh”), a police officer with experience in investigating murder cases, identified damaged areas on the accused’s shirt that were distinct from typical “hospital-type damage”.<sup>208</sup>

(c) There was an absence of superficial or tentative cuts (which might typically indicate self-inflicted injuries) around the stab wounds.<sup>209</sup>

125 The Defence relies on the deceased’s conduct and statements at the scene to buttress its case that the deceased had stabbed the accused. When Sergeant Koh Wei Jun Jones (one of the police officers who attended at the scene) asked the deceased which part of the accused he had stabbed, the deceased responded “I don’t know” instead of denying the act.<sup>210</sup> The deceased also allegedly responded “I have no choice” when SSI Kwek questioned him

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<sup>206</sup> DCS at paras 162–165.

<sup>207</sup> DCS at paras 170–171; NEs (10 April 2025) at p 55, lines 11–22.

<sup>208</sup> DCS at para 172; NEs (10 April 2025) at p 71, lines 1–25.

<sup>209</sup> DCS at para 173.

<sup>210</sup> DCS at para 175; AB at p 360.

about the accused's wounds. SSI Kwek followed by saying, "Okay, you stab her once" and the deceased did not deny stabbing the accused. The deceased focused instead on asserting that the accused had stabbed him multiple times, only belatedly denying that he had stabbed her.<sup>211</sup>

126 Additionally, the Defence challenges the credibility of alternative interpretations of the verbal exchange. First, Mr Ng's claim that he could not hear the Mandarin words "Wo mei ban fa" is inconsistent with his ability to transcribe the words of other masked speakers in other parts of the footage.<sup>212</sup> Second, ASP Cedrick Tan's alternative interpretation that the deceased may have meant "I have no retaliation" is simply his attempt to insist that the deceased was murdered by the accused.<sup>213</sup> Third, SSI Kwek was best placed to testify about this verbal exchange as he was present and conversing with the deceased at the material time.<sup>214</sup> SSI Kwek heard the deceased say "Wo mei ban fa" and perceived him to have said that he "got no choice".<sup>215</sup> This is further corroborated by Ms Ji.<sup>216</sup> Finally, SSI Kwek's response, "Okay, you stab her once", made sense only if the deceased had admitted to stabbing the accused.<sup>217</sup>

127 The Defence points to several allegedly key pieces of objective evidence to establish that a fight occurred and the deceased stabbed the accused.

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<sup>211</sup> DCS at para 176; AB at p 321.

<sup>212</sup> DCS at para 177.

<sup>213</sup> DCS at para 178.

<sup>214</sup> DCS at paras 179 and 181.

<sup>215</sup> DCS at para 180; NEs (9 April 2025) at p 11, line 28.

<sup>216</sup> DCS at para 182.

<sup>217</sup> DCS at para 183; AB at p 321.

- (a) The deceased's DNA was found on the knife handle through non-blood deposits, suggesting that he may have handled the weapon.<sup>218</sup>
- (b) The accused's DNA was found under the deceased's fingernails on his right hand and both parties' DNA were found on each other's clothing, indicating close physical contact.<sup>219</sup>
- (c) The blood pattern analysis report confirms that there was movement by both parties, which points to a struggle.<sup>220</sup>
- (d) The serious injuries sustained by both parties raise the reasonable possibility of a fight, consistent with the principles established in *Eu Lim Hoklai* at [46] and [62].<sup>221</sup>
- (e) There is a documented history of physical altercations between the parties.<sup>222</sup>

It is the Defence's position that the above points render credible the possibility that a fight occurred on 15 July 2021. The deceased's history of physical confrontation with the accused makes it implausible that he would have remained passive during the incident.<sup>223</sup>

128 The Defence calls into question the reliability of the accused's admissions to having inflicted the injuries on herself. At its core, the Defence

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<sup>218</sup> DCS at para 185.

<sup>219</sup> DCS at paras 186–187.

<sup>220</sup> DCS at para 188.

<sup>221</sup> DCS at para 189.

<sup>222</sup> DCS at para 190.

<sup>223</sup> DCS at para 191.

contends that these admissions were made because the accused did not want to blame the deceased.<sup>224</sup> She agreed to the police’s version of events primarily to cooperate with investigations and shorten the time taken to record her statements.<sup>225</sup> In fact, the statements are riddled with uncertain language and internal inconsistencies, particularly where the accused claimed to be “very sure” about certain details while simultaneously maintaining that she could not remember what happened.<sup>226</sup> At the parts where she claimed she stabbed herself, she used speculative and uncertain words such as “I think” and “I could have”.<sup>227</sup> I have addressed the Defence’s arguments on the weight accorded to the long statements above at [21] to [60]. It suffices for me to reiterate that I do not find the Defence’s arguments persuasive.

129 As for the third element, the Defence claims that there was no undue advantage and the accused was not armed beforehand. In contrast, the accused was at a disadvantage because she was a small-sized woman up against two bigger-sized men.<sup>228</sup> It was confirmed by Tan Cheng Mun that the deceased could extricate himself easily when the accused tugged at his shirt. Tan Cheng Mun also testified that he had exaggerated when he claimed in his police report that the accused wanted to beat them.<sup>229</sup> Hence, the accused’s use of a knife did not confer an undue advantage on her.<sup>230</sup> The Defence highlights that the accused had been injured during disputes with the deceased and/or his friends

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<sup>224</sup> DCS at para 199.

<sup>225</sup> DCS at para 198.

<sup>226</sup> DCS at paras 206–211.

<sup>227</sup> DCS at para 209.

<sup>228</sup> DCS at para 121.

<sup>229</sup> DCS at para 122; NEs (8 April 2025) at p 49, lines 19–20 and p 57, lines 8–10.

<sup>230</sup> DCS at para 123.

on multiple prior occasions.<sup>231</sup> The Defence further says that the video recordings from the accused's mobile phone and the doorbell camera prove that Tan Cheng Mun and the deceased were "aggressive" towards the accused. It is therefore "plausible" that the accused took the knife to "scare" and "deter" the deceased and Tan Cheng Mun from using force on her.<sup>232</sup>

### ***My findings***

130 On the element of premeditation, I accept that based on the audio recordings on 14 July 2021, the accused's thoughts were centred on ending her own life rather than the deceased's. The phone calls and messages to the deceased, while showing her agitated state, do not necessarily evince a premeditated plan to kill him.

131 Although the accused may not have planned specifically to kill the deceased on that day, she made a deliberate choice to arm herself with a sharp knife and used it to inflict serious wounds on him. This shows a degree of conscious decision-making at the time of the incident, even if it falls short of premeditation. Nonetheless, as the three elements of sudden fight are read conjunctively, the accused must still establish the remaining two requirements for the partial defence to be successfully invoked.

132 In relation to the second requirement, the Defence has failed to establish on a balance of probabilities that there was a sudden fight in the heat of passion upon a sudden quarrel. The Defence's case rests largely on speculation and attempts to draw multiple successive inferences from circumstantial evidence.

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<sup>231</sup> DCS at paras 124–130.

<sup>232</sup> DCS at paras 133–134.

133 Crucially, the accused's long statements consistently maintain that the deceased did not stab her and that she inflicted the injuries on herself (see [23] and [28] above). The Defence posits that her admissions were motivated by her love for the deceased but this contrived explanation is difficult to reconcile with her conduct of attacking him first. The Prosecution also correctly stresses that the accused never mentioned in any of her police statements that a fight broke out between them, and there is no evidence of the deceased displaying aggression towards her at the material time.<sup>233</sup>

134 Although the DNA evidence and blood pattern analysis indicate that physical contact occurred between the accused and the deceased, these are consistent with the deceased's natural defensive reaction while being attacked. The presence of the accused's DNA under his fingernails and on his clothing also does not lend credence to the assertion that he had stabbed her. It is entirely logical for someone being assaulted to try to push the attacker away or restrain her. Indeed, the photographs taken by Tan Cheng Mun at 12.56am show the deceased hunched over and bleeding as he grabbed the accused's right wrist to restrain her right hand. The accused had her left arm around his neck and she showed no signs of injury at that point.<sup>234</sup>

135 Further, the forensic evidence regarding the accused's shirt strongly contradicts the Defence's theory of a mutual fight. Ms Eng's forensic analysis revealed only hospital-type damage to the accused's shirt, indicating that her shirt was pulled up before the stabbing.<sup>235</sup> It strains credibility to suggest that the deceased, despite being injured and bleeding, took the time and effort to lift the

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<sup>233</sup> PCS at para 69.

<sup>234</sup> P194–P197.

<sup>235</sup> AB at p 77, paras 12–14.

accused's shirt up before stabbing her. The forensic evidence is more consistent with the Prosecution's case that the injuries were self-inflicted.

136 Even if Ms Eng could not definitively rule out that the damage to the accused's shirt was caused by cuts from the yellow-handled knife rather than "hospital-type damage", this qualification does not detract from her substantive finding. What is significant is Ms Eng's professional opinion that it was "very unlikely" that the damage to the accused's shirt was caused by a cut.<sup>236</sup> Similarly, Dr Tang's statement that he could not comment determinatively on whether the absence of superficial or tentative cuts on the accused's abdomen indicated an infliction of wounds by an external party, was simply an acknowledgment of the limits of his expertise.<sup>237</sup> It does not directly support the Defence's position that the accused's wounds were inflicted by the deceased. For completeness I place little weight on ASP Toh's opinion that there was damage on the accused's shirt which differed from "hospital-type" damage as ASP Toh is a police officer with no expertise in fibre analysis. I prefer the evidence of Ms Eng as she was a senior forensic scientist attached to the Forensic Chemistry and Physics Laboratory of the Health Sciences Authority.<sup>238</sup> Ms Eng conducted a forensic analysis of the accused's clothing and prepared a report dated 9 June 2022 setting out her findings.<sup>239</sup>

137 The Defence presents a false dichotomy by suggesting that the Prosecution's theory can only be true if the accused either deliberately manoeuvred herself and positioned the deceased accordingly or inflicted her

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<sup>236</sup> NEs (10 April 2025) at p 55, lines 11–22.

<sup>237</sup> NEs (15 April 2025) at p 7, lines 21–29.

<sup>238</sup> AB at p 72, para 1.

<sup>239</sup> AB at pp 74–82.

injuries while he was already lying across her body. There are many other plausible explanations as to how the parties came to be in that position. For example, the accused could have sat down first before lifting her shirt and stabbing herself, after which the deceased, who was staggering from his wounds, fell across her body and right leg. The knife could have been found closer to the deceased simply because the accused discarded it after inflicting her own injuries. It is not inconceivable for the parties to have been found in that position after the accused stabbed the deceased and herself.

138 Moreover, the Defence's reliance on *Eu Lim Hoklai* is misplaced. The fact that the accused suffered serious injuries does not compel the conclusion that the injuries were inflicted by the deceased. In contrast, the accused's suicidal ideation throughout the day (as evidenced by her audio recordings on 14 July 2021) provides a more plausible explanation for her injuries. She had wanted to kill herself and therefore she tried to do so after stabbing the deceased. To this end, I disagree with the Defence's claim that the Prosecution's case theory is internally inconsistent. The fact that the accused expressed her wishes to kill herself did not preclude her from forming an intention to kill the deceased.

139 Finally, the deceased's response at the scene must be viewed in context. For clarity, I set out the relevant portions of the transcript prepared by Mr Ng.<sup>240</sup>

SSI Kwek: How is his/her wound(s), your that friend(s) wound(s)

The deceased: He/she took knife and chop/slash me

SSI Kwek: Okay, you stab him/her once

The deceased: He/she stab me multiple times

SSI Kwek: Then you stab him/her back

The deceased: Never ...

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<sup>240</sup> AB at p 321.

SSI Kwek: *Then* how did his/her wound(s) come about

The deceased: I do not know

140 The Defence claims that a crucial phrase “Wo mei ban fa” was omitted from the transcript after the deceased said, “He/she took knife and chop/slash me” and SSI Kwek responded, “Okay”.<sup>241</sup> The Prosecution disagrees that “Wo mei ban fa” can be heard from the recording; but even if it could, the phrase did not mean that the deceased had stabbed the accused.

141 Even accepting the Defence’s preferred interpretation of the phrase as “I have no choice”, this ambiguous statement cannot overcome the weight of the other evidence showing the accused’s self-infliction of injuries. Indeed, as seen from the rest of the transcript at [139], the deceased had stated in no uncertain terms that he did not stab her and did not know how her wounds came about. The Defence’s claim that this is a belated denial is unconvincing because these were still the deceased’s contemporaneous words soon after the attack.

142 As for the final element, the fact that the accused was armed with a knife while both the deceased and Tan Cheng Mun were unarmed indicates to me a clear undue advantage.

143 At the outset, the evidence does not support a size disparity that was substantial enough to warrant the accused’s use of a knife. The deceased was 167cm tall and weighed 68kg.<sup>242</sup> According to Tan Cheng Mun, the deceased was “around the same height or slightly taller” than the accused.<sup>243</sup> While Tan

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<sup>241</sup> DCS at para 177; NEs (28 April 2025) at p 5, line 21 to p 6, line 7.

<sup>242</sup> AB at p 29.

<sup>243</sup> NEs (8 April 2025) at p 49, lines 21–22.

Cheng Mun himself was taller than both parties,<sup>244</sup> this height difference does not justify the accused's procurement of a deadly weapon. Even if the accused had suffered previous incidents of physical abuse by the deceased and/or Tan Cheng Mun, there is no evidence that either of them tried to assault her first during the incident itself. On the contrary, they were merely trying to get the police to chase her away from the Flat. She was the one who first confronted the deceased and then resorted to retrieving a knife and stabbing him because she felt angry. If the accused's intention was truly to deter them by arming herself with a weapon, there would have been no need for her to intentionally select the sharpest available knife.

144 Furthermore, although the accused was outnumbered two to one, there is no evidence that Tan Cheng Mun actively participated in the confrontation. Conversely, Tan Cheng Mun was primarily a bystander who helped to call the police and take photographs of the attack. Despite the relative physical sizes of the parties involved, the lethal potential of the knife fundamentally altered the power dynamic of the confrontation.

145 Accordingly, I am not satisfied that the partial defence of sudden fight is made out.

## **Conclusion**

146 The elements of murder under s 300(c) of the Penal Code have been established beyond a reasonable doubt. The defences of intoxication and sudden fight have not been established on the balance of probabilities. I therefore convict the accused on the charge of murder under s 300(c) of the Penal Code.

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<sup>244</sup> NEs (8 April 2025) at p 49, lines 23–26.

147 I will hear parties on sentencing.

Dedar Singh Gill  
Judge of the High Court

Han Ming Kuang, Benedict Teong and Mohamed Riasudeen  
(Attorney-General's Chambers) for the Prosecution;  
Kang Kok Boon, Favian (Jiang Guowen) (Centurion Law LLC),  
Kalaithasan s/o Karuppaya (Regent Law LLC) and Ng Yuan Siang  
(Eugene Thuraisingam LLP) for the accused.

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