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2. Redaction HAS NOT been done.

District Judge Chiah Kok Khun
27 July 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 243

District Court Originating Claim No 377 of 2026

Between

Mah Kiat Seng

... Claimant

And

- (1) Suresh Saundrapandian
- (2) Tom-Reck Security
- (3) Mohamad Muntazar Bin Baharum
- (4) Sulaiman Yusof
- (5) Attorney-General

... Defendants

JUDGMENT

[Tort — False imprisonment — Security guard attempting to stop person found in classroom of National University of Singapore to establish his identity — Person scuffling with security guard before

running away — Whether intention to cause confinement of person
— Whether total restraint of person]

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Mah Kiat Seng
v
Suresh Saundrapandian & 4 Ors

[2026] SGDC 243

District Court Originating Claim No 377 of 2026
District Judge Chiah Kok Khun
15 June, 6 July 2026

27 July 2026

Judgment reserved.

District Judge Chiah Kok Khun:

Introduction

1 The parties before me are self-represented. The first defendant was a security officer stationed at the National University of Singapore (“NUS”). The second defendant was the first defendant’s employer. The claimant’s action against the 1st and 2nd defendants arises out of an incident at the National University of Singapore (“NUS”) on 30 November 2017. Following long drawn proceedings, the case that is now before me consists of a claim by the claimant for false imprisonment against the defendants. For the reasons below, I am dismissing the claimant’s claim.

Issues to be determined

2 The issues to be decided by me in this case are as follows:

- (a) Whether the 1st defendant intended to cause the confinement of the claimant.
- (b) Whether the 1st defendant restrained the claimant within an area delimited by the 1st defendant.

Analysis and findings

The only subsisting claim is the claim for false imprisonment

3 The underlying incident to this claim spawned both criminal and civil cases. The civil case which is presently before me started life in a different shape and form as a High Court case in General Division of the High Court Originating Claim No 836 of 2023 (OC 836”). Given what has gone on, it is useful to first set out a brief background to the claim before me.

4 The factual context to the present proceedings has been discussed in detail in *Public Prosecutor v Mah Kiat Seng* [2020] SGMC 4 (the “Criminal Case”), which the claimant mostly agrees with.¹ The relevant brief facts are as follows. On 30 November 2017, the claimant who was not a student of NUS, entered a classroom in the Mochtar Riady Building at NUS (the “Classroom”). He was alleged to have played loud music whilst in the Classroom. The first defendant who was on duty as a security officer, was notified of this and went to the Classroom to investigate the matter. When the first defendant approached the claimant in the Classroom, the claimant proceeded to pack up his belongings and attempted to leave. The first defendant grabbed hold of the claimant (the manner in which he did so is discussed below) as the claimant tried to leave. This resulted in a brief tussle. During the scuffle, the claimant punched the first defendant multiple times and ran away.

¹ Statement of claim (amendment no 1) dated 16 October 2024 at para 2.

5 The following criminal charges were subsequently brought against the claimant in the Criminal Case: (a) one charge of voluntarily causing hurt to the first defendant (the “VCH Charge”), punishable under s 323 of the Penal Code (Cap 224, 2008 Rev Ed) (the “Penal Code”); and (b) one charge of criminal trespass (the “Trespassing Charge”), punishable under s 447 of the Penal Code. On 13 January 2020, the claimant was convicted of the VCH Charge but acquitted of the Trespassing Charge in the State Courts. The claimant then filed HC/MA 9036/2019/01 (“MA 9036”), which was an appeal against his conviction. MA 9036 was dismissed on 24 August 2020 (see *Mah Kiat Seng v Public Prosecutor* [2021] SGCA 79).

6 On 29 November 2023, the claimant filed OC 836 making the following claims against the first and second defendants:

- (a) First, that the 1st defendant had wrongfully [arrested] the claimant on 30 November 2017 (the “Wrongful Arrest Claim”).²
- (b) Second, that the 1st defendant had committed battery against him on 30 November 2017 (the “Battery Claim”).³
- (c) Third, that the 1st defendant had converted the claimant’s Bluetooth speaker on 30 November 2017 (the “Conversion Claim”).⁴

The 2nd defendant was said by the claimant to be vicariously liable for the first defendant’s actions as it was the 1st defendant’s employer.⁵

² Statement of Claim dated 29 November 2023 at para 3.

³ Statement of Claim dated 29 November 2023 at para 6.

⁴ Statement of Claim dated 29 November 2023 at para 14.

⁵ Statement of Claim dated 29 November 2023 at para 15.

7 For completeness, it should be noted that OC 836 was also commenced against two police officers and the Attorney-General for various purported causes of action connected with the incident on 30 November 2017. The claims against these defendants were however struck out in the course of proceedings. For present purposes I do not propose to set out this aspect of the history of OC 836.

8 On 2 April 2024, the first and second defendants filed High Court Summons No 880 of 2024 (“SUM 880”) to strike out the claims against them in OC 836.⁶ At the hearing of SUM 880 on 26 April 2018, the learned assistant registrar (“AR”) made the following orders:⁷

- (a) The Battery Claim be struck out as it was time-barred.
- (b) The Conversion Claim be struck out as it did not disclose a reasonable cause of action.
- (c) The claimant be granted permission to amend his statement of claim to plead a claim for false imprisonment instead of wrongful arrest against the first defendant.

9 In the other words, following the AR’s decision, the only surviving claim in OC 836 was the claimant’s claim against the 1st and 2nd defendants for false imprisonment.

10 The parties appealed against the AR’s decision. The appeals were dismissed by the General Division of the High Court on 23 May 2024. The

⁶ First and Second Defendants’ Bundle of Documents dated 20 May 2024 (“BOD”), Tab 5 at p 70.

⁷ BOD, Tab 8 at pp 97–98 and 106.

claimant appealed to the Appellate Division of the High Court against the dismissal of his appeal. His appeal was duly dismissed by the Appellate Division of the High Court. On 23 February 2026, OC 836 was transferred by the order of the General Division of the High Court to the State Courts pursuant to s 54C(2) of the State Courts Act 1970. It was renumbered to District Court Originating Claim No 377 of 2026, the present case before me.

11 In the result, following the foregoing, the only subsisting claim in the present case before me is the claimant's claim against the 1st and 2nd defendants for false imprisonment. It should be noted in this regard that the claimant's pleaded quantum of claim against the 1st and 2nd defendants for false imprisonment is in the sum of \$3,000.⁸

The 1st defendant did not intend to cause the confinement of the claimant

12 I turn next to the legal principles governing the tort of false imprisonment. They are uncontroverted. False imprisonment requires an act of the defendant which directly and intentionally causes the claimant to be confined within a particular area delimited by the defendant. In other words, the elements of an action in false imprisonment are as follows:

- (a) The defendant's act must be direct.
- (b) The act must be intended to cause the confinement of the claimant.
- (c) The restraint of the claimant must be total and within an area delimited by the defendant.

⁸ Statement of claim (amendment no 1) dated 16 October 2024 at para 42.

See Gary Chan Kok Yew & Lee Pey Woan, *The Law of Torts in Singapore*, (Academy Publishing, 2nd Ed, 2016), at para 02.036.

13 The underlying rationale of the tort of false imprisonment is to protect a person from the deprivation of liberty without lawful authority or justification.⁹ For completeness, it should also be noted that the tort of wrongful or unlawful arrest does not exist.¹⁰

14 With the above legal principles in mind, I turn to the claim before me. As alluded to above, the undisputed facts are that on the day in question the claimant entered the Classroom at NUS. The 1st defendant was notified of the claimant playing loud music in the Classroom and approached the claimant in the Classroom. The claimant then proceeded to pack up his belongings and attempted to leave. The 1st defendant grabbed hold of the claimant of the 1st defendant as he tried to leave. A tussle ensued. During the tussle, the claimant punched the 1st defendant multiple times and ran away. The claimant's pleaded case in respect of his claim in false imprisonment comports with the undisputed facts. He pleaded that the 1st defendant grabbed his back as he was trying to leave the Classroom.¹¹

15 I note that the 1st defendant's evidence is consistent with the undisputed facts as well. His evidence is that on the day in question at about 4 pm he received a phone call from the building manager that someone was playing loud music in the Classroom. He proceeded to the Classroom and saw the claimant playing loud music at the lecturer's table. He told the claimant to turn off the

⁹ Gary Chan Kok Yew & Lee Pey Woan, *The Law of Torts in Singapore*, (Academy Publishing, 2nd Ed, 2016), at para 02.036.

¹⁰ *Ibid.*

¹¹ Statement of claim (amendment no 1) dated 16 October 2024 at para 3.

music and that he should not be accessing the lecturer's computer.¹² He asked the claimant for his student identification (“ID”) as the claimant was not wearing a lanyard with ID that students and staff of NUS would wear to indicate that they were permitted in a given area of the premises of NUS.¹³ The claimant did not respond but instead proceeded to pack his belongings and walk away. The 1st defendant thus tried to stop the claimant by grabbing him to get his attention. The 1st defendant wanted to record the claimant’s details to report the incident in a “occurrence book”. But a scuffle ensued when the claimant punched the 1st defendant several times in the face.¹⁴ It is not disputed that following this brief scuffle, the claimant ran away. He was subsequently arrested at his home by the police.¹⁵

16 It is seen that the claimant’s case as regards false imprisonment is centred on the 1st defendant grabbing him as he was leaving the Classroom.¹⁶ However, the evidence discussed above shows that the 1st defendant’s action did not prevent the claimant from moving away. In fact, it is not disputed that the claimant turned around and punched the 1st defendant severally times in the face before running away. The 1st defendant did not restrain the claimant within an area delimited by the 1st defendant. If at all, it was a brief scuffle that took place between the two of them, before the claimant ran away. As discussed above, for false imprisonment to be made out, the restraint of the claimant must be total and within an area delimited by the defendant. It is however undisputed that the 1st defendant did not manage to restrain the claimant at all. He was able

¹² The 1st defendant’s AEIC at para 4.

¹³ The 1st defendant’s AEIC at para 5.

¹⁴ The 1st defendant’s AEIC at para 6.

¹⁵ The 1st defendant’s AEIC at para 8.

¹⁶ Statement of claim (amendment no 1) dated 16 October 2024 at para 3.

to move away, and he did. The key element of the tort of false imprisonment is not made out. For completeness, I note that the 1st defendant's action was not intended to cause the confinement of the claimant. He had asked the claimant for his student ID but the claimant did not respond but proceeded to walk away. The 1st defendant was grabbing the claimant to get his attention as he wanted to record the claimant's details.¹⁷ There is no evidence of an intention to confine the claimant. A key element of false imprisonment, that the 1st defendant's act must be intended to cause the confinement of the claimant, is therefore also not made out. I thus find that the claimant has failed to prove the tort of false imprisonment against the 1st defendant.

The 1st defendant did not restrain the claimant within a delimited area

17 I pause here to note that the claimant made much of the question of the precise manner in which the 1st defendant had grabbed him when he was walking away. Whilst the 1st defendant has stated in one paragraph of his AEIC that he tried to stop the claimant by grabbing his backpack,¹⁸ and also referred to grabbing the backpack when testifying in court; in other parts of his AEIC he referred to grabbing the claimant's back as the claimant walked away.¹⁹ The claimant questions this inconsistency in the 1st defendant's evidence. The claimant also alludes to evidence in the Criminal Case which referenced the 1st defendant grabbing the claimant's arm and elbow. The claimant set great store by the question of the manner in which the 1st defendant had grabbed him. In my view however, the question of the manner in which the 1st defendant had grabbed the claimant is neither here nor there. As discussed, it is undisputed that the 1st defendant did not manage to restrain the claimant at all, regardless of the

¹⁷ The 1st defendant's AEIC at para 5.

¹⁸ The 1st defendant's AEIC at para 6.

¹⁹ The 1st defendant's AEIC at paras 7, 9, 10.

manner in which he had grabbed the claimant. The claimant was able to move away, and he did so. The restraint of the claimant was not total and within an area delimited by the 1st defendant. The key element of the tort of false imprisonment is not made out in any event. Furthermore, as discussed above, the manner in which the 1st defendant grabbed the claimant does not detract from the fact that he had no intention to cause confinement of the claimant. The 1st defendant was grabbing the claimant to get his attention as he wanted to record the claimant's details.²⁰ There is no evidence of an intention to confine the claimant, which as discussed, is another key element of false imprisonment.

18 As well for completeness, it should be noted that the question of whether the claimant was trespassing on that day is not relevant to the issue of false imprisonment before me. The question of whether any private arrest of the claimant by the 1st defendant was lawful is also not relevant to my consideration, as there is no evidence to show that the 1st defendant was effecting any arrest. More pertinently and in any event, as noted above, the tort of wrongful or unlawful arrest does not exist.

19 As for the second defendant, the claimant has pleaded in para 15 of the statement of claim (amendment no 1) that as it "was the employer of [1st defendant], it was liable for the torts committed by him". By that, the claimant appears to be claiming vicarious liability on the part of the 2nd defendant. As I have made the finding that the claim against the 1st defendant is not made out, it follows that the claim against the 2nd defendant falls away.

20 Finally, I note the claimant's attempt in his opening statement to link his claim in false imprisonment before me to the Battery Claim and the Conversion

²⁰ The 1st defendant's AEIC at para 5.

Claim.²¹ The claimant purports to claim a total sum of \$20,000 for these two heads of claim. As alluded above, these claims have been struck out by the General Division of the High Court. The claimant is not allowed to revive these claims before me, and it is improper to do so.

21 Lastly, I would deal with para 40 of the claimant’s closing submissions dated 9 June 2026, which states as follows:

XIII. Leave To Appeal

40. I am taking a leaf out of Judge Chiah's book when he asked both parties to submit their opinions on costs to be awarded so as to save on time and transport. When delivering his decision on this case, I would like to request for Judge Chiah to give a decision on whether he would grant me leave to appeal. If “yes”, no reason is needed. If “no”, then he shall provide reasons.

22 It is seen that the claimant has requested this court to give a decision on whether leave to appeal would be granted and to provide the reasons. The law in regard to permission to appeal is uncontroverted.²² Section 21(1) of the Supreme Court of Judicature Act 1969, which governs appeals from District and Magistrates’ Courts to the General Division, provides that:

21.—(1) Subject to the provisions of this Act and any other written law, an appeal lies to the General Division from a decision of a District Court or Magistrate’s Court only with the permission of that District Court or Magistrate’s Court or the General Division in the following cases:

(a) any case where the amount in dispute, or the value of the subject matter, at the hearing before that District Court or Magistrate’s Court (excluding interest and costs) does not exceed \$60,000 or such other amount as may be specified by an order made under subsection (3);

...

²¹ See annex C of the claimant’s opening statement.

²² I have the occasion in a recent judgment to discuss the law in regard to permission to appeal: see *Mah Kiat Seng v Nathan S/O Puspagaran* [2026] SGM 75.

23 As the pleaded claim in the present case, though filed in the district court, is below the value of \$60,000, the claimant requires the permission of court to appeal. An applicant for permission or leave to appeal is required to show that a serious and important issue of law is involved. In *Lee Kuan Yew v Tang Liang Hong and another* [1997] 2 SLR(R) 862 (“*Lee Kuan Yew*”), the Court of Appeal highlighted three alternative limbs which can be relied upon when leave to appeal is sought (at [16]):

- (a) *Prima facie* case of error of law.
- (b) Question of general principle decided for the first time.
- (c) Question of importance upon which further argument and a decision of a higher tribunal would be to the public advantage.

24 The three limbs set out above remain the applicable test today in determining whether there is a serious and important issue of law involved: see *Luckin Coffee Inc v Interactive Digital Finance Ltd and others* [2024] 1 SLR 254 (“*Luckin*”) at [20]. It is also held in *Luckin* at [21] that the second and third limbs are substantially the same and may be considered together. I also note that there is suggestion in the case authorities that the value of the proposed appeal and the costs and time burdens the appeal would place on the parties and the appellate court should also be taken into account: *Goh Kim Heong and others v AT and J Co Pte Ltd* [2001] SGHC 269; *Teo Kim Hui and Another v Kwok Wai Hon* [2008] SGHC 232.

25 In respect of the first limb, which is the test of *prima facie* case of error of law, cases have held that it is important to distinguish between question of law as opposed to questions of facts to be considered: *Abdul Rahman bin Shariff v Abdul Salim bin Syed* [1999] 3 SLR(R) 138 at [31]; *Rodeo Power Pte Ltd and*

others v Tong Seak Kan and another [2022] SGHC(A) 16 at [10]. As for the second limb, the question of general principle decided for the first time, the test is that it must be a question of general principle: See *Essar Steel Ltd v Bayerische Landesbank and others* [2004] SGHC 90 at [27]. Finally, in respect of the third limb, the question of importance upon which further argument and a decision of a higher tribunal would be to the public advantage, it is for the applicant to state what the question of importance is. If the question of importance is not in issue in the first place, the application would fail: see generally, *Virtual Map (Singapore) Pte Ltd v Singapore Land Authority and another application* [2009] 2 SLR(R) 558 (“*Virtual Map*”).

26 The High Court in a recent decision suggests that the court should really engage in one combined inquiry in deciding whether a question of general principle and/or a question of importance arises in the matter before it. In *Tid Plus Design Pte Ltd v Kwek Seng Wee John* [2024] SGHC 187 (“*Tid Plus*”) at [18] the High Court stated as follows:

18 ... In assessing whether leave should be granted, the court should really engage in one combined inquiry in deciding whether a question of general principle and/or a question of importance arises in the matter before it. Some key considerations in making this determination would include:

...

(d) Whether the determination of the question has broader implications than *merely on the parties before the court* (see *Soh Hoo Khoon Peng v Management Corporation Strata Title Plan No 2906* [2023] SGHC 355 at [41]). Put another way, one should ask whether the answer provided, whatever that might be, can be meaningfully applied in other cases – see *Essar Steel Ltd v Bayerische Landesbank and others* [2004] 3 SLR(R) 25 at [27(b)]. As an example, this may be the case where the issue is one of interpretation of terms and phrases of a standard form contract, especially whether there exists an apparent disjunct between the lower court’s approach to the question raised and what the established practice or understanding of the commercial

community might be. In such a case, the assertion of such established practice or understanding must be supported by cogent evidence. To avoid doubt, I stress that the mere fact that a phrase is used in a standard contract, *per se*, would not generally suffice: *Portcullis* at [6]. This is only to be expected because there should be no general principle for any category of questions to automatically be given a right of appeal: see, in a related vein, the comments of the Court of Appeal in *Mah Kiat Seng v Public Prosecutor* [2011] 3 SLR 859 at [20].

[emphasis added]

27 As seen, the test to be applied is whether the determination of the question has broader implications than merely on the parties before the court. It should also be noted that the High Court held at [19] that the absence of a judicial interpretation of any particular provision *per se* would not be a reason to allow an application for the matter to be heard by a higher tribunal.

19 Some considerations that would not be relevant in such assessments as to whether to grant leave to appeal on grounds of there being a question of general principle or a question of importance are as follows:

...

(c) The mere fact that a particular phrase or contractual term has not been interpreted judicially before, and in that sense, is novel, is, without more, not likely to be of much relevance. Indeed, almost every question of fact, or every application of law to fact would be novel on some level. Just as no two snowflakes are the same, so too no question of fact, or application of the law to a particular set of facts, or even how a question of law is cast, will be exactly the same. It is precisely for that reason that our courts have taken pains to emphasise, albeit once more in the context of applications under s 60 of the old SCJA, that *the absence of a judicial interpretation of any particular provision per se would not be a reason to allow an application for the matter to be heard by a higher tribunal* (see *Abdul Salam bin Mohamed Salleh v Public Prosecutor* [1990] 1 SLR(R) 198 at [30]).

[emphasis added]

28 It is seen that the fact that a particular matter has not been interpreted judicially before, and in that sense, is novel, is not of relevance. Almost every question of fact, or every application of law to fact would be novel on some level. No question of fact, or application of the law to a particular set of facts will be exactly the same. That there may not have been any known cases decided on exactly the same facts is not a reason for the question to be placed before a higher tribunal.

29 With the above legal principles in mind, I return to the present case. There can be no doubt that the present case turns entirely on a question of facts. There is clearly no general principle of law decided for the first time. There is also no question of importance upon which a decision of a higher tribunal would be to the public advantage. I have decided against the claimant on the specific facts of the matter. There is no basis to grant any leave to appeal.

Conclusion

30 In the premises of the above, I find that the claimant has failed to prove on a balance of probabilities his claim in false imprisonment against the 1st and 2nd defendants. The claimant's action is therefore dismissed.

31 As regards the question of costs, there is no reason for costs not to follow the event in this case. The claim is dismissed and the claimant is to pay costs. As for the quantum of costs, taking into consideration the nature of the claims, the work done by parties for the action, the time spent for the trial, and the parties both acting in person; I fix costs at \$3,000 (inclusive of disbursements), to be paid by the claimant to the 1st defendant.

Chiah Kok Khun
District Judge

Claimant in person;
Defendants in person.