

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

[2025] SGHC 264

Criminal Case No 43 of 2025

Between

Public Prosecutor

... Prosecution

And

Koh Lee Hwa

... Defendant

GROUND S OF DECISION

[Criminal Law — Offences — Rape]

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Public Prosecutor

v

Koh Lee Hwa

[2025] SGHC 264

General Division of the High Court — Criminal Case No 43 of 2025
Mavis Chionh Sze Chyi J
29–31 July, 28 October, 26 November 2025

29 December 2025

Mavis Chionh Sze Chyi J:

Introduction

1 The Accused is a 49-year-old Malaysian (D.O.B. 24 January 1976) who lives and works in Singapore. He claimed trial in this case to the following four charges (the “Four Charges”) involving various sexual offences under the Penal Code (Cap 224, 2008 Rev Ed) (“Penal Code” or “PC”):¹

First Charge

That you, Koh Lee Hwa, on 23 August 2021, between at or about 11.42am and at or about 12.38pm, at [address redacted], did use criminal force to one [the Complainant] (“the victim”) (D.O.B.[redacted]), intending to outrage her modesty, *to wit*, by hugging the victim, and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap 224, 2008 Rev Ed).

Second Charge

¹ Arraigned charges dated 28 April 2025 at pp 1–2.

That you, on 23 August 2021, between at or about 11.42am and at or about 12.38pm, at [address redacted], did use criminal force to one [the Complainant] (“the victim”) (D.O.B.[redacted]), intending to outrage her modesty, *to wit*, by kissing the victim’s lips, kissing the victim’s bare breasts and squeezing the victim’s bare breasts with your hand, and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap 224, 2008 Rev Ed).

Third Charge

That you, Koh Lee Hwa, on 23 August 2021, between at or about 11.42am and at or about 12.38pm, at [address redacted], did commit rape of one [the Complainant] (“the victim”) (D.O.B.[redacted]), *to wit*, by penetrating the victim’s vagina with your penis, without her consent, and you have thereby committed an offence under section 375(1)(a) which is punishable under section 375(2) of the Penal Code (Cap 224, 2008 Rev Ed).

Fourth Charge

That you, Koh Lee Hwa, on 23 August 2021, between at or about 11.42am and at or about 12.38pm, at [address redacted], did sexually penetrate with your finger the vagina of one [the Complainant] (“the victim”) (D.O.B.[redacted]), without her consent, and you have thereby committed an offence under section 376(2)(a) which is punishable under section 376(3) of the Penal Code (Cap 224, 2008 Rev Ed).

2 The offences described in the Four Charges were alleged to have been committed within a fairly short period of time between 11.42am and 12.38pm on 23 August 2021, in the Complainant’s home. At the time the Accused allegedly committed these offences, the Complainant was alone at home with him.

3 I found the Accused guilty of all four charges at the end of the trial and convicted him accordingly. As he has appealed against both conviction and sentence, I now set out the full grounds for my decision, starting with a summary of the undisputed facts.

The undisputed facts***Background***

4 The Accused was 45 years old at the time of the alleged offences. He works as an electrician. The Complainant first came into contact with him in 2015 when she hired him to carry out some renovation works. The Complainant is [redacted] years old ([redacted] at the time of the alleged offences); and at the material time, she worked as a [redacted].² She resided in her home with her two daughters.

5 After hiring the Accused to carry out renovation works in 2015, the Complainant would occasionally contact him to get quotes for renovation and electrical works. Prior to the incident on 23 August 2021, the Complainant and the Accused last had contact with each other sometime in 2019 regarding some repair works.³

Events leading up to the incident

6 The week before the incident on 23 August 2021, the Complainant noticed that the light in the common toilet of her flat (which was located within the kitchen) had stopped working. On 21 August 2021, the Complainant texted the Accused about some repairs she needed done on faulty light switches and the light in the common toilet. The Accused replied that he would come over to her flat the following day.⁴

² Statement of Agreed Facts dated 28 April 2025 (“SOAF”) at para 2.

³ SOAF at para 3.

⁴ SOAF at para 5.

7 On 22 August 2021, the Accused came over to the Complainant's flat and carried out checks on the faulty light and switches. At that time, the Complainant was at home together with her daughters and a part-time helper. After fixing the faulty kitchen light switch, the Accused told the Complainant that the fault with the common toilet light related to a wiring issue with two switches in the main circuit switch board (the "DB switch"). The Accused offered to repair these for \$430 and requested a \$200 deposit. Upon the Complainant agreeing to the price and transferring the deposit amount to the Accused's bank account, it was agreed that since the Accused did not have the necessary replacement parts with him at that juncture, he would return at about 11.30am the next day to complete the repairs.⁵

The alleged incident

8 Police camera footage of the lift at the Complainant's block of flats showed the Accused entering the said lift at around 11.43am on 23 August 2021.⁶ Following his arrival at the Complainant's flat, the Accused carried out repairs to the light in the common toilet, while the Complainant went into the master bedroom to use her laptop. Less than five minutes later, she was informed by the Accused that he had fixed the toilet light and would proceed to fix the DB switch. The Complainant then came out of the master bedroom and remarked on the speed with which the Accused had repaired the common toilet light.

⁵ SOAF at para 6.

⁶ Exhibit P13-1: PolCam footage of lift of [address redacted] on 23 August 2021 at around 11.43am; Conditioned Statement of ASP Ramesh Vincent s/o Kasavalu at paras 24–25 (Agreed bundle filed on 22 July 2025 ("AB") at p 107).

9 Before commencing the repairs on the DB switch, the Accused asked the Complainant to switch off all the electrical switches in the flat.⁷ The Complainant did so before returning to the master bedroom.⁸

10 It was not disputed that while she was in the master bedroom, the Complainant texted a friend, [B], at around 12:09pm, stating “he hug me”, “i duno wan go out”. At around 12:10pm, the Complainant texted another friend, [A], stating “in rm he hug me in the hall”, “I went rm”, and “i scared”. The Complainant remained in the master bedroom.⁹

Events in the master bedroom

11 The Accused informed the Complainant when he was done with the repairs and asked the Complainant to turn on the electrical switches in the unit to test if they were working. The Complainant verified that the electrical switches were working by turning on the switches outside the master bedroom. Next, the Accused told the Complainant to check the switches inside the master bedroom, which she did by walking into the ensuite bathroom of the master bedroom and turning on the light and heater there.¹⁰

12 After verifying that the light and heater in the master bedroom toilet were working, the Complainant came out of the toilet.¹¹ At this point, according to the statement of agreed facts, the following acts took place:¹²

⁷ SOAF at para 7.

⁸ SOAF at para 8.

⁹ SOAF at para 9.

¹⁰ SOAF at para 10.

¹¹ SOAF at para 11.

¹² SOAF at para 12.

- (a) The Accused lifted up the Complainant's t-shirt and bra. He kissed and squeezed the Complainant's bare breasts.
- (b) The Accused kissed the Complainant's lips and there was kissing with tongue.
- (c) The Accused removed the Complainant's shorts and panties and digitally penetrated the Complainant's vagina with his finger on the bed.
- (d) The Accused penetrated the Complainant's vagina with his penis, ejaculating inside her vagina without any protection on the bed.

13 At one point during the penile-vaginal penetration, the Complainant bit the Accused on his left shoulder, over his polo t-shirt. The Accused stopped after he ejaculated.¹³ The Complainant then remained in the bedroom while the Accused let himself out of the unit. Police camera footage of the lift at the Complainant's block of flats showed the Accused exiting the said lift at around 12.38pm.¹⁴

14 [A] received a text message from the Complainant at 12.36pm that day in which the Complainant stated that the Accused had raped her.¹⁵

The aftermath of the incident

15 [A] arrived at the Complainant's home at about 1.46pm, followed by [B] and a third friend, [C]. They drove the Complainant to KK Women's and

¹³ SOAF at para 13.

¹⁴ SOAF at para 14; Exhibit P13-2: PolCam footage of lift of [address redacted] on 23 August 2021 at around 12.38pm; Conditioned Statement of ASP Ramesh Vincent s/o Kasavalu at paras 24–25 (AB at p 107).

¹⁵ SOAF at para 15.

Children's Hospital ("KKH"), where she was advised by the staff to lodge a police report.¹⁶

First information report and the Accused's arrest

16 At about 4.18pm on 23 August 2021, the Complainant lodged the first information report at Kampong Java Neighbourhood Police Centre, informing that the Accused had raped her at her home that day at 11.30am.¹⁷ The Accused was arrested at about 7.55pm for an offence of rape.¹⁸

The parties' respective cases

17 I next summarise the parties' respective positions *vis-à-vis* the Four Charges.

The Prosecution's case

18 According to the Prosecution's case, the Accused exploited the opportunity to assault the Complainant when he found her alone at home on 23 August 2021. He made the first move by hugging the Complainant in the living room, without her consent (the First Charge), before raping and sexually assaulting her on the bed in the master bedroom (the Second to the Fourth Charges). The Prosecution submitted that the Complainant's testimony was internally and externally consistent;¹⁹ and she had no motive to lie about what had happened.²⁰ Her testimony was, moreover, strongly corroborated by her

¹⁶ SOAF at para 15.

¹⁷ SOAF at para 4; Exhibit P5: First Information Report dated 23 August 2021 at 4:18pm ("Exhibit P5") (AB at 54).

¹⁸ SOAF at para 16.

¹⁹ Prosecution's Closing Submissions dated 28 August 2025 ("PCS") at para 11.

²⁰ PCS at paras 23–27.

contemporaneous statements to her friends about the commission of the offences.²¹ The witnesses who saw the Complainant very shortly after the rape and sexual assaults were also able to testify to the traumatized and shocked state they found her in.²² According to the Prosecution, the credibility of the Complainant's account of events contrasted sharply with the Accused's account, which was composed of bare assertions ranging from the incongruent to the entirely outlandish. The Accused's story of a "consensual" sexual encounter simply could not be believed.²³

The Defence's case

19 The Accused, for his part, denied hugging the Complainant in the living-room as described in the First Charge. As for the Second to the Fourth Charges, the Accused admitted committing the sexual acts described in these charges but claimed that he did so with the Complainant's consent. Indeed, as will be seen from the summary of his evidence at trial (see [60] to [77] below), the Accused's case was that the Complainant herself initiated physical contact on 23 August 2021.

20 The Accused argued that the Complainant's evidence in respect of the First Charge was internally and externally inconsistent.²⁴ Further, according to the Accused, if the Complainant's evidence in respect of the First Charge was to be rejected, then her evidence in respect of the Second to the Fourth Charges should similarly be found to be lacking in credibility.²⁵

²¹ PCS at para 2.

²² PCS at para 2.

²³ PCS at para 3.

²⁴ Defence's Closing Submissions dated 28 August 2025 ("DCS") at paras 13–30.

²⁵ DCS at para 30.

The evidence led by the Prosecution

21 To prove its case, the Prosecution called six witnesses to testify at trial, with an additional 20 providing evidence through conditioned statements to the court. I summarise below the evidence of the material witnesses.

The Complainant's evidence

22 The Complainant testified that she had known the Accused since 2015, as the Accused was a contractor whom she had hired for renovation works at her flat.²⁶ After the completion of these renovation works, she would occasionally ask the Accused for quotes for renovation and electrical works; and she also engaged his services a few times for minor electrical works. She interacted with him purely for these work-related reasons and did not contact him for anything else.²⁷ Prior to 21 August 2021, she last had contact with the Accused in 2019.²⁸ She contacted him on 21 August 2021 to request his repair services after noticing that the light in the common toilet of her flat had stopped working.²⁹

23 On 23 August 2021, the Complainant was the only one at home when the Accused came to carry out the repairs to the faulty light and light switches. Her two daughters were in school at the time, and her part-time helper was also not present.³⁰ The Complainant recalled that within five minutes of starting work the Accused told her that he had fixed the toilet light and would be

²⁶ NEs 29 July 2025 Page 12 Lines 26–29; Complainant's Conditioned Statement dated 17 June 2024 ("Complainant's CS") at para 2 (AB at p 1).

²⁷ NEs 29 July 2025 Page 12 Line 30–Page 13 Line 5.

²⁸ NEs 29 July 2025 Page 16 Lines 25–31.

²⁹ NEs 29 July 2025 Page 17 Lines 7–27.

³⁰ NEs 29 July 2025 Page 18 Lines 3–9.

proceeding to fix the DB switch. The Complainant recalled that on hearing this, she left the master bedroom to look at the repair works in the living room. As she was surprised that the Accused had been able to carry out the repairs within less than five minutes, she asked him “why it was so fast and [she] had to pay so much for him to fix the problem”.³¹ She also asked him to “continue fixing the DB switch”, which was located next to the main door.³² At this point, both she and the Accused were standing in the living room of her flat, next to the DB box; and they both spoke in Mandarin.³³

24 According to the Complainant, it was at this point that the Accused suddenly reached out, pulled her towards him by holding her forearm,³⁴ and hugged her. While he was hugging her, both his arms were behind her back,³⁵ and the front of his body was in contact with the front of her body.³⁶ The hug lasted a “few seconds”, and the force he used in hugging her was “strong”.³⁷ The Complainant did not consent to the hug.³⁸ At the same time, the Accused asked her how long they had known each other. Shocked, the Complainant replied that she did not know.³⁹ Her mind felt “stunned” and “blank”.⁴⁰ However, she managed to break free by pushing against the Accused’s upper arms.⁴¹

³¹ NEs 29 July 2025 Page 18 Lines 13–14.

³² NEs 29 July 2025 Page 18 Lines 11–19.

³³ NEs 29 July 2025 Page 30 Line 30–Page 31 Line 1.

³⁴ NEs 29 July 2025 Page 19 Lines 17–23.

³⁵ NEs 29 July 2025 Page 19 Line 26–Page 20 Line 7.

³⁶ NEs 29 July 2025 Page 20 Lines 8–9.

³⁷ NEs 29 July 2025 Page 20 Lines 10–13.

³⁸ NEs 29 July 2025 Page 20 Lines 28–29.

³⁹ NEs 29 July 2025 Page 19 Lines 1–8.

⁴⁰ NEs 29 July 2025 Page 20 Lines 30–31.

⁴¹ NEs 29 July 2025 Page 20 Lines 14–25.

25 After being pushed away, the Accused continued with the repair works.⁴² As for the Complainant, she felt “[a] bit shocked, stunned, [and] blank”.⁴³ She went back into her bedroom as she was feeling “scared” and did not want to be in the same area as the Accused,⁴⁴

26 On returning to her bedroom, the Complainant was still feeling “shocked and scared about the hug”.⁴⁵ She sent a series of messages to [A], a close friend whom she had known for more than 10 years,⁴⁶ telling [A] that the Accused had hugged her, that she was scared and that she was in her room.⁴⁷ [A] asked the Complainant if she had pushed the Accused away and suggested that if nothing else happened, she should not hire the Accused again.⁴⁸

27 In addition to texting [A] about the unwanted hug from the Accused, the Complainant texted another friend, [B], with whom she was then in a relationship.⁴⁹ The Complainant told [B] about the hug,⁵⁰ and mentioned that it had taken place in the living room.⁵¹ In response, [B] told the Complainant to ask the Accused to leave and said that he ([B]) would arrange for another electrician. However, the Complainant replied that she did not want to go out of

⁴² NEs 29 July 2025 Page 20 Lines 26–27.

⁴³ NEs 29 July 2025 Page 20 Lines 30–31.

⁴⁴ NEs 29 July 2025 Page 21 Lines 4–18.

⁴⁵ Complainant’s CS at para 8 (AB at p 2).

⁴⁶ NEs 29 July 2025 Page 21 Lines 27–30.

⁴⁷ NEs 29 July 2025 Page 22 Lines 12–24.

⁴⁸ Exhibit P2: Messages between the Complainant and [A] on 23 August 2021 between 12.00pm and 3.44pm (“Exhibit P2”) at p 3 (AB at p 18).

⁴⁹ NEs 29 July 2025 Page 23 Lines 16–19.

⁵⁰ NEs 29 July 2025 Page 23 Lines 20–21.

⁵¹ NEs 29 July 2025 Page 25 Lines 4–5.

the bedroom.⁵² In her evidence-in-chief at trial, the Complainant explained that at that point, she was thinking “to let [the Accused] finish the work and then he can go off”.⁵³ [B] also sent a further number of messages, including one message in which he referred to the Accused as having “[m]olested” the Complainant and another message in which he asked the Complainant if she wanted to call the police.⁵⁴ To this, the Complainant replied “no” in three successive messages. The Complainant explained in her evidence-in-chief that this was because she “just [wanted the Accused] to finish the work and go”.⁵⁵

28 In cross-examination at trial, the Complainant testified that it did not occur to her to close and lock the door to the master bedroom or to ask for help after the first unwanted hug. The Accused was then carrying out his repair works just outside the bedroom, and she did not think at that point that he would assault her again.⁵⁶

29 After about 10 minutes, the Accused – who was then standing in the hall outside the master bedroom⁵⁷ – told the Complainant that he was done with the repair works and asked her to turn on the switches in the flat to test them.⁵⁸ The Complainant proceeded to switch on the lights in her flat,⁵⁹ as well as her computer in the master bedroom, but she did not initially check the heater in the

⁵² NEs 29 July 2025 Page 24 Line 13.

⁵³ NEs 29 July 2025 Page 24 Line 15.

⁵⁴ NEs 29 July 2025 Page 24 Lines 19–22.

⁵⁵ NEs 29 July 2025 Page 24 Lines 25–26.

⁵⁶ NEs 29 July 2025 Page 53 Lines 2–10.

⁵⁷ NEs 29 July 2025 Page 25 Lines 9–10.

⁵⁸ NEs 29 July 2025 Page 25 Lines 15–30.

⁵⁹ NEs 29 July 2025 Page 25 Line 21.

master bedroom toilet. She only went into the master bedroom toilet to switch on the toilet light and water heater when asked by the Accused to do so.⁶⁰

30 Having verified that the toilet light and water heater in the master bedroom were working,⁶¹ the Complainant walked out of the toilet. It was at this point that she found the Accused standing on the mat outside the master bedroom toilet.⁶² As the Complainant was walking out of the toilet, the Accused pushed her toward the dressing table in the bedroom, hugged her,⁶³ and “rubbed his hand around [her]”.⁶⁴ The Complainant did not consent to this hug.⁶⁵ Feeling “very scared”,⁶⁶ she tried to push the Accused away and to move away from him,⁶⁷ but found herself unable to break free because the Accused was hugging her “very, very tightly”.⁶⁸ The Accused then asked the Complainant again how long they had known each other, and told her that he liked her.⁶⁹

31 Speaking in Mandarin in a “loud and firm” voice, the Complainant told the Accused “many times” to let her go.⁷⁰ The Accused did not do so. Instead, he told her “not to be afraid” before pushing her onto the bed. At this point, she

⁶⁰ NEs 29 July 2025 Page 25 Lines 22–23.

⁶¹ NEs 29 July 2025 Page 25 Lines 17–18; Complainant’s CS at para 9 (AB at p 2).

⁶² NEs 29 July 2025 Page 26 Lines 5–16.

⁶³ NEs 29 July 2025 Page 25 Lines 24–27.

⁶⁴ NEs 29 July 2025 Page 27 Lines 1–9.

⁶⁵ NEs 29 July 2025 Page 28 Lines 9–10.

⁶⁶ NEs 29 July 2025 Page 29 Lines 10–11.

⁶⁷ NEs 29 July 2025 Page 27 Line 26–Page 28 Line 2.

⁶⁸ NEs 29 July 2025 Page 28 Line 8.

⁶⁹ NEs 29 July 2025 Page 29 Line 14.

⁷⁰ NEs 29 July 2025 Page 29 Lines 14–23.

was struggling to break free.⁷¹ When the Accused pushed her onto the bed, half of her body was on the bed while the other half of her body (including her legs) was hanging off the bed.⁷² The Accused lifted up her shirt and her bra, and touched and squeezed her breasts. He also kissed her breasts, forced his lips on the Complainant's lips to kiss her, and forced his tongue into her mouth. The Complainant did not reciprocate the kissing. She begged the Accused repeatedly to stop, but he ignored her.⁷³ By this point, the Accused's body was on top of hers.⁷⁴ She tried to move her body away from him and to push his head or his hands away, but she was unsuccessful in doing so.⁷⁵

32 The Complainant recalled that the Accused removed her shorts and panties as well as his own "bottoms". She did not know if he removed everything he was wearing on the "bottom".⁷⁶ She also recalled that her head was at the edge of the bed by then and that she tried to wriggle away from the Accused but was unable to get up as he was on top of her.⁷⁷ The Accused then inserted his finger into her vagina without her consent. She begged him to stop and to let her go, but he did not,⁷⁸ and instead covered her mouth, using alternately his hand and his mouth.⁷⁹

⁷¹ NEs 29 July 2025 Page 29 Lines 24–28.

⁷² NEs 29 July 2025 Page 30 Lines 4–14.

⁷³ NEs 29 July 2025 Page 30 Lines 15–27.

⁷⁴ NEs 29 July 2025 Page 31 Lines 8–9.

⁷⁵ NEs 29 July 2025 Page 31 Lines 6–7.

⁷⁶ Complainant's CS at para 11 (AB at pp 2–3).

⁷⁷ NEs 29 July 2025 Page 33 Lines 6–9.

⁷⁸ NEs 29 July 2025 Page 33 Lines 10–19.

⁷⁹ NEs 29 July 2025 Page 33 Lines 20–24.

33 Next, the Accused inserted his penis into the Complainant's vagina without her consent. The Complainant recalled that as he did so, he kept asking her "when was the last time [she] had sex". The Accused did not use any protection,⁸⁰ and did not stop even when she bit him on his left shoulder over his polo shirt in an attempt to get him to stop.⁸¹ This was despite her using "[a] lot of force" to bite him in order to cause him pain.⁸² The Accused stopped only after he had ejaculated inside the Complainant. In her evidence-in-chief at trial, the Complainant testified that as this was happening, she felt "like shit", "angry, disgusted".⁸³

34 After the Accused was done, he touched the Complainant's face and tried to stroke her hair and face. The Complainant felt that she "could not take it that [the Accused] was trying to be endearing to [her] after what happened".⁸⁴ She recalled shouting at the Accused to get out of the house.⁸⁵ There was no other conversation between her and the Accused,⁸⁶ who proceeded to leave the flat while she stayed in the bedroom.

35 Following the Accused's departure, the Complainant put on her shorts and panties. At 12.36pm, she texted [A] to tell [A] that the Accused had raped her. [A] replied with a series of messages,⁸⁷ asking *inter alia* whether the Accused had "penetrated" the Complainant. When the Complainant replied in

⁸⁰ NEs 29 July 2025 Page 33 Lines 30–31.

⁸¹ NEs 29 July 2025 Page 34 Lines 3–7.

⁸² NEs 29 July 2025 Page 34 Line 6.

⁸³ NEs 29 July 2025 Page 34 Lines 9–10.

⁸⁴ Complainant's CS at para 13 (AB at p 3).

⁸⁵ NEs 29 July 2025 Page 34 Lines 11–16.

⁸⁶ NEs 29 July 2025 Page 34 Lines 17–18.

⁸⁷ Exhibit P2 at pp 3–6 (AB at pp 18–21).

the affirmative, [A] asked her if she had already called the police – to which the Complainant said “no” a number of times. At trial, the Complainant testified that she did not initially want to make a police report because⁸⁸ –

I don’t want to be questioned. I don’t want to go through all the checks. I don’t want to tell people what is it and I don’t know how to tell people or describe.

36 The Complainant also asked [A] to inform [B] (with whom the Complainant was then in a relationship) about the incident. She did not want to tell [B] herself as she did not know what to say.⁸⁹ [A] subsequently arrived at the Complainant’s flat at about 1.46pm, as evidenced by the text she sent the Complainant at that time asking the latter to open the door of her home. [B] and [C] arrived at the flat sometime after [A]. The Complainant thought that [A] must have told [B] and [C] about what had happened: she did not do so herself because she “couldn’t give them the details”.⁹⁰ She was then driven by her friends to KKH, as they wanted her to see a doctor.

37 At KKH, the staff told the Complainant that she had to make a police report as this was “a sexual assault case”.⁹¹ This led to the Complainant lodging a police report at Tanglin Police Division to inform that the Accused had raped her.⁹²

⁸⁸ NEs 29 July 2025 Page 38 Lines 14–19.

⁸⁹ NEs 29 July 2025 Page 38 Lines 9–29.

⁹⁰ NEs 29 July 2025 Page 40 Lines 6–7.

⁹¹ Complainant’s CS at para 14 (AB at p 3).

⁹² NEs 29 July 2025 Page 40 Lines 8–13.

38 Following her return home, the Complainant received a number of text messages from [C].⁹³ In her evidence-in-chief at trial, the Complainant testified that she understood from [C]’s messages that [C] “wanted [her] to report to police and to continue with the investigation”.⁹⁴ The Complainant explained that [C] had asked her to “reconsider” after she told [C] that she did not wish to go ahead with the police investigation. She hated the questions which had been asked of her by the police because⁹⁵ –

... its like putting salt in my wound. I just don’t like it to be open.

39 In her text messages to [C], the Complainant also told [C] that she did not know “[why] it happen”: she had only had work-related contact with the Accused, and it was not as if she and the Accused had ever flirted or chatted “throughout the years”.⁹⁶ The Complainant also told [C] that the Accused’s “words” (“*he keep say he like me tat time...keep ask how many yrs we know*”) were in her mind. In her evidence-in-chief, she testified that these words were in her mind because the Accused kept repeating them throughout the incident on 23 August 2021.⁹⁷

[A]’s evidence

40 [A] testified that as at 23 August 2021, she had known the Complainant for about 10 years, when they both worked in the same clinic. [A] was then

⁹³ Exhibit P4: Messages between [C] and the Complainant between 23 August 2021 at about 7.25pm and 24 August 2021 at about 7.37pm (“Exhibit P4”) at pp 1–3 (AB at pp 33–35).

⁹⁴ NEs 29 July 2025 Page 41 Lines 30–31.

⁹⁵ NEs 29 July 2025 Page 42 Line 11.

⁹⁶ Exhibit P4 at p 5 (AB at p 37); NEs 29 July 2025 Page 42 Lines 12–20.

⁹⁷ NEs 29 July 2025 Page 42 Line 23–Page 43 Line 3; Exhibit P4 at p 6 (AB at p 38).

working part-time in the clinic while the Complainant was the clinic manager.⁹⁸ They maintained a close friendship after [A] stopped working at the clinic.⁹⁹ [A] described the Complainant as a “very quiet” person,¹⁰⁰ “someone who is very introverted...not the kind who likes to share her problems with people”.¹⁰¹

41 [A] testified that on 23 August 2021, she received a series of text messages from the Complainant at 12.09pm, stating “my electrician hug me”, “fug”, “now in e rm” and “i scared”.¹⁰² [A] understood from these messages that an electrician had gone over to the Complainant’s house to fix a heater,¹⁰³ that the electrician was “having close contact” with the Complainant, and that she was afraid.¹⁰⁴ [A] replied to the Complainant asking her to leave her room door open.¹⁰⁵ At trial, [A] explained that she had asked the Complainant to leave her door open so that she would be able to “easily run out of the room” if anything were to happen.¹⁰⁶ The Complainant told [A] that the electrician had hugged her “in the hall” and repeated that she was “scared”.¹⁰⁷ In response, [A] suggested that if nothing else happened, then the Complainant should “just stop engaging this electrician” and “[f]ind someone else to fix her electrical appliances in the future”.¹⁰⁸

⁹⁸ NEs 30 July 2025 Page 11 Lines 17–18.

⁹⁹ NEs 30 July 2025 Page 11 Line 17.

¹⁰⁰ NEs 30 July 2025 Page 11 Line 18.

¹⁰¹ NEs 30 July 2025 Page 18 Lines 14–15.

¹⁰² Exhibit P2 at p 2 (AB at p 17).

¹⁰³ NEs 30 July 2025 Page 12 Lines 10–12.

¹⁰⁴ NEs 30 July 2025 Page 12 Lines 10–12.

¹⁰⁵ NEs 30 July 2025 Page 12 Lines 13–14.

¹⁰⁶ NEs 30 July 2025 Page 12 Lines 15–16.

¹⁰⁷ Exhibit P2 at p 3 (AB at p 18).

¹⁰⁸ NEs 30 July 2025 Page 12 Lines 25–27.

42 At 12.36pm, the Complainant sent [A] a further two messages in which she stated “he rape me”.¹⁰⁹ On seeing these messages, [A] was very shocked.¹¹⁰ While trying to process what had happened, [A] sent the Complainant a number of text messages between 12.36pm and 12.50pm, in which she asked the Complainant, *inter alia*, whether the electrician had left her house and whether she wanted to go to the police. In her evidence-in-chief at trial, [A] explained that she sent these messages because she was “trying to check in on [the Complainant] to make sure she can respond” instead of “shutting down”.¹¹¹ [A] explained that whenever the Complainant “shut down”, she would “[lose] interest in her daily life” and “escape from everything” by locking herself in the room, not doing anything, and not going to work. [A] felt that it was “not healthy” for the Complainant to seek to “escape from everything” and that “the right thing to do [was] to get some justice”.¹¹²

43 In response to [A]’s queries about whether she had called the police, the Complainant replied “no” in a series of messages. The Complainant told [A] that she would not make a police report as she hated “those checks”. She also asked [A] to tell [B] what had happened as she herself did not know what to say to [B].¹¹³

44 [A] testified that prior to learning from the Complainant that she had been raped, [A] had been planning to go out with her friends. Once she found out that the Complainant had been raped, however, she immediately went over

¹⁰⁹ NEs 30 July 2025 Page 12 Lines 28–29.

¹¹⁰ NEs 30 July 2025 Page 12 Lines 31–32.

¹¹¹ NEs 30 July 2025 Page 12 Line 31–Page 13 Line 11.

¹¹² NEs 30 July 2025 Page 13 Lines 14–22.

¹¹³ Exhibit P2 at pp 3–5 (AB at pp 18–20).

to the Complainant's flat instead.¹¹⁴ The Complainant told [A] to turn back, saying that she wanted to sleep, but [A] – who sensed that the Complainant was “trying to escape from the reality”¹¹⁵ – was undeterred.¹¹⁶ [A] also told [B] and [C] briefly about what had happened to the Complainant, and asked if they were free to go over to her flat as well.¹¹⁷ At trial, [A] could not recall exactly what she told [B] and [C], but she testified that she probably told them that the Complainant had been raped, and that she needed their help.¹¹⁸

45 [A] reached the Complainant's house at 1.46pm.¹¹⁹ There, [A] found her “sitting at her usual spot on the bed”.¹²⁰ According to [A], the Complainant was in a daze and spoke incoherently.¹²¹ She was also “staring blankly, her eyes [looked] vacant like there was no focus and light in her eyes”.¹²² At trial, [A] testified that she had seen the Complainant in a state of stress on previous occasions – “but not to such extent”.¹²³ [A] explained that as the Complainant needed to provide for two young daughters, she had “a lot of stress on her shoulder” – but usually, even if she was stressed out, she would still talk to [A].¹²⁴ What was different on 23 August 2021 was that when [A] tried to speak

¹¹⁴ NEs 30 July 2025 Page 15 Lines 25–30.

¹¹⁵ NEs 30 July 2025 Page 15 Line 15.

¹¹⁶ NEs 30 July 2025 Page 15 Lines 28–30.

¹¹⁷ NEs 30 July 2025 Page 16 Lines 9–12.

¹¹⁸ NEs 30 July 2025 Page 16 Lines 22–23.

¹¹⁹ Conditioned Statement of [A] dated 17 June 2024 (“[A]’s CS”) at para 4 (AB at pp 29–30).

¹²⁰ NEs 30 July 2025 Page 17 Line 3.

¹²¹ NEs 30 July 2025 Page 16 Lines 29–31.

¹²² NEs 30 July 2025 Page 17 Lines 3–4.

¹²³ NEs 30 July 2025 Page 17 Lines 7–8.

¹²⁴ NEs 30 July 2025 Page 17 Line 14–Page 18 Line 3.

to the Complainant, the Complainant “would just stare blankly into the air and have not much of a reaction at all”: she either failed to respond to [A] or had to be prompted a few times before she could talk.¹²⁵

46 When [A] told the Complainant that they should call the police, the Complainant replied that she did not want to do so because she “did not want to repeat her story again or be subject to medical examination and just wanted to forget everything”.¹²⁶ When asked what she understood of the Complainant’s demeanour and behaviour when the Complainant said this, [A] testified that she felt that the Complainant had been “traumatised” when “that thing happened to her”. According to [A]:¹²⁷

It’s very difficult for [the Complainant] to open up. So when it happens, when she said that she doesn’t want to repeat her story, I get where she is coming from because she already been through that situation. And having her to open up to so many people is very difficult for her. And then for the medical examination part, she just feels that why she has to go through all this thing when she’s like the victim. Then when she said that she wants to forget everything, this is the part where I know that she’s just trying to escape and not face the reality.

47 [B] and [C] subsequently arrived at the Complainant’s flat, following which the four of them proceeded to KKH.¹²⁸ According to [A], they did not

¹²⁵ NEs 30 July 2025 Page 17 Line 31–Page 18 Line 5.

¹²⁶ NEs 30 July 2025 Page 18 Lines 7–9; [A]’s CS at para 4 (AB at pp 29–30).

¹²⁷ NEs 30 July 2025 Page 18 Lines 12–22.

¹²⁸ NEs 30 July 2025 Page 18 Lines 23–27.

further discuss the incident during the car journey:¹²⁹ the Complainant was “just sitting in the car quietly” and “continue[d]...staring in the air”.¹³⁰

48 After the visit to KKH, [A] and [C] accompanied the Complainant to Police Cantonment Complex and waited there for her until about 7.30pm, at which point they left pursuant to the Complainant’s request that they go to her home to take care of her daughters.¹³¹ [A] and [C] stayed at the Complainant’s flat with her daughters until she returned home in the company of police officers.

[B]’s evidence

49 [B] testified that he had known the Complainant for more than 10 years and that they were in a close relationship.¹³² On 23 August 2021, [B] received a series of text messages from the Complainant at 12.09pm, in which she stated “he hug me”. [B], who understood the Complainant to be referring to “the electrician”,¹³³ found the messages “concerning”.¹³⁴ He was angry as he felt “maybe” the Complainant “was threatened by the electrician”. He therefore told the Complainant to ask the Accused to leave and said that he would arrange for another electrician.¹³⁵ The Complainant replied that she “[did not] want to go out”,¹³⁶ which [B] understood to mean she had no intention of leaving her

¹²⁹ NEs 30 July 2025 Page 19 Lines 4–8.

¹³⁰ NEs 30 July 2025 Page 19 Lines 1–5.

¹³¹ NEs 30 July 2025 Page 19 Lines 9–11; [A]’s CS at para 6 (AB at p 30).

¹³² NEs 30 July 2025 Page 3 Lines 10–16.

¹³³ NEs 30 July 2025 Page 3 Line 32–Page 4 Line 3.

¹³⁴ Conditioned Statement of [B] dated 19 June 2024 (“[B]’s CS”) at para 2 (AB at p 52).

¹³⁵ NEs 30 July 2025 Page 4 Lines 12–16.

¹³⁶ NEs 30 July 2025 Page 4 Lines 17–18.

house.¹³⁷ [B] also testified that from the Complainant’s text messages, he “ascertained” that there was “a degree of molestation in this case”: as such, he advised the Complainant that this was “a very serious offence” and that she should call the police.¹³⁸ However, the Complainant said “no” to this suggestion in three successive messages sent at 12.11pm.¹³⁹ [B] then asked the Complainant if she needed any help, to which the Complainant replied that she was in the room, and that the Accused was “doing [the] main switch”.¹⁴⁰

50 Subsequent to these messages, [B] was informed by [A] that the Complainant had been raped by her electrician.¹⁴¹ When [B] went to the Complainant’s house and saw the Complainant, she was “frozen”, “robotic” and “a bit dissociated from the environment”.¹⁴² He elaborated that she was “very quiet”, “[looked] cold”, and was “not very responsive” – in his words, “like a zombie”.¹⁴³ She did not speak to him about the incident.¹⁴⁴

51 Given the accusation of rape, [B] felt that they had to act “immediately” as a “very serious crime” was involved.¹⁴⁵ He also formed the view that the Complainant needed to be brought to a hospital for medical attention because the sexual assault presented her with the risk of physical injuries, emotional

¹³⁷ NEs 30 July 2025 Page 4 Lines 19–20.

¹³⁸ NEs 30 July 2025 Page 5 Lines 1–6.

¹³⁹ NEs 30 July 2025 Page 5 Line 7.

¹⁴⁰ NEs 30 July 2025 Page 5 Lines 7–27.

¹⁴¹ NEs 30 July 2025 Page 6 Lines 1–2.

¹⁴² NEs 30 July 2025 Page 6 Lines 9–10.

¹⁴³ NEs 30 July 2025 Page 6 Lines 13–16.

¹⁴⁴ NEs 30 July 2025 Page 7 Lines 19–22.

¹⁴⁵ NEs 30 July 2025 Page 6 Lines 21–25.

stress and sexually transmitted disease.¹⁴⁶ Accordingly, he drove all four of them to KKH. He recalled that the Complainant was quiet during the car journey.¹⁴⁷ Later that day, he also drove [A], [C] and the Complainant to the Police Cantonment Complex.¹⁴⁸

[C]'s evidence

52 [C] testified that like [A], she had met the Complainant when they were working together in the same clinic.¹⁴⁹ She was close to the Complainant; and they remained in contact even after [C] stopped working at the clinic.¹⁵⁰

53 According to [C], she was informed by [A] on 23 August 2021 that the Complainant had been raped.¹⁵¹ [C] arrived at the Complainant's house at about 3.00pm.¹⁵² By that time, [A] and [B] were already in the flat with the Complainant.¹⁵³ [C] recalled that the Complainant "looked lost",¹⁵⁴ "was just in a daze", and was "not responding to anything".¹⁵⁵ [C] also noticed that the Complainant's hair – which was usually "very straight and neat and flat" – looked "pretty messy".¹⁵⁶

¹⁴⁶ NEs 30 July 2025 Page 6 Line 27–Page 7 Line 3.

¹⁴⁷ NEs 30 July 2025 Page 7 Lines 14–17.

¹⁴⁸ NEs 30 July 2025 Page 8 Lines 5–8.

¹⁴⁹ NEs 30 July 2025 Page 22 Lines 18–20; Conditioned Statement of [C] dated 17 June 2024 ("[C]'s CS") at para 3 (AB at p 31).

¹⁵⁰ NEs 30 July 2025 Page 22 Lines 22–23.

¹⁵¹ NEs 30 July 2025 Page 23 Lines 14–15; [C]'s CS at para 2 (AB at p 31).

¹⁵² NEs 30 July 2025 Page 22 Lines 24–26.

¹⁵³ NEs 30 July 2025 Page 22 Lines 25–26.

¹⁵⁴ [C]'s CS at para 4 (AB at p 31).

¹⁵⁵ NEs 30 July 2025 Page 22 Lines 30–31.

¹⁵⁶ NEs 30 July 2025 Page 22 Line 30–Page 23 Line 3.

54 From the Complainant's flat, all four of them made their way to KKH and thereafter to Tanglin Police Division and then Police Cantonment Complex.¹⁵⁷ [C] recalled that during this entire time, the Complainant was quiet and "looked like her soul [was] not in her body".¹⁵⁸ When [C] tried to talk to the Complainant, the Complainant would either fail to respond, or she would respond only after "a very delayed period".¹⁵⁹ The Complainant did not talk to [C] about the incident during this entire time.¹⁶⁰

55 After spending some time waiting for the Complainant at Police Cantonment Complex, [A] and [C] left for the Complainant's home in order to help her take care of her daughters.¹⁶¹ They stayed at the Complainant's home until she returned sometime around midnight.¹⁶² According to [C], neither she nor [A] dared to ask the Complainant about the details of the incident "at that point in time because it happened too soon".¹⁶³

56 After [C] left the Complainant's house, she continued exchanging text messages with the Complainant. At this juncture, the Complainant was having second thoughts about going through the whole process of filing a police report. In [C]'s view, this was because there were "a lot of things" that the Complainant was "worried" about, and also because she was "somebody that...is very closed up...[s]o when something bad that happened to her, she also don't want to

¹⁵⁷ NEs 30 July 2025 Page 23 Lines 4–9.

¹⁵⁸ NEs 30 July 2025 Page 23 Line 26.

¹⁵⁹ NEs 30 July 2025 Page 23 Lines 26–29.

¹⁶⁰ NEs 30 July 2025 Page 23 Lines 30–31.

¹⁶¹ NEs 30 July 2025 Page 24 Lines 1–4; [C]'s CS at para 7 (AB at p 31).

¹⁶² NEs 30 July 2025 Page 24 Lines 6–7; [C]'s CS at para 8 (AB at p 32).

¹⁶³ NEs 30 July 2025 Page 24 Line 20.

say”.¹⁶⁴ [C] explained that among other things, the Complainant was worried about [B] being “dragged” into “coming to Court” and “having to take statements”.¹⁶⁵ She did not know what to expect if she proceeded with the filing of the police report, and “hate[d] the questions that [were] going to be asked on her because it’s a ‘he say, she say’ situation”.¹⁶⁶

57 In the course of these messages, the Complainant also questioned why this had happened to her when she had never flirted or chatted with the Accused throughout the years, and the only reason why he was at her home that day was to carry out repairs.¹⁶⁷

Other witnesses

58 In addition to the Complainant and her three friends, the Prosecution called the following two other witnesses:

(a) Dr Koh Meiling Serena (“Dr Koh”), a consultant from the department of obstetrics and gynaecology at KKH. Dr Koh conducted a medical examination on the Complainant at 8.54pm on 23 August 2021,¹⁶⁸ following which she prepared a medical report dated 2 November 2021.¹⁶⁹ In addition to reporting on her findings in the medical examination of the Complainant, Dr Koh also documented in the report the information provided to her by the Complainant regarding

¹⁶⁴ NEs 30 July 2025 Page 26 Line 29–Page 27 Line 5.

¹⁶⁵ NEs 30 July 2025 Page 27 Lines 19–24.

¹⁶⁶ NEs 30 July 2025 Page 28 Lines 14–19.

¹⁶⁷ NEs 30 July 2025 Page 29 Lines 4–30.

¹⁶⁸ Conditioned Statement of Dr Koh dated 25 June 2024 (“Dr Koh’s CS”) at para 2 (AB at p 362).

¹⁶⁹ Dr Koh’s CS at para 3 (AB at p 362).

the “episode of non-consensual sexual intercourse”.¹⁷⁰ In her evidence-in-chief at trial, Dr Koh testified that she had recorded in the medical report a reference to the Complainant having been “physically restrained while on her bed” after hearing from the Complainant that the Accused had “held her on her left thigh for some time” – which statement Dr Koh also documented in the report.¹⁷¹ Asked to elaborate on whether her examination of the Complainant revealed any “fresh injuries for sexual assault”, Dr Koh testified that she had observed, firstly, “some redness at the first proximal interphalangeal joint of the [Complainant’s] left hand”; secondly, two purplish bruises, measuring two millimetres each on the anterior surface of her left thigh; and thirdly, a notch at the six o’clock position of the hymen.¹⁷² In respect of the two bruises on the Complainant’s thigh, Dr Koh was unable to comment on what could have caused these bruises.¹⁷³ In respect of the notch at the six o’clock position of the hymen, Dr Koh was not able to comment whether this was a fresh injury.¹⁷⁴ Dr Koh also recorded in the medical report the following observations of the Complainant’s demeanour during the medical examination:¹⁷⁵

... [The Complainant] sounds as if she is going to cry at times during the history taking but she did not burst into tears. Appears as if she is trying to be outwardly calm but is actually

¹⁷⁰ Medical Report of Dr Koh dated 2 November 2021 (“Dr Koh’s medical report”) at p 1 (AB at pp 363).

¹⁷¹ Dr Koh’s medical report at pp 2–3 (AB at pp 364–365); NEs 30 July 2025 Page 34 Lines 25–31.

¹⁷² NEs 30 July 2025 Page 35 Line 26– Page 36 Line 4.

¹⁷³ NEs 30 July 2025 Page 36 Lines 20–24.

¹⁷⁴ NEs 30 July 2025 Page 36 Lines 2–5.

¹⁷⁵ Dr Koh’s medical report at p 3 (AB at p 365).

distressed and upset. She answers questions appropriately and appeared to have a normal mental state.

(b) ASP Ramesh Vincent Kasavalu (“ASP Ramesh”), a police officer who was attached to the serious sexual crime branch, criminal investigation department at the time of the incident. ASP Ramesh gave evidence about the Accused’s arrest and the seizure of various exhibits.¹⁷⁶

The evidence led by the Defence

59 I next summarise the evidence led by the Defence. In respect of the Defence’s case, the Accused was the sole witness.

The Accused’s evidence

60 The Accused agreed with the Complainant’s evidence that he had first come into contact with her in 2015 when he carried out renovation works at her flat.¹⁷⁷ He also agreed that in subsequent years, there would generally be contact between them if there were repair jobs to be done.¹⁷⁸ Whenever the Complainant asked him to assist with repairs at her flat, the Accused would go to her flat first to carry out “a check” and to give her a quotation on the work to be done.¹⁷⁹ According to the Accused, each time he went to the Complainant’s flat, her

¹⁷⁶ Conditioned Statement of ASP Ramesh Vincent s/o Kasavalu dated 19 June 2024 (AB at pp 101–110); NEs 30 July 2025 Page 41 Line 10–Page 51 Line 29.

¹⁷⁷ NEs 31 July 2025 Page 4 Lines 6–10.

¹⁷⁸ NEs 31 July 2025 Page 4 Lines 31–32.

¹⁷⁹ NEs 31 July 2025 Page 5 Lines 11–19.

children would “always” be at home; and there were one or two occasions when the Complainant’s boyfriend was also at her home.¹⁸⁰

61 On 21 August 2021, the Complainant called the Accused to ask him to check on the lights and the heater in the common toilet of her flat.¹⁸¹ The Accused went over to the Complainant’s flat the following day. He recalled that there was a problem with the toilet light switch which he managed to resolve on the same day.¹⁸² As for the heater, he did not find any issue with it, but he noticed that “the wire for the lights had already burned and melted down”. He also noticed “some issue with the main switch in the kitchen”. As he did not at that point have the materials needed to rectify both these problems, he told the Complainant that he would return the next day (23 August 2021) to carry out the repair works.¹⁸³ He also informed her that the total cost for all the works would be \$430 and requested a deposit of \$200.¹⁸⁴ This was paid by the Complainant transferring \$200 to his bank account. The Accused recalled that during this conversation, the Complainant’s two daughters and her helper were present at home.¹⁸⁵

62 On 23 August 2021, the Accused arrived at the Complainant’s home sometime between 11.40am and 11.45am.¹⁸⁶ After entering the flat, he had a short conversation with the Complainant and told her that he would do the work

¹⁸⁰ NEs 31 July 2025 Page 5 Lines 11–20.

¹⁸¹ NEs 31 July 2025 Page 5 Line 26–Page 6 Line 7.

¹⁸² NEs 31 July 2025 Page 6 Lines 6–12.

¹⁸³ NEs 31 July 2025 Page 6 Lines 12–29.

¹⁸⁴ NEs 31 July 2025 Page 6 Lines 16–21.

¹⁸⁵ NEs 31 July 2025 Page 6 Lines 21–25.

¹⁸⁶ NEs 31 July 2025 Page 6 Lines 31–32.

in the kitchen first. He did not know where she went after this conversation, as she did not follow him around while he was doing his work.¹⁸⁷

63 The work in the kitchen took about five to ten minutes. Upon completing it, the Accused called out to the Complainant to tell her that he had completed the work in the kitchen and would need to switch off the main switch next.¹⁸⁸

64 By this time, the Complainant had walked out of the master bedroom.¹⁸⁹ The Accused recalled asking her if she had a ladder that he could borrow and being provided with a ladder which she retrieved from the storeroom.¹⁹⁰ As he was climbing up the ladder to remove the lid of the DB box,¹⁹¹ he became aware that the Complainant was standing behind him. While he was doing the work on the DB box, she commented that the work he was doing was “so easy”, to which he replied, “[i]f you feel that it’s so easy, why don’t you do it yourself”.¹⁹² They did not say anything else after that; and when the Accused came down from the ladder, the Complainant was no longer in the hall.¹⁹³

65 The Accused denied the *actus reus* of the First Charge. According to the Accused, he did not hug the Complainant before he started work on the DB box.¹⁹⁴

¹⁸⁷ NEs 31 July 2025 Page 7 Lines 6–9.

¹⁸⁸ NEs 31 July 2025 Page 7 Lines 10–17.

¹⁸⁹ NEs 31 July 2025 Page 7 Lines 19–20.

¹⁹⁰ NEs 31 July 2025 Page 7 Lines 20–22.

¹⁹¹ NEs 31 July 2025 Page 7 Lines 19–24.

¹⁹² NEs 31 July 2025 Page 7 Lines 28–31.

¹⁹³ NEs 31 July 2025 Page 7 Line 31–Page 8 Line 3.

¹⁹⁴ NEs 31 July 2025 Page 8 Lines 4–19.

66 After completing the work on the DB box (which took slightly over 10 minutes),¹⁹⁵ the Accused called out to the Complainant again and said that he was about to turn on the main switch.¹⁹⁶ He asked the Complainant to check all the lights, the heater, and the air-conditioning in the rooms to see if there was any power.¹⁹⁷ He also told her that he would inspect the kitchen. When the Accused returned from his inspection of the kitchen, the Complainant was in the master bedroom.¹⁹⁸ He heard her yelling that the heater in the master bedroom toilet was not heating up. He then walked up to the door of the master bedroom and asked why the heater was not heating up when the power supply had come back on.¹⁹⁹

67 As the Complainant continued to insist that the heater was not heating up,²⁰⁰ the Accused walked into the master bedroom.²⁰¹ At this point, the Complainant was standing in the master bedroom toilet and using her outstretched hands to test the temperature of the water coming out from the shower head.²⁰² The Accused claimed that as he walked up to the toilet door, he noticed that the power supply to the heater was not even switched on, despite the Complainant stating that she had switched it on. He then turned on the switch, after which the Complainant confirmed that the water was heating up.²⁰³

¹⁹⁵ NEs 31 July 2025 Page 8 Lines 24–26.

¹⁹⁶ NEs 31 July 2025 Page 8 Lines 21–23.

¹⁹⁷ NEs 31 July 2025 Page 8 Lines 28–30.

¹⁹⁸ NEs 31 July 2025 Page 8 Lines 29–32.

¹⁹⁹ NEs 31 July 2025 Page 9 Lines 1–5.

²⁰⁰ NEs 31 July 2025 Page 9 Line 5.

²⁰¹ NEs 31 July 2025 Page 9 Lines 3–8.

²⁰² NEs 31 July 2025 Page 9 Lines 11–12.

²⁰³ NEs 31 July 2025 Page 9 Lines 16–27.

68 The Accused claimed that at this point, as he was turning around, the Complainant pulled his right arm. He turned back to face her and asked her, “what do you want?”²⁰⁴ The Complainant responded by asking the Accused the same question, “what do you want?”²⁰⁵ By this time, they were both standing outside the master bedroom toilet.²⁰⁶

69 The Accused claimed that following the Complainant’s response to his question, he hugged the Complainant around the waist,²⁰⁷ and they started kissing.²⁰⁸ The Accused was standing with his back to the bed, while the Complainant’s back was to the toilet door,²⁰⁹ and her hands were placed on top of his shoulders.²¹⁰ From this position, they moved “slowly” towards “the end of the bed” while hugging and kissing each other, before “landing” on the bed.²¹¹ The Accused claimed that after they “landed” on the bed, they were “face to face”: he was lying on his stomach, while the Complainant was lying next to him.²¹²

70 According to the Accused, this was when the sexual acts described in the Second to the Fourth Charges took place, with the Complainant’s consent and participation. The Accused claimed that he started by pushing up the

²⁰⁴ NEs 31 July 2025 Page 9 Lines 28–32.

²⁰⁵ NEs 31 July 2025 Page 9 Line 32–Page 10 Line 3.

²⁰⁶ NEs 31 July 2025 Page 10 Lines 4–6.

²⁰⁷ NEs 31 July 2025 Page 10 Line 9.

²⁰⁸ NEs 31 July 2025 Page 10 Lines 11–12.

²⁰⁹ NEs 31 July 2025 Page 10 Lines 12–14.

²¹⁰ NEs 31 July 2025 Page 10 Line 11.

²¹¹ NEs 31 July 2025 Page 10 Lines 15–17.

²¹² NEs 31 July 2025 Page 13 Lines 3–9.

Complainant's top and bra, and kissing her breasts.²¹³ He also removed the Complainant's pants and underwear,²¹⁴ before sitting up to remove his pants.²¹⁵

71 Next, according to the Accused, he turned back to kiss the Complainant's breasts.²¹⁶ The Accused claimed that at this point, the Complainant was lying "flat ... on her back" while he was "partially on top of her".²¹⁷ Asked to clarify what he meant by this, the Accused said that "[his] body was not on top of her body", and his legs were not on top of any part of her body: what he meant was that his head was "at her breast" and "partially around her chest area".²¹⁸ He claimed that at this juncture, he also used his finger to penetrate the Complainant's vagina;²¹⁹ and he felt that she was "feeling euphoria"²²⁰ as she was "getting wet ... in the vagina".²²¹

72 Next, according to the Accused, the Complainant moved her body "upwards" towards the centre of the bed while still lying on her back.²²² The Accused then crawled between her legs,²²³ and used his penis to penetrate her vagina.²²⁴ The Accused recalled that there was no conversation between the two

²¹³ NEs 31 July 2025 Page 13 Lines 10–23.

²¹⁴ NEs 31 July 2025 Page 13 Lines 24–32.

²¹⁵ NEs 31 July 2025 Page 14 Lines 2–12.

²¹⁶ NEs 31 July 2025 Page 14 Lines 16–17.

²¹⁷ NEs 31 July 2025 Page 15 Lines 1–4.

²¹⁸ NEs 31 July 2025 Page 15 Line 5–Page 16 Line 4.

²¹⁹ NEs 31 July 2025 Page 16 Lines 5–16.

²²⁰ NEs 31 July 2025 Page 16 Lines 17–18.

²²¹ NEs 31 July 2025 Page 16 Lines 20–21.

²²² NEs 31 July 2025 Page 17 Lines 1–11.

²²³ NEs 31 July 2025 Page 17 Lines 13–28.

²²⁴ NEs 31 July 2025 Page 17 Lines 29–31.

of them from the moment when they asked each other “what do you want?” to the moment when he penetrated the Complainant’s vagina with his penis.²²⁵

73 In his evidence-in-chief, the Accused did not dispute that during the sexual intercourse, the Complainant had bitten him on his left arm.²²⁶ His evidence, however, was that she had done so while they were “making love”²²⁷, and that this was the “kind of actions” that “people would do ... when they are excited”.²²⁸ The Accused said that he reacted by pushing the Complainant down to stop her from biting him,²²⁹ because he did not want his family to know about “any extramarital affairs or sexual relations” he might be having “outside”.²³⁰ As they continued with their “love making”, he could hear the Complainant “moaning in excitement”.²³¹ After a while he ejaculated. As he could not withdraw his penis in time, some semen landed in the Complainant’s vagina. Using his hand to hold his penis, he got off the bed and put his underwear and pants back on.²³²

74 According to the Accused, there was still no conversation between him and the Complainant up to this point.²³³ The Accused walked out of the master bedroom and went to the kitchen to wash his hands.²³⁴ When he returned to the

²²⁵ NEs 31 July 2025 Page 18 Lines 12–21.

²²⁶ NEs 31 July 2025 Page 18 Line 26–Page 19 Line 5.

²²⁷ NEs 31 July 2025 Page 19 Lines 6–7.

²²⁸ NEs 31 July 2025 Page 19 Lines 12–13.

²²⁹ NEs 31 July 2025 Page 19 Lines 19–28.

²³⁰ NEs 31 July 2025 Page 19 Lines 15–18.

²³¹ NEs 31 July 2025 Page 19 Lines 29–32.

²³² NEs 31 July 2025 Page 20 Lines 1–29.

²³³ NEs 31 July 2025 Page 20 Lines 19–24.

²³⁴ NEs 31 July 2025 Page 21 Lines 1–2.

living room, he saw that the Complainant had put on her clothes and was standing beside the bed, combing her hair.²³⁵ The Accused told the Complainant that he was about to leave. When she did not reply, he repeated that he was about to leave. The Accused claimed that this time, the Complainant responded by uttering the single word “Money” – to which he replied: “Don’t have”.²³⁶

75 Asked to explain what this conversation was about, the Accused said that he was “actually quite confused” by it. He recalled that there was “still a balance of \$230” owed to him by the Complainant for the repair job: he did not know whether she was referring to this \$230 or whether “she was asking [him] for money”. He did not ask her to clarify.²³⁷ His “heart was racing” by then as he “was afraid that she would ask [him] for money”.²³⁸ He told the Complainant a third time that he was leaving. This time, she told him to “[g]o back” and to “close her door along the way”, whereupon he left the flat.²³⁹

76 The Accused added that the incident with the Complainant was “just a relationship between a man and a woman”.²⁴⁰ He expressed the view that this could not have been rape because “the kissing, the hugging and the love making” had taken 10 minutes; and “[i]f it had been a rape”, it “wouldn’t be resolved in such a time”. Asked to clarify this statement, the Accused said that the “standard timing” for “lovemaking” with his own wife was “around 10 or

²³⁵ NEs 31 July 2025 Page 21 Line 4–Page 22 Line 6.

²³⁶ NEs 31 July 2025 Page 22 Lines 7–9.

²³⁷ NEs 31 July 2025 Page 22 Lines 15–18.

²³⁸ NEs 31 July 2025 Page 22 Lines 29–30.

²³⁹ NEs 31 July 2025 Page 23 Lines 7–12.

²⁴⁰ NEs 31 July 2025 Page 23 Lines 14–15.

slightly over 10 minutes”; and that a rape “cannot be so short” because “the other party would resist and struggle”.²⁴¹

77 At the conclusion of his evidence-in-chief, the Accused informed that he had a number of other things he wanted to say. First, he claimed that during his trip to the Complainant’s flat on 22 August 2021 (the day before the incident), he had been wearing a gold chain worth around \$20,000–\$30,000. On the day of the incident, he was also wearing the same gold chain.²⁴² The Accused opined that “perhaps” the Complainant had seen his gold chain and was “jealous that [he was] wearing the gold chain”.²⁴³ Second, the Accused said that he had a shop near the Complainant’s block of flats which he had been operating for about seven years:²⁴⁴ “about 65%” of his customers knew him and were “very nice” to him while he was “equally nice” to them. Asked how this information was relevant to his defence, the Accused said that it was relevant to show that “[he] would not commit rape”.²⁴⁵

Issues to be determined

78 To recapitulate, insofar as the First Charge was concerned, the Accused denied this charge in entirety: his position was that the alleged hug in the hallway of the flat never took place. As for the Second to Fourth Charges, the Accused did not dispute the commission of the sexual acts described in these charges but claimed that they were carried out with the Complainant’s consent, in the context of an episode of “love making”.

²⁴¹ NEs 31 July 2025 Page 23 Line 13–Page 24 Line 8.

²⁴² NEs 31 July 2025 Page 24 Lines 23–29.

²⁴³ NEs 31 July 2025 Page 25 Lines 5–26.

²⁴⁴ NEs 31 July 2025 Page 26 Lines 14–32.

²⁴⁵ NEs 31 July 2025 Page 27 Lines 1–3.

79 The Prosecution thus had the burden of establishing the following beyond a reasonable doubt:

- (a) in respect of the First Charge, that the *actus reus* of the charge was made out, and that there was a lack of consent from the Complainant.
- (b) in respect of the Second to Fourth Charges, that there was a lack of consent from the Complainant to the various acts described.

The applicable principles

80 Both the Prosecution and the Defence were agreed that the “unusually convincing” standard applied to the Complainant’s evidence in the present case.²⁴⁶

81 The “unusually convincing” standard is typically invoked where the uncorroborated evidence of a witness forms the sole basis for conviction (*GII v Public Prosecutor* [2025] 3 SLR 578 (“*GII*”) at [25], citing *Public Prosecutor v GCK* [2020] 1 SLR 486 (“*GCK*”) at [87]). Its use stems from the recognition that while there is no formal legal requirement for corroboration under the law, it may be unsafe to convict an accused person on the basis of the uncorroborated evidence of a witness unless such evidence is unusually convincing (*GII* at [25], citing *XP v Public Prosecutor* [2008] 4 SLR(R) 686 at [27]–[28]). As the Court of Appeal explained in *GCK* (at [91]), the “unusually convincing” standard is not a “test” at all, but rather a heuristic tool. It is a cautionary reminder to the court of the high threshold that the Prosecution must meet in order to secure a conviction, and of the anxious scrutiny that is required because of the severe

²⁴⁶ PCS at para 11; DCS at paras 1–6.

consequences that will follow from a conviction (see also *GII* at [26] and *Public Prosecutor v Yap Pow Foo* [2023] SGHC 11 at [56]).

82 As the Court of Appeal further explained in *GCK* (at [90], citing *Kwan Peng Hong v Public Prosecutor* [2000] 2 SLR(R) 824 (“*Kwan Peng Hong*”) at [29]), the “overwhelming consideration” that triggers the application of the “unusually convincing” standard is the amount and availability of evidence. For a witness’s testimony to be “unusually convincing”, it must be “so convincing that the Prosecution’s case was proven beyond reasonable doubt, solely on the basis of the evidence” (*Haliffie bin Mamat v Public Prosecutor* [2016] 5 SLR 636 (“*Haliffie*”) at [28], citing *Public Prosecutor v Mohammed Liton Mohammed Syeed Mallik* [2008] 1 SLR(R) 601 (“*Liton*”) at [38]). The relevant considerations in determining whether a witness is unusually convincing are his or her demeanour, as well as the internal and external consistencies found in the witness’ testimony (*Haliffie* at [28], citing *AOF v Public Prosecutor* [2012] 3 SLR 34 (“*AOF*”) at [115]).

The First Charge

83 In the next section of these written grounds, I set out my evaluation of the evidence in respect of the First Charge. I deal with the First Charge separately from the other three charges because it was only in respect of the First Charge that the Accused disputed the *actus reus* of the charge.

The Complainant’s evidence was unusually convincing

84 In respect of the First Charge, I found the Complainant’s testimony on the First Charge to be unusually convincing. My reasons were as follows.

The Complainant's account was internally consistent

85 First, the Complainant's account of the hug described in the First Charge was internally consistent. In her evidence-in-chief, the Complainant gave a detailed account of the events leading up to the hug and of the hug itself. According to her account, she had gone into the master bedroom to use her laptop while the Accused carried out the repair works at the common toilet in the kitchen.²⁴⁷ After the Accused told her that he had fixed the switches in the kitchen and would be working on the DB switch next, she came out of the bedroom to look at the repair works.²⁴⁸ It was while she was having a conversation with the Accused in the living room that the Accused reached out "all of a sudden", "pulled [her] towards him" and gave her a hug.²⁴⁹ The Complainant was able to provide clear details about the manner in which the physical act of hugging was carried out by the Accused. She described how the Accused pulled her towards him by her forearm before hugging her with both his arms behind her back.²⁵⁰ She was able to recall that the Accused used "[s]trong" force to do so and that the hug was "[q]uite fast, few seconds". She also described how she managed to break free by pushing against his upper arms with her hands.²⁵¹

86 The Complainant's account of the hug was also internally consistent insofar as her evidence of her reaction aligned with her evidence of the relationship between her and the Accused. *Per* the Complainant's narrative, the relationship between the two of them was purely that of service provider (the

²⁴⁷ Complainant's CS at para 7 (AB at pp 1–2).

²⁴⁸ NEs 29 July 2025 Page 18 Lines 11–27; Complainant's CS at para 7 (AB at pp 1–2).

²⁴⁹ NEs 29 July 2025 Page 19 Lines 1–8; Complainant's CS at para 7 (AB at pp 1–2).

²⁵⁰ NEs 29 July 2025 Page 19 Line 13–Page 20 Line 7.

²⁵¹ NEs 29 July 2025 Page 20 Lines 10–25.

Accused) and customer (the Complainant). Her only interactions with the Accused throughout the years were purely in relation to the renovation and repair services he provided:²⁵² she had never contacted him for anything other than these work-related reasons;²⁵³ and even then, they only interacted on an intermittent basis. In fact, there had been no contact between the two of them for nearly two years prior to the incident on 23 August 2021.²⁵⁴ The absence of any personal relationship between the Complainant and the Accused as at 23 August 2021 was thus consistent, firstly, with her assertion that she had not consented to the hug from the Accused; and secondly, with her description of the alarm she felt upon being hugged by him.

87 As to the Complainant's failure to flee the flat or to call the police following the unwanted hug, I found that she was able to provide a reasonable explanation. She explained that having been shocked by the unwanted hug, her only thought in that moment was that she wanted the Accused to "quickly complete the repair works and leave".²⁵⁵ In cross-examination, she maintained that it did not cross her mind to ask for help despite feeling scared, because she was thinking that the Accused could finish up his work and then go off.²⁵⁶ This evidence as to her thought process following the hug struck me as being sincere. It was also consistent with the evidence of her panicked retreat to the bedroom and the messages she sent [B] stating that she was in her room and "duno want go out".²⁵⁷

²⁵² NEs 29 July 2025 Page 12 Lines 30–31.

²⁵³ NEs 29 July 2025 Page 13 Lines 3–5.

²⁵⁴ NEs 29 July 2025 Page 17 Lines 4–6.

²⁵⁵ NEs 29 July 2025 Page 25 Lines 7–8; Complainant's CS at para 9 (AB at pp 2).

²⁵⁶ NEs 29 July 2025 Page 50 Lines 19–21.

²⁵⁷ Exhibit P3: Messages between the Complainant and [B] on 23 August 2021 between 12:07pm and 5.32pm ("Exhibit P3") at pp 1–2 (AB at pp 24–25).

The Complainant's account was externally consistent

88 Next, the Complainant's account was externally consistent, in that her testimony at trial about the unwanted hug aligned with the contemporaneous messages she sent [A] and [B] on 23 August 2021, in which she stated that the Accused had hugged her, and that she was scared.

89 The authenticity of these messages was not challenged by the Defence. They showed that at 12.09pm, the Complainant texted [A] to tell [A] that her electrician had hugged her, and that she was "scared".²⁵⁸ At 12.10pm, the Complainant sent [A] a further three messages, stating "he hug me in the hall", "i went [room]", and "i scared".²⁵⁹ The Complainant sent a number of messages to [B] at 12.09pm, telling him that the Accused had hugged her, that she was in her room, and that she did not want to go out.²⁶⁰

90 Insofar as the Complainant's account pointed to the absence of any personal relationship with the Accused prior to 23 August 2021, this evidence was also consistent with the Accused's own evidence. In his evidence-in-chief, the Accused himself described their interactions prior to 23 August 2021 as follows:²⁶¹

I got to know her through renovation of her house ... And then in the subsequent years, there were sometimes contact to discuss about some repairs. But it's not very frequently...[I]f there were jobs to be done ... then we will contact ... It was only

²⁵⁸ Exhibit P2 at p 2 (AB at p 17).

²⁵⁹ Exhibit P2 at p 3 (AB at p 18).

²⁶⁰ Exhibit P3 at pp 1–2 (AB at pp 24–25).

²⁶¹ NEs 31 July 2025 Page 4 Line 8–Page 5 Line 12.

on occasional time when things became faulty, she would call me.

91 The Complainant’s account of the hug described in the First Charge was also consistent with the account of events she gave Dr Koh during the medical examination at 8.54pm on 23 August 2021. In the medical report prepared by Dr Koh following the medical examination,²⁶² the Complainant was documented as having referred to two instances of the Accused hugging her: once before he followed her “to the room”; and a second time when he also kissed her and “pushed [her] to the bed” inside the bedroom.

There was corroboration for the Complainant’s account

92 I have set out above my reasons for finding that the Complainant’s evidence in respect of the First Charge was unusually convincing. Further and in any event, her account of the unwanted hug was corroborated by the contemporaneous messages to [A] and [B].

93 In *Haliffie*, the Court of Appeal explained (at [30], citing *AOF* at [173]) that where the complainant’s evidence was not unusually convincing, an accused’s conviction would be unsafe unless there was “some corroboration of the complainant’s story”. As to what could amount to “corroborative evidence”, this was further elucidated by the Court of Appeal in *Liton* as follows (at [42]–[43]):

42 As to what can amount to corroborative evidence, the Evidence Act (Cap 97, 1997 Rev Ed) did not, at its inception, provide a definition of corroboration and still does not do so. However, by virtue of s 2(2), the common law is imported into the Evidence Act unless it is inconsistent with the Act’s tenor and provisions. There is thus legal justification for the judicial

²⁶² Dr Koh’s medical report at p 2 (AB at p 364).

adoption of the common law definition of corroboration laid down in the oft-cited English decision of *R v Baskerville* [1916] 2 KB 658 at 667, *ie*, independent evidence implicating the accused in a material particular.

43 However, it is clear that the *Baskerville* standard (as set out in the preceding paragraph) does not apply in its strict form in Singapore since Yong CJ, in *Tang Kin Seng [v Public Prosecutor]* [1996] 3 SLR(R) 444, advocated a liberal approach in determining whether a particular piece of evidence can amount to corroboration. ...

94 The liberal approach to corroboration focuses on the substance, relevance and confirmatory value of the evidence in question (*GCK* at [96], citing *AOF* at [173]–[174]). As further explained in *Public Prosecutor v Tan Chee Beng* [2023] SGHC 93 (“*Tan Chee Beng*”) (at [64], citing *Liton* at [43]), this liberal approach equips the trial judge with “the necessary flexibility to treat relevant evidence as corroborative”, and to focus on the substance and relevance of the evidence, and “whether it is supportive or confirmative of the weak evidence which it is meant to corroborate”.

95 Applying the “liberal approach” to corroboration, subsequent complaints made by the complainant herself are treated as corroborative evidence, provided that “the statement [implicating] the [accused] was made at the first reasonable opportunity after the commission of the offence” (*Haliffie* at [30], citing *AOF* at [173] and *Public Prosecutor v Mardai* [1950] MLJ 33 at 33; see also *Tan Chee Beng* at [65]). In *GDC v Public Prosecutor* [2020] 5 SLR 1130, for example, which involved a case of alleged aggravated outrage of modesty, Sundaresh Menon CJ found (at [14]) that a report written by the complainant in her school counsellor’s office on the same day as the alleged assault constituted substantial corroboration of her testimony about the incident.

96 In the present case, as highlighted earlier, the Complainant sent [A] and [B] multiple messages between 12.09pm and 12.10pm, stating that her electrician had hugged her; that she was in her room; and that she was scared. Given the timing of these messages, they clearly constituted corroborative evidence in that they were statements which implicated the Accused, and which were made at the first reasonable opportunity after the commission of the offence described in the First Charge.

The Accused's defence did not raise a reasonable doubt

97 Having found the Complainant's evidence on the First Charge to be unusually convincing and in any event corroborated by other evidence, I also found that the Accused's defence did not cast any reasonable doubt on her account of events.

98 The Accused admitted to having been present in the Complainant's flat at the material time on 23 August 2021. He also agreed that she had walked out of the master bedroom to the living room after he called out to her about completing the repair works in the kitchen.²⁶³ As noted earlier, however, he denied hugging her in the living-room. In their closing submissions, the Defence argued that the Complainant's testimony about this hug lacked both internal and external consistency for the following reasons:

- (a) First, the Defence argued that contrary to her testimony, the messages sent by the Complainant to [A] and [B] were not sent "immediately" after the hug. Instead, according to the Defence, there

²⁶³ NEs 31 July 2025 Page 7 Lines 8–20.

was a gap of almost 15 minutes between the purported hug and the messages which was “unaccounted for”.²⁶⁴

(b) Second, the Defence found it suspicious that in her evidence-in-chief, the Complainant made no mention of her act of lending the Accused a ladder to allow him to work on the DB box: this point only came up when the Complainant was being cross-examined. The Defence argued that the loan of the ladder to the Accused was significant because it showed that the Complainant was still interacting with the Accused even after the purported hug in the hallway; and this contradicted her evidence about having gone straight into her bedroom room after the hug and immediately texting [A] and [B].²⁶⁵

(c) Third, the Defence argued that the Complainant’s testimony that she “didn’t think” of asking for help could not be believed as it was “against the weight of the evidence”. From the text messages sent by [B], it could be seen that he had “explicitly” instructed the Complainant to call the police and to “go outside [her] house” and had also offered to go to her flat. As such, the Complainant’s evidence about not having thought of asking for help was “against the weight of the evidence”.²⁶⁶

99 I address below each of these alleged areas of inconsistencies.

²⁶⁴ DCS at paras 13–21.

²⁶⁵ DCS at paras 18–20.

²⁶⁶ DCS at paras 23–25.

Alleged delay between the hug and the text messages from the Complainant to [A] and [B]

100 In respect of the argument at (a), the Defence relied on ASP Ramesh’s evidence in his conditioned statement that the Accused “was seen entering the lift of the said block on 23 August 2021 at 11.43am and exiting the lift on the same day at 12.38pm”.²⁶⁷ The Defence argued that since the Complainant’s evidence was that the repair of the kitchen switches had taken less than five minutes, this meant that the Accused’s work in the kitchen would have been completed by 11.55am at the latest – which in turn meant that the hug in the hallway must have happened around this time.²⁶⁸ On the other hand, the Complainant’s messages to [A] and [B] were sent at 12.09pm. According to the Defence, this showed that the Complainant only texted [A] and [B] “a full 14 minutes” after the hug, and not “immediately” thereafter as she claimed in her evidence-in-chief. The Defence submitted that the existence of this 14-minute gap and the Complainant’s failure to account for it rendered her testimony unreliable.²⁶⁹

101 I did not find any merit in the above argument. First, the Complainant did *not* in fact testify to having texted her friends *immediately after the hug*: her evidence during her examination-in-chief was that [A] was the first person she texted about the hug and that she did so *immediately after going to her room*.²⁷⁰ It was defence counsel who stated – erroneously – to the Complainant during cross-examination: “... you said that almost immediately after the hug, you

²⁶⁷ Conditioned Statement of ASP Ramesh Vincent s/o Kasavalu dated 19 June 2024 at para 24 (AB at 108).

²⁶⁸ DCS at para 16.

²⁶⁹ DCS at para 17.

²⁷⁰ NEs 29 July 2025 Page 22 Lines 2–3.

messed your friends, right, and [A] and [B]”.²⁷¹ The Complainant said “Yes” in response to this²⁷² – but it did not appear to me that the Complainant’s affirmative response was a result of a deliberate change in her evidence about having texted [A] immediately *after going to her room*: more likely than not, since neither counsel nor the Deputy Public Prosecutor (“DPP”) pointed out the error in counsel’s statement, the Complainant simply did not notice the discrepancy in counsel’s summary of her answer in her examination-in-chief. For the avoidance of doubt, I did not think there was any intention on counsel’s part to mislead the Complainant: the discrepancy appeared to have been a genuine error which was also not highlighted in re-examination.

102 Second, the timeline of events set out by the Defence was predicated entirely on the Complainant’s and the Accused’s estimates of the time taken by the Accused to finish the repair work in the kitchen. This was not a case where either the Complainant or the Accused had referred to a clock or a watch or some other device to measure the exact length of time taken for the repair work. Given that the timings they gave were simply estimates, I did not think it was realistic to insist that the hug must have occurred at *exactly* 11.55am and/or that the Complainant must have texted her friends within mere seconds upon returning to her room. After all, based on the Complainant’s testimony,²⁷³ as well as the contents of her text messages to [A] and [B],²⁷⁴ she was still in a state of shock when she went into her room. It was reasonable to expect that she might have needed at least a moment or two to process what had happened before texting her friends.

²⁷¹ NEs 29 July 2025 Page 49 Lines 20–21.

²⁷² NEs 29 July 2025 Page 49 Line 22.

²⁷³ Complainant’s CS at para 8 (AB at p 2).

²⁷⁴ Exhibit P2 at pp 2–3 (AB at pp 17–18); Exhibit P3 at pp 1–2 (AB at pp 24–25).

103 For the above reasons, the Defence was not correct in claiming that the Complainant’s messages to [A] and [B] were sent “a full 14 minutes” after the hug. More fundamentally, it was not disputed that between 12.09pm and 12.10pm, the Complainant *did* send messages to [A] and [B]; and that in these messages, she stated that the Accused had hugged her. In the closing submissions filed on the Accused’s behalf, it was suggested that “the possibility” that the Complainant’s messages to her friends might have been “self-serving” could not be ruled out.²⁷⁵ I did not find any merit in this suggestion. On the evidence before me, there was simply no purpose to be served by the Complainant lying to her friends *at 12.09pm and 12.10pm* about an unwanted hug from the Accused. Based on both the Complainant’s and the Accused’s evidence, the sexual intercourse did not take place until some minutes before the Accused’s departure from the Complainant’s flat: as at 12.09pm and 12.10pm, no sexual intercourse had yet taken place. It was inconceivable that as at 12.09pm and 12.10pm, the Complainant should have taken it into her head to come up with a story about unwanted physical contact from the Accused. Even if I were to accept for the sake of argument the Accused’s story about the Complainant falsely accusing him of rape after consensual intercourse, it beggared belief that in advance of such intercourse, the Complainant should already have concocted an elaborate scheme to lay the ground for a false rape accusation by inventing a story of an unwanted hug. Indeed, it was not even suggested to the Complainant in cross-examination that she deliberately made up a story of the hug in her messages to her friends at 12.09pm and 12.10pm.

²⁷⁵ DCS at para 5.

The Complainant's act of lending the Accused a ladder or chair

104 As for the Complainant's omission to mention in her evidence-in-chief the fact that she had lent the Accused a ladder (or chair) to facilitate his access to the DB switch, I did not find this to be in any way material to her credibility. The Complainant readily admitted to this when cross examined. She was able to explain that after the unwanted hug, she had simply wanted the Accused to "quickly complete the repair works and leave".²⁷⁶ There was no reason, therefore, for her to refuse to lend the Accused a ladder or chair to facilitate his completion of the repair works. Further and in any event, lending the Accused a ladder or chair would not have necessitated further physical contact, nor was there any reason for the Complainant to imagine that the loan of such an item for the purposes of the repair works would be construed as an invitation to further physical contact.

The Complainant's failure to leave her flat or to call the police despite suggestions from [B] that she do so

105 As to the argument about the Complainant having "disregarded" suggestions from [B] that she leave her flat and/or call the police,²⁷⁷ the Defence claimed that it was not trying to submit that the Complainant (or for that matter, any victim of sexual assault) "should behave in a prescribed manner".²⁷⁸ Nevertheless, since the Defence also argued that the Complainant's failure to heed [B]'s advice should "be taken into account in assessing how much weight is to be given to [her] evidence",²⁷⁹ the only sensible interpretation of the

²⁷⁶ NEs 29 July 2025 Page 25 Lines 7–8; Complainant's CS at para 9 (AB at p 2).

²⁷⁷ Exhibit P3 at pp 2–3 (AB at pp 25–26).

²⁷⁸ DCS at para 26.

²⁷⁹ DCS at para 26.

Defence's submissions was that they found the Complainant's failure to leave her flat and/or call the police suspicious and in some way damaging to the credibility of her evidence.

106 In this connection, it must be highlighted that "there is no archetypal or standard reaction to sexual assault": "[a]ttempts to conventionalise the behaviour of sexual assault victims ... have been roundly rejected by the Court of Appeal" (*Public Prosecutor v BZT* [2022] SGHC 91 at [241], citing *Yue Roger Jr v Public Prosecutor* [2019] 1 SLR 829 at [3]).

107 In *GBR v Public Prosecutor* [2018] 3 SLR 1048 ("*GBR*"), the appellant was convicted after trial of having committed aggravated outrage of modesty on his 13 year-old niece by fondling her breasts and touching and licking her vaginal area (at [2]). On appeal, he sought *inter alia* to reprise the argument that the victim's behaviour during and after the offence was atypical – for example, she had failed to scream, shout or cry for help (at [16]). In rejecting this argument, the Court reiterated that "victims of sexual crimes cannot be straitjacketed in the expectation that they must act or react in a certain manner". In *GBR*, the fact that the victim was young, sexually inexperienced and thus likely taken aback by the appellant's conduct "meant that her reaction was well within the realm of possibilities and indeed would have been perfectly foreseeable" (at [20]).

108 In the present case, the Complainant explained that after the Accused hugged her, she had gone into her bedroom; and she did not want to leave the bedroom because she "was thinking to let [the Accused] finish the work and then [the Accused] [could] go off".²⁸⁰ In cross-examination, she maintained that

²⁸⁰ NEs 29 July 2025 Page 24 Line 15.

she did not think of asking for help because her first thought was for the Accused to finish up his work and to go off.²⁸¹ It was not disputed that at the material time, the Complainant had only ever interacted with the Accused in the context of engaging his services for repairs and renovation works. It should also be noted that both [A] and [C] described the Complainant as being an “introverted” and “closed up” person.²⁸² In the circumstances, I found it “well within the realm of possibilities” (*GBR* at [20]) that after the unwanted hug, the Complainant should have retreated to her room and hoped for the Accused to finish the repair works quickly instead of fleeing her flat or calling the police.

Summary of findings on the First Charge

109 In sum, therefore, for the reasons set out at [84]–[108], I was satisfied that there was sufficient evidence to prove the physical elements of the First Charge and the lack of consent from the Complainant, beyond a reasonable doubt.

The Second, Third and Fourth Charges

110 I next address the Second to the Fourth Charges. As noted earlier, the Accused admitted to carrying out the sexual acts described in these charges, but whereas the Complainant’s evidence was that he had forced himself on her, the Accused claimed that he had acted with the Complainant’s consent; indeed, with her eager participation.

²⁸¹ NEs 29 July 2025 Page 50 Lines 19–21.

²⁸² NEs 30 July 2025 Page 18 Lines 14–15; Page 26 Line 29–Page 27 Line 5.

The Complainant's evidence was unusually convincing

111 I accepted the Complainant's account of events in relation to the Second to the Fourth Charges as I found her testimony to be unusually convincing. My reasons were as follows.

The Complainant's account was internally consistent

112 First, I found the Complainant's testimony to be internally consistent. The Complainant was able to provide a clear and vivid account of the events before, during and following the rape and sexual assault. She described in detail the sequence of events in the whole ordeal, from the point she exited the master bedroom toilet to find the Accused standing outside the bathroom door,²⁸³ being pushed by the Accused towards the dressing table and being hugged by him,²⁸⁴ and then being pushed onto the bed where he then raped and sexual assaulted her.²⁸⁵ She was able to recall details such as how her body was positioned after the Accused pushed her onto the bed,²⁸⁶ and how the Accused removed her clothing before carrying out the acts of digital-vaginal and penile-vaginal penetration.²⁸⁷ She recounted clearly her repeated pleas to the Accused to "let [her] go",²⁸⁸ and her efforts to get away from him by pushing at his upper arms while he was hugging her and subsequently by trying to wriggle away from him

²⁸³ NEs 29 July 2025 Page 25 Line 24–Page 26 Line 16.

²⁸⁴ NEs 29 July 2025 Page 25 Lines 24–25; Page 26 Line 19–Page 27 Line 19; Complainant's CS at para 10 (AB at p 2).

²⁸⁵ NEs 29 July 2025 Page 29 Line 24–Page 34 Line 8; Complainant's CS at paras 10–12 (AB at pp 2–3).

²⁸⁶ NEs 29 July 2025 Page 30 Lines 4–14.

²⁸⁷ NEs 29 July 2025 Page 30 Line 15–Page 32 Line 26.

²⁸⁸ NEs 29 July 2025 Page 33 Lines 13–19.

on the bed.²⁸⁹ She was also able to explain why these attempts to escape the Accused's sexual advances were unsuccessful: *inter alia*, she failed to push the Accused away during the hug at the dressing-table because he was hugging her "very, very tightly";²⁹⁰ and on the bed, she found herself unable to wriggle away from him because his body was on top of hers.²⁹¹

113 In addition to describing the sexual acts carried out by the Accused, the Complainant was also able to recall what the Accused said to her during these acts. *Inter alia*, she described the Accused asking her how long they had known each other as he was hugging her, and telling her that he liked her.²⁹² He told her "not to be afraid" even as she was struggling to break free.²⁹³ Subsequently, as he was inserting his penis into her vagina, he "kept asking when was the last time [she] had sex".²⁹⁴

114 The Complainant's account of rape and sexual assault was also consistent with her evidence about her relationship with the Accused as at 23 August 2021. As I noted earlier, the Complainant's evidence was that the two of them had previously interacted with each other only in the context of service provider and customer; and even then, the interaction had been sporadic. Indeed, the Complainant testified the two of them had no contact for nearly two years prior to 23 August 2021.²⁹⁵ The Complainant's assertion that she could not

²⁸⁹ NEs 29 July 2025 Page 27 Line 20–Page 28 Line 3; Page 33 Lines 6–7.

²⁹⁰ NEs 29 July 2025 Page 28 Line 8.

²⁹¹ NEs 29 July 2025 Page 33 Lines 8–9.

²⁹² NEs 29 July 2025 Page 29 Lines 14–18.

²⁹³ NEs 29 July 2025 Page 29 Lines 24–28.

²⁹⁴ NEs 29 July 2025 Page 33 Lines 25–31; Complainant's CS at para 12 (AB at p 3).

²⁹⁵ NEs 29 July 2025 Page 17 Lines 4–6.

have consented to sexual intercourse with the Accused that day was thus consistent with her evidence about the absence of any prior, personal relationship between the two of them: evidence which (it should be noted) was accepted and corroborated by the Accused himself.²⁹⁶

The Complainant's account was externally consistent

115 The Complainant's account of rape and sexual assault was also externally consistent.

116 First, the Complainant's account was consistent with the text messages that she sent [A] between 12.36pm and 12.55pm, in which she told [A] "he rape me" and confirmed that the Accused had penetrated her and "he shoot in".²⁹⁷

117 Second, the Complainant's evidence that she felt "like shit" following the rape and sexual assault²⁹⁸ was consistent with her friends' description of her demeanour and behaviour when they saw her in the flat shortly after the incident. [A], [B] and [C] all testified to the Complainant having been in a state of shock, "in a daze" and "like a zombie".²⁹⁹

118 Third, the Complainant's testimony at trial was consistent with the account she provided to Dr Koh, who examined her on the day of the incident. In the medical report dated 2 November 2021,³⁰⁰ Dr Koh noted *inter alia* that the Complainant reported having been accosted by the Accused outside the

²⁹⁶ NEs 31 July 2025 Page 28 Lines 3–28.

²⁹⁷ Exhibit P2 at pp 3–4 (AB at pp 18–19).

²⁹⁸ NEs 29 July 2025 Page 34 Line 10.

²⁹⁹ NEs 30 July 2025 Page 6 Lines 13–16; Page 16 Line 28–Page 18 Line 5; Page 22 Line 24–Page 23 Line 3.

³⁰⁰ Dr Koh's medical report (AB at pp 363–366).

bedroom toilet door before being hugged by him and then pushed onto the bed. Dr Koh also documented the Complainant's account of the Accused kissing her on her lips and breasts, squeezing her breasts, and carrying out the acts of digital-vaginal and penile-vaginal penetration.

119 Fourth, the Complainant's account of events was consistent with the police report she filed on the day of the incident, in which she stated that she had been raped.³⁰¹

120 For completeness, in assessing the external consistency of the Complainant's testimony, I did not place any weight on the evidence of the bite mark found on the Accused. The Defence claimed that this was a "love bite",³⁰² while the Prosecution took the position that the Complainant had bitten the Accused in an attempt to stop the sexual assault.³⁰³ In my view, the existence of the bite mark *per se* did not point one way or the other; and the fairest thing to do was to view it as being not particularly helpful to either the Prosecution's or the Defence's case.

There was corroboration for the Complainant's account

121 Further and in any event, the Complainant's account of rape and sexual assault was corroborated by the contemporaneous messages she sent [A] in which she informed [A] she had been raped, as well as [A]'s, [B]'s and [C]'s observation of her demeanour and behaviour shortly after the incident.

³⁰¹ Exhibit P5 (AB at p 54).

³⁰² DCS at para 9.

³⁰³ PCS at para 35.

122 As I noted earlier at [93]–[95], the liberal approach to corroboration adopted by our courts treats subsequent complaints made by the complainant herself as corroboration provided that “the statement [implicating] the [accused] was made at the first reasonable opportunity after the commission of the offence” (*Haliffie* at [30]). In the present case, the relevant messages from the Complainant to [A] were sent at 12.36pm. Police camera footage from the ground floor lift lobby at the Complainant’s block of flats showed the Accused exiting from the lift at 12.38pm. This meant that the messages from the Complainant to [A] – in which the Complainant stated “*he rape me*” – were sent within mere minutes of the sexual acts committed against her by the Accused and as soon as the Accused left her flat. In the circumstances, the Complainant’s message to [A] about the rape constituted corroboration of her testimony at trial, being a statement which implicated the Accused and which was made at the first reasonable opportunity after the commission of the offence.

123 In addition, [A], [B] and [C] all testified to finding the Complainant in a state of significant shock and distress when they arrived at her flat shortly after the incident: [A] described the Complainant as having been in a “daze”, speaking “incoherently”,³⁰⁴ and “staring blankly” with “vacant” eyes;³⁰⁵ [B] described the Complainant as having been in a “frozen” and “robotic” state, very quiet and unresponsive, and “a bit dissociated”;³⁰⁶ and [C] described her as having been in an unresponsive “daze”.³⁰⁷

³⁰⁴ NEs 30 July 2025 Page 16 Lines 29–31; [A]’s CS at para 4 (AB at pp 29–30).

³⁰⁵ NEs 30 July 2025 Page 17 Lines 3–4.

³⁰⁶ NEs 30 July 2025 Page 6 Lines 9–10 and Page 7 Lines 8–17.

³⁰⁷ NEs 30 July 2025 Page 26 Line 17.

124 The authorities are clear that third parties' observations of distress on the part of a complainant constitutes corroboration of the complainant's testimony: see eg, *Kwan Peng Hong* at [40(c)–(d)]. In *Haliffie*, for example, the Court of Appeal noted that several witnesses who came across the complainant shortly after the alleged rape testified to her having demonstrated great emotional distress. The Court of Appeal held that these witnesses' evidence as to the complainant's distress "unquestionably corroborate[d]" her account of having been raped by the appellant Haliffie (at [66]). In the present case, [A]'s, [B]'s, and [C]'s evidence as to the state of shock and distress in which they found the Complainant shortly after the incident thus constituted corroboration of the latter's testimony at trial regarding the rape and sexual assault she was subjected to.

The Accused's defence did not raise a reasonable doubt

125 Having found the Complainant's testimony about the rape and sexual assault to be unusually convincing and in any event corroborated by other evidence, I also found that the Accused's defence did not cast any reasonable doubt on the Prosecution's case.

The Accused's account was internally inconsistent

126 First, the Accused's account of events was internally inconsistent, in that his story of a consensual sexual encounter was inconsistent with the undisputed history and nature of the relationship between him and the Complainant. As I noted earlier (at [90] above), the Accused himself admitted that prior to 23 August 2021, his interactions with the Complainant were solely in relation to repairs and renovation works which the latter needed: he first carried out renovation works at her flat in 2015; and while there was some contact in

subsequent years regarding repairs, such contact occurred “not very frequently”.³⁰⁸ As the Accused himself put it:³⁰⁹

It was only on occasional times when things become faulty, she would call me.

127 Even on the Accused’s own evidence, there was never any indication of romantic or sexual interest by the Complainant in him prior to the incident on 23 August 2021.³¹⁰ The Accused’s account of the Complainant’s sudden display of sexual interest in him that day was therefore inconsistent with his evidence as to the previously limited and transactional nature of their dealings.

128 Quite apart from the inconsistency *vis-à-vis* the history of their interactions prior to the incident, even the Accused’s account of the moments immediately before and after the alleged “love-making” was internally inconsistent. According to the Accused, he had arrived at the Complainant’s flat that day intending only to carry out the repair works needed to her kitchen light and DB switch. Prior to his commission of the various sexual acts described in the Second to the Fourth Charges, the only substantive interaction between him and the Complainant involved the latter lending him a ladder or chair to facilitate his access to the DB switch. There was no sexual banter or even any conversation of a personal nature up to the moment when – out of the blue – the Complainant allegedly pulled his arm as he was leaving and said to him, “what do you want?” in response to his posing the same question to her.³¹¹ In short, therefore, the Accused’s own evidence as to the lack of any personal interaction

³⁰⁸ NEs 31 July 2025 Page 4 Lines 18–19.

³⁰⁹ NEs 31 July 2025 Page 5 Lines 11–12.

³¹⁰ NEs 31 July 2025 Page 28 Lines 6–28.

³¹¹ NEs 31 July 2025 Page 9 Line 28–Page 10 Line 3; Page 34 Line 22.

prior to the moment of sudden physical contact sat oddly with his story of a consensual sexual interlude in which the Complainant not only agreed to unprotected sex but participated enthusiastically in the various sexual acts.

129 The Accused's evidence as to the Complainant's alleged enjoyment of the various sexual acts also sat oddly with his evidence of her behaviour immediately after the completion of these sexual acts. According to him, within minutes after their bout of "love-making", the Complainant had abruptly said to him the single word, "Money"; and when he replied, "Don't have" and "I'm leaving", she had told him to "go back".³¹² Given the Accused's claims about the Complainant's enthusiastic responses and expressions of pleasure during their "love-making", her allegedly curt – even hostile – attitude immediately afterwards appeared incongruous – to say the least; and all the more so because the Accused himself could offer no explanation for the Complainant's (purported) sudden about-face.

130 Indeed, the Accused's evidence about the Complainant's behaviour immediately after the sexual encounter was riddled with inconsistencies. When the police recorded a statement from him on 24 August 2021 (the day after the incident), the Accused told the police that following the sexual encounter, he had not collected the balance \$230 owed to him by the Complainant for the repair works. When asked why he had not asked her for the \$230, he first said that he had forgotten about the money because he felt he had "got some advantage" of the Complainant and was "[c]onfused already". When asked by the investigation officer ("IO") to explain this, the Accused then said that the reason why he did not ask the Complainant for the balance \$230 was because

³¹² NEs 31 July 2025 Page 22 Line 2–Page 23 Line 9.

he had felt “embarrassed ... to open [his] mouth” to ask for the money.³¹³ When asked by the IO whether he felt “the sex was payment for the 230 dollars that was owed to him”, the Accused demurred and said that since “[i]t was consensual between 2 people”, he had decided to “take it that this 230 [he] just never mind”.³¹⁴ Tellingly, throughout the recording of the police statement, the Accused said nothing about the Complainant having said to him the word “Money” immediately after their sexual encounter. When cross-examined at trial about this omission, the Accused claimed that he “didn’t say some things” in his police statement of 24 August 2021 because he was “in a state of confusion the first time [he] was brought back by the police for investigation”.³¹⁵ This explanation struck me as being disingenuous and unbelievable, since he was clearly capable on 24 August 2021 of providing the police with details of the Complainant’s alleged state of undress (“*Wearing her top ... Don’t think wearing the bottom*”)³¹⁶ and physical position (“... *standing at the vanity cabinet*”)³¹⁷ at the point of his departure from the flat; *and* he even told the police that she had gestured at him with her hand and said “OK” upon hearing that he was leaving.³¹⁸

131 When cross-examined further by the DPP on the omission in his 24 August 2021 statement, the Accused claimed that he did subsequently tell the police about the Complainant’s utterance of the word “Money” immediately

³¹³ Transcript of Accused’s audiovisual recorded statement on 24 August 2021 between 3.07pm and 4.56pm (“Accused’s 24 August 2021 VRI”) at pp 201–202 (Prosecutions Bundle of Exhibit filed 21 July 2025 (“PBOE”) at pp 244–245).

³¹⁴ Accused’s 24 August 2021 VRI at pp 202–203 (PBOE at pp 245–246).

³¹⁵ NEs 31 July 2025 Page 45 Lines 20–29.

³¹⁶ Accused’s 24 August 2021 VRI at pp 179 (PBOE at p 222).

³¹⁷ Accused’s 24 August 2021 VRI at pp 179 (PBOE at p 222).

³¹⁸ Accused’s 24 August 2021 VRI at pp 181 (PBOE at p 224).

after the sexual encounter. However, he was unable to recall when he told the police this.³¹⁹ He was then referred to his cautioned statement of 14 December 2023, in which – in response to a charge of rape – he had stated:³²⁰

... Everything that happened was under the consent of both parties. The other party asked me to give her a sum of money but I do not have the capability to do so. So she turn ard [sic] and sue me of raping her. I am not the only partner that she had ... I felt that this woman was someone who will do anything for money ...

132 It will be noted that when served with the charge of rape on 14 December 2023, the Accused was clear in stating in his cautioned statement that the Complainant had “asked [him] to give her a sum of money” after sex and that she was “su[ing]” him after he proved incapable of paying her. This was inconsistent, firstly, with his statement of 24 August 2021 (in which he had said nothing about the Complainant asking him for money after sex), and secondly, with his testimony at trial (in which he said that the Complainant had uttered the single word “Money” but claimed that “it’s not that she wants money from [him]” and that it was simply “[his] own thinking” that she might ask him for money after sex).³²¹

133 Tellingly, when the Accused was shown his cautioned statement of 14 December 2023, he claimed that the line “*The other party asked me to give her a sum of money*” did not come from him. According to him, it was the only line

³¹⁹ NEs 31 July 2025 Page 45 Line 30–Page 47 Line 27.

³²⁰ Exhibit P16: Accused’s statement recorded on 14 December 2023 at about 12.48pm at p 4 (AB at p 351).

³²¹ NEs 31 July 2025 Page 43 Lines 4–13.

in the entire statement which did not come from him.³²² This seemed to me quite incredible, since the rest of the statement expressly referred to the Complainant's apparent decision to "sue [him] of raping her" and being the sort of woman who would "do anything for money". In any event, the Accused himself offered no explanation as to how the line "*The other party asked me to give her a sum of money*" could have found its way into his cautioned statement if in fact it had not emanated from him. Ultimately, though, it was not necessary for me to make any finding on the Accused's repudiation of this one line in his cautioned statement. Even if I were to disregard this line, the contents of the cautioned statement would still be inconsistent with his testimony at trial, since there was no mention in the statement of the Complainant's utterance of the specific word "Money" shortly after sex.

134 To sum up, therefore: the Accused's testimony at trial about the sexual encounter on 23 August 2021 was inconsistent with his own evidence as to the nature of his relationship with the Complainant prior to that date. His account of the moments leading up to and immediately after intercourse was also riddled with multiple internal inconsistencies.

The Accused's account was externally inconsistent

135 The Accused's account of a consensual – even pleasurable – sexual encounter was also externally inconsistent. It was contradicted, firstly, by the messages which the Complainant sent [A] as soon as he left the flat, telling [A] that she had been raped; and secondly, by [A]'s, [B]'s and [C]'s evidence as to the shock and distress exhibited by the Complainant shortly after the sexual encounter.

³²² NEs 31 July 2025 Page 48 Line 29–Page 49 Line 21.

136 Further, the Accused’s assertion that the Complainant had “tidied up” and appeared “normal” just before he left her flat was contradicted by these three other witnesses’ evidence.³²³ As I noted earlier, all three witnesses testified to having found the Complainant “frozen”, incoherent, and “in a daze”. [C] testified that when she first saw the Complainant that afternoon, the latter’s hair was “pretty messy” and not in its usual “straight and neat and flat” style.³²⁴

The Defence’s other arguments did not raise a reasonable doubt

137 Having found the Accused’s account of events to be internally and externally inconsistent, I found his attacks on the Complainant’s credibility to be devoid of merit as well.

(1) Alleged inconsistency between Dr Koh’s report and the Complainant’s testimony

138 First, it was submitted that the results of Dr Koh’s examination of the Complainant were inconsistent with the Complainant’s claim about having been “physically restrained” by the Accused.³²⁵ In this connection, the Defence pointed to the medical report in which Dr Koh had recorded that “[the Complainant] showed [her] two purplish bruises measuring 2mm each, about 1 inch apart, on the anterior surface of her left thigh”, and that the Complainant “[said] that [the Accused] held her on her left thigh for some time”.³²⁶ According to the Defence, the Complainant’s claim about having been restrained by her left thigh was inconsistent with Dr Koh’s comment in the report that she “did

³²³ NEs 31 July 2025 Page 42 Lines 12–14.

³²⁴ NEs 30 July 2025 Page 22 Line 24–Page 23 Line 3.

³²⁵ DCS at para 29.

³²⁶ Dr Koh’s medical report at p 3 (AB at p 365).

not note any bruises which may be consistent with fingermarks there”.³²⁷ The Defence also argued that the Complainant’s statement to Dr Koh about having been “physically restrained” was inconsistent with her account of the incident in both her conditioned statement and her testimony at trial, because she failed to mention such physical restraint in either the conditioned statement or at trial.³²⁸

139 I rejected the above arguments for the following reasons. In the first place, it was clear that the words “physically restrained” in Dr Koh’s report were an expression used by Dr Koh herself – as opposed to being a verbatim transcription by Dr Koh of what the Complainant said to her. In her evidence-in-chief at trial, Dr Koh explained clearly that whenever she documented verbatim something she or the Complainant had said, she would put inverted commas around the verbatim remarks.³²⁹ The words “physically restrained” were not in inverted commas; and when Dr Koh was asked to clarify why she had written these words in the report, she explained that it was because the Complainant had told her that she was “held on her thigh – on the left thigh”.³³⁰

140 Further, insofar as the Defence was suggesting that Dr Koh’s findings contradicted the Complainant’s statement about having been held by her left thigh, there was no basis for such a suggestion. Dr Koh’s report documented “two purplish bruises measuring 2mm each, about 1 inch apart, on the anterior surface of [the Complainant’s] left thigh”.³³¹ As for the comment that she “did

³²⁷ Dr Koh’s medical report at p 3 (AB at p 365).

³²⁸ DCS at para 29.

³²⁹ NEs 30 July 2025 Page 34 Lines 19–21; Dr Koh’s medical report at p 2 (AB at p 364).

³³⁰ NEs 30 July 2025 Page 34 Lines 25–31.

³³¹ Dr Koh’s medical report at p 3 (AB at p 365).

not note any bruises which may be consistent with fingermarks there”, Dr Koh explained that what she meant was that she had looked “for marks that might be, for instance, like four-finger marks and then ... a mark created by the thumb in [*sic*] with some space between the fingers which is like a grip”.³³² She took pains to emphasize that while she did not see this “exact pattern” on the Complainant’s left thigh, she “didn’t mean to convey that the bruises” on the latter’s thigh “were *not* caused ... by fingers” [emphasis added].³³³ In point of fact, she was unable to comment on what could have caused those bruises.³³⁴ In short, contrary to the Defence’s submissions, Dr Koh did not refute or contradict the Complainant’s statement about having been held by her thigh: her evidence on this point was simply neutral.

141 As for the Defence’s argument about the absence of any reference in the Complainant’s conditioned statement and testimony to having been physically restrained, this argument too was without basis. While the Complainant did not specifically mention having been “physically restrained” by the Accused in her conditioned statement,³³⁵ she did refer to having tried unsuccessfully to “push him off”; and in her evidence-in-chief, she also testified that she had tried unsuccessfully to move her body away from the Accused.³³⁶ The Complainant was not challenged in cross-examination on these aspects of her evidence. From this evidence, it was plain that what the Complainant was seeking to convey was that she had in fact been physically restrained – even if she did not use those specific words.

³³² NEs 30 July 2025 Page 36 Lines 12–16.

³³³ NEs 30 July 2025 Page 36 Lines 16–18.

³³⁴ NEs 30 July 2025 Page 36 Lines 18–19.

³³⁵ Complainant’s CS at para 11 (AB at pp 2–3).

³³⁶ NEs 29 July 2025 Page 31 Lines 6–9.

(2) The time frame within which the sexual acts took place

142 Next, the Accused claimed in his evidence-in-chief that the incident could not have been one of rape because it had occurred within a span of 10 minutes; and if it had been a rape, it would not have taken just 10 minutes as “the other party” would have “resist[ed] and struggle[d]”.³³⁷

143 I found the above argument equally devoid of merit. Logically and practically speaking, there was no reason why the acts of rape and sexual assault described in the Second to the Fourth Charges *must* have required more than 10 minutes. Apart from claiming that his own “love-making” with his wife generally took “around 10 or slightly over 10 minutes”, the Accused did not offer any coherent explanation for his assertion that non-consensual sex would invariably require more than 10 minutes. As for his assertion that any physical resistance put up by a rape victim would prolong the time needed for the completion of intercourse, it should be reiterated that the Complainant’s evidence was that her attempts to push the Accused off were unsuccessful because he was stronger;³³⁸ and in cross-examination, the Accused admitted that he was taller than her (“[t]aller by half a head or a head”) and “definitely” stronger.³³⁹ In other words, therefore, it would not have taken prolonged efforts on the Accused’s part to overcome any resistance put up by the Complainant.

³³⁷ NEs 31 July 2025 Page 24 Line 7.

³³⁸ Complainant’s CS at para 11 (AB at pp 2–3).

³³⁹ NEs 31 July 2025 Page 35 Lines 13–17.

(3) The Complainant's motive

144 Finally, insofar as the Accused sought to suggest that the Complainant had some sort of motive to frame him for rape, I found these suggestions to be baseless – indeed, bordering on the outlandish.

145 As I noted earlier, the Accused had suggested in his cautioned statement that the Complainant was “suing” him because of his inability to “pay” her the sum of money she had demanded following their consensual sexual encounter. At trial, he denied that he was saying the Complainant had wanted money from him, but maintained that she had uttered the word “Money” to him and that she had told him to leave after he replied, “Don’t have”.³⁴⁰ He also testified that it was his “perception” or “thinking” that the Complainant “would want to ask money from [him] for the sexual relation”³⁴¹ – while claiming in the same breath that he was not insinuating that she had asked for money after sex.³⁴² The only conclusion I could come to after hearing both these versions of the Complainant’s behaviour was that while his narrative at trial was much more roundabout as compared to his cautioned statement, the Accused was in fact trying to suggest in *both* versions that she must have wanted some monetary recompense from him “for the sexual relation” – and that her accusation of rape must have come about as a result of unhappiness at having failed to get any money.

146 In my view, both the above versions of the Complainant’s behaviour simply could not be believed. As I noted earlier (at [133]), the Accused’s evidence in his cautioned statement about the words actually spoken by the

³⁴⁰ NEs 31 July 2025 Page 42 Line 20–Page 43 Line 6.

³⁴¹ NEs 31 July 2025 Page 43 Lines 13–19.

³⁴² NEs 31 July 2025 Page 42 Lines 20–21.

Complainant (“[t]he other party asked me to give her a sum of money”) was inconsistent with his evidence at trial (“she said ‘Money’”); and in cross-examination at trial, the Accused claimed that the line in his cautioned statement about the Complainant asking him to “give her a sum of money” had not come from him. Neither version was put to the Complainant in cross-examination. Notably, as well, when interviewed by the police the day after the incident, the Accused did not even mention the Complainant asking him to give her a sum of money and/or uttering the word “Money”. In other words, the Accused could not even keep his story straight. In the circumstances, there was no evidential basis for any suggestion that the Complainant must have wanted some money from him after sex and that she must have concocted the rape allegation after failing to get any money.

147 Finally, in his evidence-in-chief, the Accused also suggested that the Complainant might have become “jealous” of him after seeing his expensive gold chain. This suggestion appeared to be an afterthought, as it was not mentioned by the Accused in either his police statements or his cautioned statement. It was not put to the Complainant in cross-examination that she must have noticed the Accused’s gold chain and/or that she must have been jealous of him for possessing such a gold chain. In any event, I found the Accused’s suggestion baseless and quite bizarre. Even assuming for the sake of argument that the Complainant was envious of the Accused’s gold chain, it made no sense for her to lodge a false accusation of rape when doing so meant inevitably subjecting herself to the “torturing” experience of police investigation.³⁴³

³⁴³ NEs 29 July 2025 Page 45 Line 16.

Summary of findings on the Second, Third and Fourth Charges

148 In light of the findings set out at [111]–[144], I accepted the Complainant’s evidence that she did not consent to the sexual acts described in the Second, Third and Fourth Charges; and I rejected the Accused’s story of a consensual sexual encounter. Having found these three charges to be proven beyond a reasonable doubt by the Prosecution, I found the Accused guilty of the three charges.

Conclusion on conviction

149 At the conclusion of the trial, I convicted the Accused of all four charges.

Sentencing

150 Following the Accused’s conviction on the Four Charges, both the Prosecution and the Defence were given time to put in written submissions on the issue of sentence. Having considered their submissions, I sentenced the Accused to a total of 12 years’ and three weeks’ imprisonment and 13 strokes of the cane.

151 In the next section of these written grounds, I explain the reasons for my decision on sentence. I start by setting out the relevant sentencing frameworks.

The applicable sentencing frameworks***The First and Second Charges***

152 In respect of the charges of outraging the Complainant’s modesty by hugging her (the First Charge) and of outraging her modesty by kissing her lips, kissing her bare breasts and squeezing her bare breasts (the Second Charge), the parties were agreed on the application of the sentencing framework laid down

in *Kunasekaran s/o Kalimuthu Somasundara v Public Prosecutor* [2018] 4 SLR 580 (“*Kunasekaran*”).³⁴⁴

153 At the first stage of the *Kunasekaran* framework, the court first considers offence-specific factors; specifically, the degree of sexual exploitation, the circumstances of the offence, and the harm caused to the victim (at [45] and [48]).

154 Based on a consideration of the foregoing offence-specific factors, the court should then ascertain the gravity of the offence before placing it within the following three bands of imprisonment. These are (at [45(b)] and [49]):

- (a) Band 1 (less than five months’ imprisonment): This includes cases that do not present any, or that present at most one of the offence-specific factors; typically cases that involve a fleeting touch or no skin-to-skin contact, and no intrusion into the victim’s private parts.
- (b) Band 2 (five to 15 months’ imprisonment): This includes cases where two or more of the offence-specific factors present themselves. The lower end of the band involves cases where the private parts of the victim are intruded, but there is no skin-to-skin contact. The higher end of the band involves cases where there is skin-to-skin contact with the victim’s private parts. It would also involve cases where there was the use of deception.
- (c) Band 3 (15 to 24 months’ imprisonment): This includes cases where numerous offence-specific factors present themselves, especially

³⁴⁴ Prosecution’s Sentencing Submissions dated 14 November 2025 (“PSS”) at para 21; Defence’s Sentencing Submissions dated 14 November 2025 (“DSS”) at paras 24–25.

factors such as the exploitation of a particularly vulnerable victim, a serious abuse of a position of trust, and/or the use of violence or force on the victim.

155 At the second stage of the *Kunasekaran* framework, the court should consider the offender-specific aggravating and mitigating factors. Aggravating factors include the number of charges taken into consideration, the accused's lack of remorse and relevant antecedents demonstrating recalcitrance. Mitigating factors include a timeous plea of guilt or the presence of a mental disorder or intellectual disability on the accused's part which relates to the offence (*Kunasekaran* at [45(c)]).

The Third Charge

156 In respect of the Third Charge (the charge of penile-vaginal rape), the parties were also agreed on the application of the framework established in *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 ("*Terence Ng*").³⁴⁵

157 At the first stage of the *Terence Ng* framework, the court should identify the sentencing band which the offence in question falls under, having regard only to offence-specific factors. These factors include, for example, premeditation, abuse of position and breach of trust, and the use of violence in the commission of the offence (at [44]). Based on the number of offence-specific factors present, the court should then identify the appropriate sentencing band which the offence falls within. The sentencing bands applicable are (at [73(b)]):

³⁴⁵ PSS at paras 8–11; DSS at paras 8–9.

- (a) Band 1 (10 to 13 years' imprisonment and six strokes of the cane): Comprises cases at the lower end of the spectrum of seriousness. Such cases feature no offence-specific aggravating factors or are cases where these factors are only present to a very limited extent and therefore have a limited impact on sentence.
- (b) Band 2 (13 to 17 years' imprisonment and 12 strokes of the cane): Comprises cases of rape of a higher level of seriousness. Such cases usually contain two or more offence-specific aggravating factors.
- (c) Band 3 (17 to 20 years' imprisonment and 18 strokes of the cane): Comprises cases which, by reason of the number and intensity of the aggravating factors, present themselves as extremely serious cases of rape.

158 Once the sentencing band is identified, the court has to go on to identify precisely where within that range the present offence falls in order to derive an “indicative starting point”. In exceptional cases, the court may decide on an indicative starting point which falls outside the prescribed range, although cogent reasons should be given for such a decision (*Terence Ng* at [73(a)]).

159 At the second stage of the *Terence Ng* framework, the court should have regard to the offender-specific factors (at [73(c)]). Some offender-specific aggravating factors include offences taken into consideration for the purposes of sentencing, the presence of relevant antecedents and evident lack of remorse (at [64]). Offender-specific mitigating factors include a display of evident remorse, youth and advanced age (at [65]).

The Fourth Charge

160 In respect of the Fourth Charge (the charge of sexual assault by penetration, “SAP”), the parties were also agreed on the application of the sentencing framework set out in *Pram Nair v Public Prosecutor* [2017] 2 SLR 1015 (“*Pram Nair*”).³⁴⁶ The *Pram Nair* framework largely mirrors the two-stage *Terence Ng* framework, whereby the court determines an indicative sentence based on the offence-specific factors, before calibrating that starting point based on the offender-specific factors.

161 Under the *Pram Nair* framework, the sentencing bands applicable at the first stage are as follows (*Pram Nair* at [122] and [159]):

- (a) Band 1 (seven to 10 years’ imprisonment and four strokes of the cane): Comprises cases that feature no offence-specific aggravating factors or are cases where these factors are only present to a very limited extent and therefore have a limited impact on sentence.
- (b) Band 2 (10 to 15 years’ imprisonment and eight strokes of the cane): Comprises cases usually containing two or more offence-specific aggravating factors.
- (c) Band 3 (15 to 20 years’ imprisonment and 12 strokes of the cane): Comprises cases which, by reason of the number and intensity of the aggravating factors, present themselves as extremely serious cases.

162 Once an indicative starting sentence is obtained within the applicable sentencing band, the court, at stage two of the *Pram Nair* framework, will calibrate it based on the relevant offender-specific factors.

³⁴⁶ PSS at para 17; DSS at paras 21–22.

Parties' submissions on sentence

163 The Prosecution's and the Defence's respective positions on sentence were as follows:

Charge	Offence	Prosecution's proposed sentence	Defence's proposed sentence
First Charge	Outrage of modesty under s 354(1) PC	Three to four weeks' imprisonment	Three weeks' imprisonment (consecutive)
Second Charge	Outrage of modesty under s 354(1) PC	12 months' imprisonment and three strokes (consecutive)	12 months' imprisonment and three strokes
Third Charge	Rape (penile-vaginal) under s 375(1)(a) punishable under s 375(2) PC	13 years' imprisonment and six strokes (consecutive)	11 years' imprisonment and six strokes (consecutive)

Fourth Charge	Sexual assault by penetration (digital-vaginal) under s 376(2)(a) punishable under s 376(3) PC	Eight to nine years' imprisonment and four strokes	7.5 years' imprisonment and four strokes
Global sentence		14 years' imprisonment and 13 strokes	11 years and three weeks' imprisonment and 13 strokes

The Prosecution's submission on sentence

164 In seeking a global sentence of 14 years' imprisonment and 13 strokes of the cane, the Prosecution argued that the dominant sentencing considerations were general deterrence and retribution.³⁴⁷

165 In respect of the Third Charge (the rape charge), the Prosecution submitted that the Accused's actions fell at the highest end of Band 1 of the *Terence Ng* framework because of the following offence-specific aggravating factors. First, the Accused failed to use a condom during the sexual intercourse and ejaculated in the Complainant's vagina. Second, the Accused violated the sanctity of the Complainant's home and bedroom, thereby significantly compounding the psychological harm suffered by the Complainant by destroying her sense of personal safety and security.³⁴⁸ Third, relying on the case of *Muhammad Alif bin Ab Rahim v Public Prosecutor* [2021] SGCA 106

³⁴⁷ PSS at paras 3–7.

³⁴⁸ PSS at paras 12–14.

(“*Muhammad Alif*”), the Prosecution argued that there was a “high degree of opportunism” by the Accused in his commission of the offence. According to the Prosecution, this opportunism was demonstrated by the Accused’s conduct in exploiting the access he had gained to the Complainant’s home by virtue of his having been engaged to carry out electrical repairs.³⁴⁹

166 At the second step of the *Terence Ng* framework, the Prosecution submitted that there were no substantial offender-specific mitigating factors and that instead, the Accused had made multiple spurious claims at trial, including his claim about the Complainant having been jealous of his gold chain.³⁵⁰ In the circumstances, the Prosecution sought a sentence of 13 years’ imprisonment and six strokes of the cane for the rape charge.

167 In respect of the Fourth Charge (the SAP charge), the Prosecution reiterated its submission that there was a high degree of opportunism shown by the Accused.³⁵¹ It was submitted that the present case fell at the higher end of Band 1 of the *Pram Nair* framework.

168 At the second stage of the *Pram Nair* framework, the Prosecution contended that no further adjustments to this indicative starting point were required, given the absence of offender-specific aggravating or mitigating factors, and sought a sentence of eight to nine years’ imprisonment and four strokes of the cane.³⁵²

³⁴⁹ PSS at para 15.

³⁵⁰ PSS at para 16.

³⁵¹ PSS at para 18.

³⁵² PSS at paras 19–20.

169 In respect of the First Charge (the first charge of outrage of modesty), the Prosecution submitted that the Accused's acts fell within Band 1 of the *Kunasekaran* framework, and that the custodial threshold was crossed given the degree of exploitation, the fact that the Accused had violated the sanctity of the Complainant's home, the high degree of opportunism demonstrated, and the fact that the Complainant was shocked and scared as a result of his actions.³⁵³

170 At the second step of the *Kunasekaran* framework, the Prosecution noted the absence of any offender-specific mitigating factors warranting a downward calibration of the sentence and sought a sentence of three to four weeks' imprisonment.³⁵⁴

171 In respect of the Second Charge (the second charge of outrage of modesty), on the other hand, it was submitted that this fell within the higher end of Band 2 of the *Kunasekaran* framework for the following reasons. First, the degree of exploitation was high, given the prolonged and sustained skin-to-skin intrusion to the Complainant's lips and private parts. This was aggravated by the number of sexual acts the Accused forced upon the Complainant, and the high degree of sexual intrusion. Second, the circumstances of the offence were egregious as there was an element of physical restraint used by the Accused to overpower the Complainant in order to commit the offence; there was also a high degree of exploitation of a situation where the Complainant was entitled to feel safe and the Accused had violated the sanctity of the Complainant's home. Lastly, the Complainant was very scared; and the effects which the incident had on her continued into the longer term.³⁵⁵

³⁵³ PSS at para 22.

³⁵⁴ PSS at para 23.

³⁵⁵ PSS at paras 24–27.

172 Noting that there were no significant offender-specific aggravating or mitigating factors, the Prosecution sought a sentence of 12 months' imprisonment and three strokes of the cane for the Second Charge.³⁵⁶

173 In respect of the global sentence, the Prosecution submitted that the sentences for the Third Charge (the rape charge) and the Second Charge (the second charge of outrage of modesty) ought to run consecutively so as to yield an aggregate sentence of 14 years' imprisonment and 13 strokes of the cane.

The Defence's submission on sentence

174 In respect of the Third Charge (the rape charge), the Defence agreed with the Prosecution that the present case fell within Band 1 of the *Terence Ng* framework. The Defence also agreed with the Prosecution's submission (at [165]) that the aggravating factors present were the Accused's failure to wear a condom and the fact that the sanctity of the Complainant's home was violated.³⁵⁷

175 On the other hand, according to the Defence:³⁵⁸

- (a) there was no real or flagrant abuse of position in the present case;
- (b) this was a one-off offence and the duration of offending was not prolonged;
- (c) the Complainant was not especially vulnerable because of age, physical frailty, mental impairment or disorder;

³⁵⁶ PSS at para 27.

³⁵⁷ DSS at para 9.

³⁵⁸ DSS at para 10.

- (d) the harm in the present case was not “especially serious”; and
- (e) there was no premeditation or opportunism of a “significant degree”, and the present case was distinguishable from *Muhammad Alif*.

176 Having regard to the above factors, the Defence contended that a sentence of 11 years’ imprisonment and six strokes of the cane was appropriate for the Third Charge.³⁵⁹

177 In respect of the Fourth Charge (the SAP charge), the Defence repeated the arguments made in respect of the Third Charge (the rape charge). According to the Defence, the Fourth Charge should be placed in Band 1 of the *Pram Nair* framework; and a sentence of 7.5 years’ imprisonment and four strokes of the cane was appropriate.³⁶⁰

178 In respect of the First Charge (the first charge of outrage of modesty), the Defence argued that the hug described in this charge did not involve either intrusion into the Complainant’s private parts or a high degree of exploitation.³⁶¹ The Defence compared the present case to *Public Prosecutor v GDK* [2021] SGMC 34, where the offender was sentenced to four weeks’ imprisonment on appeal for hugging his work subordinate so tightly that her breasts pressed against his chest for a few seconds. Noting that the present case did not involve any abuse of trust, the Defence proposed a sentence of three weeks’ imprisonment.³⁶²

³⁵⁹ DSS at paras 12–13.

³⁶⁰ DSS at para 23.

³⁶¹ DSS at para 26.

³⁶² DSS at paras 27–28.

179 In respect of the Second Charge (the second charge of outrage of modesty), the Defence accepted that this fell within Band 2 of the *Kunasekaran* framework and that a sentence of 12 months' imprisonment and three strokes of the cane was fair.³⁶³

180 Lastly, the Defence pointed out that there was no temporal gap between the acts described in the Second Charge, the Third Charge and the Fourth Charge:³⁶⁴ the acts described in these charges formed part of the same transaction as they all occurred in the Complainant's bedroom within a short span of time. These acts also concerned the same legally protected interest on the part of the Complainant.³⁶⁵ On the other hand, there was a discernible temporal gap between the First Charge (the first charge of outrage of modesty) and the Second Charge (the second charge of outrage of modesty).³⁶⁶ For these reasons, the Defence contended that the sentences for the First Charge and the Third Charge should run consecutively, such that the global sentence would be 11 years and three weeks' imprisonment and 13 strokes of the cane.³⁶⁷

My decision

181 By way of general principle, I accepted the Prosecution's submission that given the serious sexual offences involved in the present case, general deterrence and retribution constituted the dominant sentencing considerations. This was not seriously disputed by the Defence either.

³⁶³ DSS at para 29.

³⁶⁴ DSS at para 30.

³⁶⁵ DSS at para 31.

³⁶⁶ DSS at para 32.

³⁶⁷ DSS at paras 33–34.

The Third Charge

182 In respect of the Third Charge, I accepted that the offence-specific aggravating factors were, firstly, the Accused’s failure to wear a condom while committing the rape, which exposed the Complainant to the risks of unwanted pregnancy and sexually transmitted diseases; and secondly, the fact that he committed the offence in the Complainant’s home and on her bed, thereby violating what should have been a secure sanctuary for her. I did not accept, however, that the Accused displayed a “high degree of opportunism” which amounted to an additional aggravating factor.

183 In cases of rape and sexual assault, there is – undeniably and unfortunately – often *some* element of opportunism on the offender’s part, but it is not in every such case that the existence of such an element constitutes a distinct aggravating factor for sentencing purposes. In *Muhammad Alif*, the Court of Appeal held that the offender had displayed “significant opportunism” which amounted to an aggravating factor (at [39]). In that case, the victim was a 13-year-old secondary student, and the offender was a 32-year-old male. The victim was acquainted with the offender through one of her friends, Mr H, and addressed the offender as “Uncle”. Mr H’s mother, Ms Y, was then in a romantic relationship with the offender (at [3]). On the day of the incident, the offender took advantage of the victim’s trust in him to lure her to a park where he then overpowered her physically, forced alcohol down her throat, and raped her (at [4]–[8]; see also *Public Prosecutor v Muhammad Alif bin Ab Rahim* [2021] SGHC 115 at [18]).

184 In the present case, the Prosecution’s argument that the Accused had shown “a high degree of opportunism” appeared to be based on the fact that he committed the offences in the Complainant’s flat after having been allowed into

the flat to carry out repairs.³⁶⁸ In my view, this fact in itself was insufficient to indicate the sort of “significant opportunism” which the Court of Appeal found to be an aggravating factor in *Muhammad Alif*.

185 Having regard to the above findings, I concluded that the present case should fall at the higher end of Band 1 of the *Terence Ng* framework, but I did not agree with the Prosecution that it should be placed at the *highest* end of Band 1. In my view, the indicative starting sentence at the first stage of the *Terence Ng* framework was 12 years’ imprisonment and six strokes of the cane.

186 At the second stage of the *Terence Ng* framework, the Prosecution highlighted that the Accused had – in the course of his evidence – insinuated possible motives on the Complainant’s part for making a false accusation of rape. However, the fact that I rejected the Accused’s allegation did not *ipso facto* mean that he had conducted his defence in “an extravagant and unnecessary manner” (*Terence Ng* at [64(c)]). In my view, he did not cross the line. There was thus no basis for me to find that the manner in which he had conducted his defence warranted an uplift of the indicative starting sentence.

187 For these reasons, I sentenced the Accused to 12 years’ imprisonment and six strokes of the cane on the Third Charge (the rape charge).

The Fourth Charge

188 In respect of the Fourth Charge (the SAP charge), my findings as to the relevant offence-specific aggravating factors were similar to the findings outlined for the Third Charge (the rape charge). I agreed with the Prosecution that this offence should be placed at the higher end of Band 1 of the *Pram Nair*

³⁶⁸ PSS at para 15.

framework, with an indicative sentence of nine years' imprisonment and four strokes of the cane. I also did not find there to be any offender-specific aggravating or mitigating factors which warranted adjustment of the indicative starting sentence.

189 For these reasons, I sentenced the Accused to nine years' imprisonment and four strokes of the cane on the Fourth Charge (the SAP charge).

The First Charge

190 In respect of the First Charge (the first charge of outrage of modesty), it was not disputed that this offence fell within Band 1 of the *Kunasekaran* sentencing framework. In their submissions on sentence, the Defence also very fairly acknowledged that the custodial threshold was crossed. I agreed with both sides that the custodial threshold was indeed crossed for this offence. This was a tight, "front to front" hug, and not a fleeting touch. Further, the Accused committed the offence in the Complainant's flat, thereby violating the sanctity of the security which she was entitled to expect from being in her own home. I also found that there were no relevant offender-specific aggravating or mitigating factors.

191 For these reasons, I sentenced the Accused to three weeks' imprisonment in respect of the First Charge.

The Second Charge

192 In respect of the Second Charge (the second charge of outrage of modesty), the Defence did not dispute that this offence should fall within Band 2 of the *Kunasekaran* sentencing framework. I accepted the Prosecution's submission that the degree of sexual exploitation was relatively high, given in

particular the sustained skin-to-skin molestation of the Complainant (including the kissing and squeezing of her bare breasts). Further, the circumstances of this offence were egregious, given *inter alia* the fact that there was an element of physical restraint (see [141] above) and that the offence was committed not just in the Complainant's home but on the bed where she habitually slept. As with the First Charge, I also did not find any relevant offender-specific factors to be present.

193 For these reasons, I sentenced the Accused to 12 months' imprisonment and three strokes of the cane in respect of the Second Charge.

Summary of sentences

194 In summary, the individual sentences imposed for the Accused's offences were as follows:

Charge	Offence	Sentence
Third	Rape	12 years' imprisonment and six strokes of cane
Fourth	Sexual assault by penetration	Nine years' imprisonment and four strokes of cane
First	Outrage of modesty (hugging the Complainant)	Three weeks' imprisonment

Second	Outrage of modesty (kissing lips, kissing bare breasts, squeezing bare breasts)	12 months’ imprisonment and three strokes of cane
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Totality principle and the appropriate global sentence

195 Pursuant to s 307(1) of the Criminal Procedure Code 2010 (2020 Rev Ed), at least two of the imprisonment sentences must run consecutively. As the Defence pointed out, there was no temporal gap between the sexual acts described in the Second to the Fourth Charges, as they all formed part of the same transaction (so to speak); whereas there was a clear temporal gap between the hug described in the First Charge and the sexual acts described in the other three charges. In the circumstances, I accepted the Defence’s submission that it would be appropriate to order that the imprisonment sentence on the Third Charge (the rape charge) run consecutively to the imprisonment sentence on the First Charge (the first charge of outrage of modesty). This led to a global sentence of 12 years’ and three weeks’ imprisonment and 13 strokes of the cane.

196 At this stage of the sentencing process, I bore in mind the need to apply the totality principle and to take a “last look” at all the facts and circumstances to ensure that the final sentence imposed on the Accused was not disproportionate to his overall criminality (*Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 (“*Raveen Balakrishnan*”) at [98(c)]). In this connection, as explained by Sundaresh Menon CJ in *Raveen Balakrishnan*, there are two limbs to the totality principle. First, the court should examine whether the aggregate sentence is substantially above the normal level of sentences for the most serious of the individual offences committed. Second,

the court should examine whether the effect of the sentence on the offender is crushing and not in keeping with his past record and future prospects (*Raveen Balakrishnan* at [98(c)]; see also *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [54] and [57]).

197 Applying both limbs of the totality principle and having regard to the relevant sentencing precedents, I found that the aggregate sentence of 12 years and three weeks' imprisonment and 13 strokes of the cane fell within the normal level of sentences for the offence of rape (the most serious of the offences), and would not be crushing to the Accused or inconsistent with his past record and future prospects.

Conclusion on sentence

198 In sum therefore: the Accused was sentenced to an aggregate of 12 years and three weeks' imprisonment and 13 strokes of the cane. He has not yet commenced serving sentence, as he is currently on bail of \$80,000 pending the hearing of his appeal.

Mavis Chionh Sze Chyi J
Judge of the High Court

Emily Koh, Ng Jun Kai and Yeo Kee Hwan (Attorney-General's
Chambers) for the Prosecution;
Gino Hardial Singh (Abbots Chambers LLC) for the accused.