

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

[2026] SGHC 170

Criminal Case No 12 of 2026

Between

Public Prosecutor

And

DMB

JUDGMENT

[Criminal Procedure and Sentencing — Sentencing — Sexual assault by
penetration — Forms of punishment — Corrective training]
[Criminal Procedure and Sentencing — Sentencing — Persistent offenders]

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Public Prosecutor

v

DMB

[2026] SGHC 170

General Division of the High Court — Criminal Case No 12 of 2026

Kwek Mean Luck J

30 March, 4 August 2026

18 August 2026

Judgment reserved.

Kwek Mean Luck J:

Introduction

1 The accused pleaded guilty to one charge of sexual assault by penetration of a person under 14 years of age without their consent under s 376(1)(a) and punishable under s 376(4)(b) of the Penal Code (Cap 224, 2008 Rev Ed) (“PC”). Specifically, the charge reads:

on the first occasion, sometime in 2015, at the staircase landing of Block 701 Yishun Avenue 5, Singapore, did penetrate, with your penis, the mouth of [X] ... who was under 14 years of age, without her consent, and you have thereby committed an offence under section 376(1)(a) and punishable under section 376(4)(b) of the Penal Code (Cap 224, 2008 Rev Ed).

2 The accused agreed to four charges being taken into consideration (“TIC charges”) for sentencing. Two of the charges are pursuant to s 376(1)(a) of the

PC and two are pursuant to s 354(2) of the PC. They were all committed against the same victim.

3 I address below the sentence for the accused.

Background

4 The accused was between 39 and 40 years old at the time of the offence. The victim was between nine and ten years old. The accused was a friend of the victim's mother and a frequent visitor to the victim's home. He was able to enter their home on his own, or he would be let in by the victim's grandparents. The victim saw the accused as her big brother, and the victim's mother thought that the accused treated the victim like a daughter.¹

5 Sometime in 2015, the accused brought the victim out of her flat, telling her that he was bringing her to meet her mother. Instead, after they left the flat, the accused brought the victim to a staircase landing in a nearby block. The accused removed his bottoms and underwear and exposed his penis to the victim. He took the victim's hands and placed them on the back of her head. He then exerted pressure to push her mouth downwards towards his crotch and instructed her to open her mouth. The accused guided the victim's head back and forth and penetrated her mouth with his penis without her consent. This forms the basis of the charge.²

¹ Statement of facts ("SOF") at [A].

² SOF at [B].

6 The victim lodged a police report on 3 August 2021 after the incident was uncovered in a counselling session with a Child Protection Officer on a separate matter.³

Parties' positions

7 At the first hearing, the Prosecution submitted that the Court should call for a Corrective Training ("CT") suitability report under s 304(3) of the Criminal Procedure Code 2010 (2020 Rev Ed) ("CPC"). Their submission is that CT is expedient for the accused's reformation and prevention of crime.⁴ If the accused is found to be suitable for CT, the Prosecution urges the Court to impose a sentence of 12.5 to 13.5 years under the CT regime.⁵

8 The Defence submits that the Court should not impose CT and ought to impose the mandatory minimum sentence of eight years' imprisonment instead, with effect from the date of first remand, which was on 3 January 2024.⁶

Framework for considering CT

9 In *Sim Yeow Kee v Public Prosecutor* [2016] 5 SLR 936 ("*Sim Yeow Kee*"), the High Court laid out the following framework for considering whether a sentence of CT is appropriate (at [86]–[87]):

- (a) Stage 1: Does the accused satisfy the technical requirements for CT to be imposed?

³ SOF at [C].

⁴ Prosecution's Sentencing Submissions ("PSS") at [3].

⁵ PSS at [3].

⁶ Defence's Plea in Mitigation ("DPM") at [3].

(b) Stage 2: Is it expedient to sentence the accused to CT with a view to his reformation and the prevention of crime? To this end, a three-step test is to be applied:

- (i) What is the imprisonment term that would likely be imposed on the accused for the underlying offence?
- (ii) Would the Mandatory Aftercare Scheme (“MAS”) apply to the accused if he were sentenced to regular imprisonment?
- (iii) Would a sentence of CT be unduly disproportionate?

Sim Yeow Kee: Stage 1

10 Addressing first Stage 1 of the *Sim Yeow Kee* framework, I find that the technical requirements for CT under s 304(1)(a) of the CPC are satisfied in this case.

- (a) *A person is of 18 years of age*: the accused is 50 years old.
- (b) *The accused is convicted before the General Division of the High Court or a District Court of an offence punishable with imprisonment for two years or more*: the accused was convicted before the General Division of the High Court of an offence under s 376(1)(a) of the PC, which is punishable under s 376(4) of the PC with imprisonment of not less than eight years and not more than 20 years.
- (c) *The accused has been convicted in Singapore or elsewhere at least twice since he or she reached 16 years of age for offences punishable with such a sentence*: the accused was above 16 when he was convicted on 6 February 2017 of, *inter alia*, an offence under s 354(1) of the Penal Code (Cap 224, 1985 Rev Ed) (“PC 1985”) punishable with

two years' imprisonment on 16 July 2007 and for an offence under s 354(2) of the PC 1985, punishable with five years' imprisonment.

11 Once the technical requirements in s 304(1)(a) of the CPC are satisfied, the Court is required to go on to consider the expediency of imposing CT on the accused in relation to the goals of “reformation and the prevention of crime”: *Sim Yeow Kee* at [37]. Pursuant to s 304(3) of the CPC, the court must call for and consider a pre-sentencing CT suitability report (“CT Suitability Report”) submitted by the Commissioner of Prisons (“CP”) or any person authorised by the CP, on the accused’s physical and mental condition and his suitability for such a sentence.

12 I therefore called for a CT Suitability Report.

CT Suitability Report

13 In the CT Suitability Report, the CP found that the accused is suitable for CT. I set out the key findings in the report, which contained a medical memorandum and a risk assessment report. The medical memorandum certified that the accused was in generally good physical condition with no known major illnesses, and of a normal mental condition with no current indication of any major mental illness apart from paedophilic disorder.

14 In the risk assessment report, the CP concluded that based on the Risk for Sexual Violence Protocol, the accused is assessed to have a high risk and moderate imminence of sexual reoffending. This indicates a likelihood of reoffending upon release if there are no further intervention measures.⁷ During an interview in April 2026, the accused tended to portray himself as a victim of

⁷ CT Suitability Report (“CTSR”) dated 28 May 2026 at p 9.

unfair circumstances. He omitted to mention his engagement in at-risk behaviours with underage individuals in 2023 (which had been revealed by his sister) until it was explicitly asked about in the interview. Similar to his past assessments in 2019 and 2025, he denied his sexual offending, minimised his responsibility and the severity of his offences and normalised his offending conduct.⁸ This was despite him having pleaded guilty for his present and past offences. This showed that he failed to perceive and acknowledge the sexual nature of his offences towards his victims. He externalised responsibility and blame to the victims. These attitudes had persisted since the previous assessments. The accused also presented with limited insight into factors contributing to his sexual offending, despite having undergone sexual violence interventions in 2022 during his previous CT incarceration.⁹ He fails to acknowledge the harm caused to his victims.¹⁰

15 The accused would require intensive intervention to address the following areas to more effectively mitigate the risks of his reoffending:

- (a) his paedophilic disorder involving likely deviant sexual interests towards children together with impaired self-control, such that legal restrictions alone may not sufficiently deter reoffending,
- (b) negative attitudes supporting sexual offending,
- (c) intimacy deficits and difficulties meeting his needs for emotional closeness through age-appropriate adult relationships,

⁸ CTSR at p 5.

⁹ CTSR at p 6.

¹⁰ CTSR at p 6.

- (d) engagement in inappropriate leisure activities placing him in high-risk situations involving unsupervised interactions with children, and
- (e) continued limited awareness into his risks and need for treatment despite previous intervention.¹¹

16 Therefore, as the CT Suitability Report found that the accused is suitable for CT, I consider Stage 2 of the *Sim Yeow Kee* framework.

***Sim Yeow Kee*: Stage 2**

17 In Stage 2 of the *Sim Yeow Kee* framework, the court considers whether if it is expedient to sentence an offender to CT with a view to his reformation and the prevention of crime: at [87]. There are three steps to consider (*Sim Yeow Kee* at [98]–[108]):

- (a) Step 1: What imprisonment term would likely be imposed on the offender for the underlying offence?
- (b) Step 2: Would the Mandatory Aftercare Scheme (“MAS”) apply to the offender if he were sentenced to regular imprisonment?
- (c) Step 3: Would a sentence of CT be unduly disproportionate?

18 I consider these in turn.

¹¹ CTSR at p 9.

Step 1: Likely imprisonment term

19 Step 1 of the framework is to assess what imprisonment term would likely be imposed on the accused for the underlying offence. The applicable framework to determine the underlying sentence is set out in *Pram Nair v Public Prosecutor* [2017] 2 SLR 1015 (“*Pram Nair*”) which both Prosecution and Defence relied upon for their submissions. Under the *Pram Nair* framework, at Stage 1, the offence specific aggravating factors are considered to determine the appropriate sentencing band, then at Stage 2, the offender specific aggravating and mitigating factors are considered to calibrate the appropriate sentence.

Prosecution’s case

20 The Prosecution submits that given the presence of the statutory aggravating factor of an offence being committed against a victim under 14 years of age coupled with the aggravating factor of abuse of trust, the sentence of imprisonment should be at the high end of Band 2 (range of 10 to 15 years’ imprisonment) of the framework in *Pram Nair*, with a starting point of about 14 to 15 years’ imprisonment.¹² At Stage 2, there should be an uplift to about 16 to 17 years’ imprisonment on account of the following offender-specific aggravating factors:

- (a) the four similar TIC charges for sentencing;
- (b) the accused’s similar antecedents; and
- (c) the IMH report’s assessment that the accused has paedophilic disorder.¹³

¹² PSS at [17]–[18].

¹³ PSS at [19].

21 As the accused indicated his plea of guilt at stage 2 of the Sentencing Advisory Panel’s Guidelines on Reduction in Sentences for Guilty Pleas (“PG Guidelines”), the Prosecution submits that a reduction of up to 20% can be applied to the imprisonment term.¹⁴ This would result in a sentence of 12.5 to 13.5 years’ imprisonment.¹⁵

Defence’s case

22 The Defence submits that in addition to the statutory aggravating factor, there is only one additional aggravating factor present and to a limited degree, which was that there was a breach of trust.¹⁶ The accused did not hold a formal position of trust *vis-à-vis* the victim. He was at most seen as a “big brother” by the victim and her mother thought that the accused treated “the victim like a daughter”. Therefore, an indicative starting sentence would be approximately 10 to 12 years’ imprisonment.¹⁷

23 This should be reduced to eight years’ mandatory imprisonment, in light of offender specific mitigating factors.¹⁸

24 First, the full 30% reduction in sentence ought to be given. The accused promptly indicated a plea of guilt once the representations were replied to.¹⁹

25 Second, a significant reduction in sentence ought to be extended due to the inordinate delay in prosecution. Even if the court takes the view that the

¹⁴ PSS at [19].

¹⁵ PSS at [19].

¹⁶ DPM at [14].

¹⁷ DPM at [16].

¹⁸ DPM at [19].

¹⁹ DPM at [20].

delay is not “inordinate”, a reduction is nonetheless appropriate to correct the prejudice faced by the accused. The Defence relies on *Chan Kum Hong Randy v Public Prosecutor* [2008] 2 SLR(R) 1019 (“*Randy Chan*”). While the delay here is not as long as that in *Randy Chan*, nevertheless, the principle is applicable.²⁰

(a) The offence occurred in 2015, well before the accused was sentenced to CT for his 2017 conviction. Although the victim had raised the allegations to her mother, no police report was made against the accused, and the offences were thus not dealt with in 2017, along with his other cases.²¹

(b) When the victim lodged her police report on 3 August 2021, the investigating officers recorded statements from the accused while he was serving his term of CT. The accused was released from CT in November 2022 and no proceedings were brought against him until January 2024, when he was arrested and placed in remand again. The Defence avers that there is no reason why over two years were required to complete investigations and charge the accused. If the accused had been promptly charged, the proceedings could have been expedited so that he could serve any sentence imposed on him concurrently with his CT or at least the sentence could have been served expediently immediately following his original term.²² Similar to *Randy Chan*, the lapse of time between the commission of an offence and the imposition of an unjustifiably delayed subsequent sentence takes on a particular significance when the rehabilitative goal of punishment appears to have

²⁰ DPM at [22]–[27].

²¹ DPM at [27].

²² DPM at [29]–[31].

been met: *Randy Chan* at [27]. Since the accused was released from CT, he has not reoffended but has instead sought to rebuild his life and reintegrate into society, also refraining from committing any offence until he was arrested in January 2024.²³

With respect to the Prosecution’s proposed offender-specific aggravating factors, the Defence submits that the above two mitigating factors “outweigh the presence of relevant antecedents and the TIC charges”.²⁴

26 Further, little to no weight should be placed on the accused’s paedophilic disorder, which should at most be a neutral factor.²⁵ The IMH found that he suffers from paedophilic disorder and does not qualify as being in full remission, which requires at least five years in an uncontrolled environment where he has not acted on the urges with a nonconsenting person, and for him to be without distress or impairment in functioning.²⁶ However, in this case the accused did not have the opportunity to complete the requisite five-year period of being in an uncontrolled environment, as he was rearrested and placed in remand before the five-year period was complete.²⁷ Therefore, the diagnosis cannot be regarded as a fair or accurate reflection of his current mental state within the context of his current everyday life. While certain observations were made by the accused’s sister regarding his conduct after his release, he did not reoffend during this period.²⁸ Furthermore, while the IMH report notes that the accused’s

²³ DPM at [33].

²⁴ DPM at [17].

²⁵ DPM at [36].

²⁶ IMH Report dated 18 September 2025 (“IMH Report”) at [44].

²⁷ DPM at [37].

²⁸ DPM at [39].

paedophilic disorder substantially contributed to the offending conduct, the IMH also recognises that this is a circular conclusion, given that it is because of his offending behaviour that he has been diagnosed as suffering from the psychiatric condition in the first place. Given that IMH is prepared to concede the circularity of their diagnosis and acknowledges that the “legal significance of this remains for the court to decide”,²⁹ the Defence submits that it is open for this court to place little to no weight on this diagnosis.³⁰ Reliance on the diagnosis set out in the IMH Report would unfairly prejudice the accused, as it is primarily carried over from his past IMH assessment in 2015.

Applicable sentencing framework

27 I begin my assessment of the issue in Step 1 of the *Sim Yeow Kee* framework, by setting out the applicable sentencing framework.

28 In *Pram Nair*, the Court of Appeal set out the sentencing framework for the offence under s 376(1) of the PC, for sexual penetration of the vagina using a finger, adapted from the framework in *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 (“*Terence Ng*”): *Pram Nair* at [158]–[160]. In *BPH v Public Prosecutor* [2019] 2 SLR 764 (“*BPH*”), the Court of Appeal held that the sentencing framework set out in *Pram Nair* is applicable to all forms of sexual assault by penetration under s 376, notwithstanding that *Pram Nair* was a case concerning only digital-vaginal penetration: at [55].

29 In *Terence Ng*, the Court of Appeal held that sentencing under the framework there, would take place in two steps: at [39].

²⁹ IMH Report at [48].

³⁰ DPM at [41].

(a) At the first step, the court would have regard to offence-specific factors in deciding which band the offence in question belonged to. Once the sentencing band had been identified, the court would further identify where precisely within that range the offence fell in order to derive an “indicative starting point” – this was a sentence that reflected the intrinsic seriousness of the offending act. In exceptional cases, the court might decide on an indicative starting point which fell outside the prescribed range.

(b) At the second step, the court would have regard to the aggravating and mitigating factors which were personal to the offender to calibrate the appropriate sentence for that offender.

30 The *Terence Ng* framework was adapted in *Pram Nair* for sexual assault by penetration cases, with the two-step approach retained but the sentencing bands adjusted. Under both frameworks, the number and intensity of offence-specific aggravating factors is the principal determinant of the appropriate sentencing band. This approach was affirmed by the Court of Appeal in *BPH*. I set out the guidelines for the bands under the *Pram Nair* framework, below:

(a) Band 1: cases with no or limited offence-specific aggravating factors would attract 7–10 years’ imprisonment and four strokes of the cane;

(b) Band 2: cases with two or more offence-specific aggravating factors, or with statutory aggravating factors present, would attract 10–15 years’ imprisonment and eight strokes of the cane;

(c) Band 3: extremely serious cases owing to the number and intensity of offence-specific aggravating factors would attract 15–20 years’ imprisonment and 12 strokes of the cane.

31 In *Pram Nair*, the Court of Appeal held that where the offence is committed against a person under 14 years of age, pursuant to s 376(4)(b) of the PC, the case should fall within Band 2 (or within Band 3 if there are additional aggravating factors): at [160].

32 I next consider how this framework has been applied in cases where the victim has been below 14 years old:

(a) In *BPH*, the Court of Appeal considered *BPH* as a case falling at least in the middle of Band 2 of the *Pram Nair* framework: at [64]–[69]. The offence specific aggravating factors included the abuse of trust by the maternal grandfather and the vulnerability of the young victim who was seven to eight years old.

(b) For the appeal against *Public Prosecutor v BVZ* [2019] SGHC 83, which was dealt with in the *BPH* judgment, the Court of Appeal agreed that the accused was a serial sexual predator and found five aggravating factors, at [90]–[96]: (a) the age of the victim (14 years old); (b) abuse of trust (the accused was a close friend’s father); (c) humiliation; (d) premeditation; and (e) the use of force and threat. The Court found that given the number of aggravating factors present, it should place each offence at least in the middle or upper half of Band 2: at [96].

(c) In *Public Prosecutor v BMU* [2020] SGHC 231 (“*BMU*”), the accused pleaded guilty to three charges under s 376(2)(a) of the PC, and

had 21 charges TIC for sentencing. The offence specific aggravating factors included: (a) victim being under 14 years (10 years old); (b) abuse of position (the accused was a father figure to the victim); and (c) the offences were carried out over long period of time. The High Court considered that these factors placed the offences in the middle to upper range of Band 2.

Application of the sentencing framework

(1) Offence specific aggravating factors

33 With the above in mind, I first consider the offence specific aggravating factors for this case. In particular, whether there are additional offence specific aggravating factors, specifically whether there was breach of trust, in addition to the offence being committed against a victim below 14 years of age.

34 The Defence accepted that in *BPH* the Court of Appeal considered it an aggravating factor, that the victim looked to the accused as a quasi-parental figure: at [92]. Hence this aggravating factor does not arise only where the accused is in a formal position of responsibility. However, the Defence submitted that the accused was not a quasi-parental figure since the SOF merely states that the victim “saw the accused as a big brother”.

35 It should be remembered that as the Court of Appeal explained in *Terence Ng* at [44(b)], this offence specific aggravating factor concerns cases where the offender is in a position of responsibility towards the victim or where the offender is a person in whom the victim has placed her trust by virtue of his office of employment. Parents, policemen or quasi-parental figures, are examples where the offender is in such a position of responsibility or trust. The nub of the issue here, is whether the offender is in such a position.

36 The admitted SOF states that the accused would either enter the flat on his own or the victim's grandparents would let the accused in. He often brought the victim alone out for food. The accused brought the victim alone to the swimming pool a few times as well. The "victim grew close to the accused and saw the accused as a big brother. Meanwhile, [the victim's mother] thought that the accused treated the victim like a daughter".³¹ I find that on the facts, it is clear that the accused was in a position of responsibility to the victim, and that the offence-specific aggravating factor, of breach of trust, is present.

37 Taking into consideration the presence of two aggravating factors, namely the victim being below 14 years old and breach of trust, and the precedents in *BHP* and *BMU*, the indicative starting point would be around the middle of Band 2.³² I would respectfully differ from the Prosecution in this respect, who submitted that the indicative starting point, taking into consideration these two aggravating factors, ought to be at the high end of Band 2 of *Pram Nair*, at about 14 to 15 years' imprisonment.

38 It should be recalled that in *BPH*, there were two similar aggravating factors, the abuse of trust and the vulnerability of a young victim, and the Court of Appeal considered the case as falling within the middle of *Band 2* of the *Pram Nair* framework. In *BPH*, the Court of Appeal considered BVH to be a case falling within the middle to high end of Band 2, where there were three additional aggravating factors in BVH in addition to breach of trust and vulnerability of a young victim. In *BMU*, there was also an additional aggravating factor, that led to the court considering the offences in that case as being placed in the middle to upper range of Band 2.

³¹ SOF at [5].

³² PSS at [18].

(2) Offender specific aggravating factors

39 I next consider step 2 of the *Terence Ng* framework and examine the offender-specific aggravating and mitigating factors, in calibrating the sentence.

40 I begin with the offender-specific aggravating factors.

41 First, there are four similar TIC charges committed against the same victim. TIC offences are recognised as an offender-specific aggravating factor: *Terence Ng* at [64(a)].

42 Second, I consider the IMH report, dated 18 September 2025. The psychiatrist made the follow observations:

(a) The accused has paedophilic disorder. He does not qualify for being in full remission, which requires at least five years in an uncontrolled environment where he has not acted on the urges with a nonconsenting person, and for him to be without distress or impairment in functioning.³³

(b) His paedophilic disorder would have substantially contributed to the alleged offence through impairment of his ability to exercise self-control. The psychiatrist notes the circularity in this, given how the offending behaviour is described by the clinical condition, and left it to the Court to decide the legal significance of this.³⁴

(c) His risk of recidivism remains high. Despite his family support, he appears to be in denial about his past actions. His ongoing attempts

³³ IMH Report at [44].

³⁴ IMH Report at [48].

to engage children in 2023 are a grave concern and, if not for the current remand, it is distinctly possible that he might have gone on to commit further offences.³⁵ The accused's sister indicated to the psychiatrist that the accused's social media indicated that he again posed as a young person around late-2023 and befriended three to four pre-teen young females. In his message correspondences, he asked them out, but it appears that he did not meet up with any one of the girls. The accused remained silent when his sister asked why he did that.³⁶

(d) Should he be given a custodial sentence, he should be referred to psychiatric services within prison for treatment and ongoing risk assessment, as he may continue to pose a threat to young girls upon his eventual release.³⁷

43 The Defence submits that little to no weight should be given to the IMH report. I note that the Prosecution had invited the Defence to raise specific challenges to the IMH Report if the accused did not agree with it, but this was not taken up, nor was there any application to adduce another psychiatric report. Instead, the Defence's submissions are based on what can be fairly inferred, based on what the IMH report states.

44 After considering the Defence's submissions, I am unable to agree that little to no weight should be given to the IMH report.

45 First, the Defence submits that the diagnosis should be given little weight as it was based on the past convictions of the accused and cannot

³⁵ IMH Report at [50].

³⁶ IMH Report at [43].

³⁷ IMH Report at [51].

represent the accused's present state of mind. The Defence contends that the sources of information the psychiatrist was instructed to rely on included past IMH clinical reports created for the accused's previous convictions. However, at the sentencing hearing, the Defence accepted that the IMH report did not expressly state that the present diagnosis was based solely on past reports.

46 Further, I am unable to agree that the psychiatrist's diagnosis was *solely* based on his *past* convictions for two reasons: (a) first, the sources of information relied upon for diagnosis included interviews with the accused based on the present offences,³⁸ and (b) second, the psychiatrist had provided various reasons based on the accused's present state of mind for the diagnosis, including that fact that despite family support, he remains in denial about his previous convictions.³⁹

47 Second, while the accused did not qualify for full remission (which requires at least five years in an uncontrolled environment where he has not acted on the urges with a nonconsenting behaviour) as he was re-arrested about a year or so after his first release from CT in November 2022, that does not detract from the clinical diagnosis. It can only go as far as indicating that despite his diagnosis, he has not reoffended at the time of his re-arrest.

48 Third, the psychiatrist's observation about circularity⁴⁰ relates to his own statement, that the accused's "paedophilic disorder would have substantially contributed to the alleged offence through the impairment of his ability to exercise self-control". The psychiatrist noted the circularity in "how the

³⁸ IMH Report at [2] and [4].

³⁹ IMH Report at [50].

⁴⁰ IMH Report at [48].

offender behaviour is described by the clinical condition”. In other words, the circularity is in the description of the offending behaviour and not the diagnosis itself. Ultimately, the psychiatrist’s clinical diagnosis is that the accused has “Paedophilic Disorder” and that there is a high risk of recidivism. His diagnosis is not based on or related to this observation of circularity.

49 As part of the assessment for the CT Suitability Report, the Prison’s senior psychologist conducted an interview with the accused. Her findings include her assessment of the current negative attitudes of the accused, which she noted had persisted since previous assessments. These findings reflect the psychologist’s assessment of the accused’s current state of mind. They are not based on past convictions.

50 The CT Suitability Report reinforces the IMH report. It concludes that based on the Risk for Sexual Violence Protocol, the accused is assessed to have high risk and moderate imminence of sexual reoffending, indicating a likelihood of reoffending upon release if there are no further intervention measures. I have set out at [14]–[15] above, the findings of the CT Report in more detail.

51 In *Lim Hock Hin Kelvin v Public Prosecutor* [1998] 1 SLR(R) 37 (“*Kelvin Lim*”), the Court of Appeal held that in considering the appropriate tariffs for sentences, social danger should also be taken into account (at [21(b)]):

(b) *Social danger*. Paedophilic offences are by their nature unpleasant and most distressing and the society has to express its marked disapproval for such harm to the young and vulnerable victims. The presumption is that the safety of the child must be paramount and chronic paedophiles who have a propensity to reoffend, because they are either totally unable or unwilling to control themselves, have to be put away for long periods.

[emphasis in original]

52 I therefore take into consideration the assessment of the IMH report and the CT Suitability Report that there is a high risk of recidivism, which should be considered as an offender-specific aggravating factor.

53 The third aggravating factor is that the accused has similar antecedents. The accused had been convicted in 2007 in relation to offences under s 354 of the PC 1985 for assault or use of criminal force to a person with intent to outrage modesty and s 361 of the PC 1985 for kidnapping from a lawful guardian. The accused was also convicted in 2017 for offences taking place in between 2013 and 2015, for offences under s 354(2) of the PC for outrage of modesty against a person under 14 years of age and s 361 of the PC for kidnapping from a lawful guardian. The presence of relevant antecedents is recognised as an offender-specific aggravating factor: *Terence Ng* at [64(b)]; *Sim Yeow Seng v Public Prosecutor* [1995] 2 SLR(R) 466 (“*Sim Yeow Seng*”) at [8].

(3) Offender specific mitigating factors

54 I turn next consider the offender-specific mitigating factors. The Defence advanced two such factors.

55 First, the Defence submits that there was unjustifiable delay in prosecuting the accused and that this resulted in prejudice on the accused. The Defence accepts that *Randy Chan* does not apply on all fours but submits that the principle there nevertheless applies.

56 I do not find that the principle in *Randy Chan* is applicable here. It should be recalled that the Court there recognised that the decision there arose from “an exceptional case” and that it “cannot follow that all delayed prosecutions ought to entitle an accused to a mitigated sentence”: at [71]. The facts here are very different.

57 Most notably, in *Randy Chan*, the authorities were aware of the accused's offences at the time of the earlier set of prosecutions. However, in this case, the authorities were only aware of the offences at around 2021, several years after the earlier set of prosecutions in 2017.

58 In addition, the delay in prosecution in *Randy Chan*, from the time that the authorities were aware of the offences to the time of prosecution, was about six years. In this case, the period between report and arrest was about two years. In *Miya Manik v Public Prosecutor* [2021] 2 SLR 1169 ("*Miya Manik*"), the Court of Appeal held that to show that there has been an inordinate delay, it will be necessary as a first step for the accused person to establish that there has been a delay that is well beyond the sort of time scale that is typically encountered in broadly similar cases. This will be a fact-sensitive inquiry that will turn on the full range of circumstances including the factual and evidential complexity of the matter, the gravity of the offence, the number of witnesses, the extent to which the accused person is forthcoming, the number of accused persons, whether the matter is a joint trial of several accused persons and so on: at [36]. The accused here has not referred to any broadly similar cases to show this, nor did he seek leave to do so after being referred to *Miya Manik*.

59 At the first hearing, when *Miya Manik* was brought to the attention of the Defence counsel, he submitted that his submission for mitigation was less that of inordinate delay as per *Randy Chan*, and instead about the prejudice suffered by the accused on two fronts.

60 First, that the accused is being prosecuted for offences committed almost ten years ago. Second, the accused's present sentence could have been served before he was released, in which case his journey of rehabilitation would not have been interrupted. The Defence submits that if the offence was reported

earlier, it could have been prosecuted together with the other offences in 2017 with the possibility of the sentences running concurrently. Alternatively, if prosecution had not been delayed, the accused could have served a consecutive sentence without first being released in November 2022. The accused had started on his journey of rehabilitation, and that has now been interrupted by his arrest and present prosecution.

61 In my judgment, it cannot be said that there was inordinate delay in prosecution here, nor can the victim be blamed for surfacing it only around 2021 when the incident was uncovered in a counselling session with a Child Protection Officer on a separate matter. In addition, the prejudice against the accused here is markedly different from that in *Randy Chan*. The accused in *Randy Chan* had made substantial rehabilitative progress, whereas the accused here, as his counsel framed it at the first hearing, had only just embarked on his rehabilitation journey. It is also speculative that the accused would have been sentenced to concurrent sentences if this set of charges were prosecuted at the same time. On the whole, I do not consider that the accused's reframed submission justifies it being an offender-specific mitigating factor. That said, I accept that the accused is being prosecuted for offences that took place almost a decade ago, and that in the passage of about a year since his release from his earlier CT sentence in November 2022, he has not reoffended. I will consider this in terms of the weight to be attributed to his offender-specific aggravating factors, which indicate a propensity to reoffend.

62 I next consider the second offender-specific mitigating factor raised by the accused, his plea of guilt. In *Terence Ng*, the Court held that the plea of guilt should be assessed as one of the many offender-specific mitigating factors that should be taken into account at the second step of the sentencing analysis. A sentence might be reduced on this account, for various reasons including that it

sparing the victim from the ordeal of testifying and results in the saving of state resources: at [71]. These points are also explicitly recognised in the PG Guidelines as clear benefits of an early plea.

63 Both parties reference the PG Guidelines. The Prosecution submits that this case falls under Stage 2 of the PG Guidelines, where a maximum of 20% discount applies. The Defence submits that the maximum of 30% discount under Stage 1 should be applied. Stage 1 of the PG Guidelines covers the period from the first mention until 12 weeks after the hearing when the prosecution informs the court and the accused person that the case is ready for the plea to be taken. In this case, the material hearing took place on 20 March 2024. The accused indicated his willingness to plead guilty on 15 January 2026.

64 The PG Guidelines provide an exception at Stage 1, for pleas taken after 12 weeks, where there are reasons for delay in obtaining legal advice on whether or not to plead guilty. However, it is not the Defence's case that there was a delay in obtaining legal advice or that there was justifiable reason for such delay. At the first hearing, it was submitted that the relevant date of the first hearing should be from when the IMH report was first issued (18 September 2025), since it is relied on by the Prosecution. However, the Prosecution confirmed, and the Defence accepted, that the IMH report was requested by the accused's first set of counsel and acceded to by Prosecution, who were ready to proceed without it.

65 In the above circumstances, I see no basis for applying the maximum discount of 30% that is available under Stage 1 for a plea of guilt. That said, the accused's plea of guilt following the reply to representations, spared the victim the ordeal of having to testify and resulted in savings of state resources. I

consider that a discount of 20% would be appropriate arising from the plea of guilt.

66 In summary, the offender specific aggravating factors are: (a) the four offences TIC, (b) the clinical diagnosis of paedophilic disorder and high risk of recidivism, and (c) the similar antecedents. In weighing the factors indicating propensity to reoffend, I take into consideration that this set of offences took place around ten years ago, and the accused did not reoffend for about a year after his release from CT in November 2022.

67 The offender specific mitigating factor is the plea of guilt, for which I consider there should be a 20% discount.

68 Taking these factors into consideration and applying them to the indicative starting point of around the middle of Band 2, the accused would likely have been sentenced to around 11 years to 11 years and six months of imprisonment.

Step 2: Applicability of MAS

69 I turn to consider Step 2 of the *Sim Yeow Kee* Stage 2 framework, which considers whether the MAS would apply to the accused if he were sentenced to regular imprisonment. In this case, MAS would apply.

70 The Singapore Prison Service (“SPS”) was directed to file an affidavit to explain why the MAS is not applicable to those incarcerated under CT. The SPS explained that instead of the MAS scheme, CT inmates are placed on a Release on Licence (“ROL”) scheme if found to be suitable. The MAS and ROL schemes serve the same objective of providing post release support to facilitate an inmate’s reintegration into society and to reduce the risk of reoffending by

providing structure aftercare, support and supervision.⁴¹ The key difference is that an inmate serving a regular imprisonment term is typically entitled to remission of one-third of the sentence and if an inmate served a sentence on the First Schedule of the Prisons Act 1933 (2020 Rev Ed), then the MAS applies automatically.⁴² For an inmate incarcerated under CT, after two-thirds of the sentence is served, an inmate is eligible to be considered for ROL. However, the grant of ROL is discretionary. The SPS assesses an inmate's suitability for ROL based on factors such as risk of reoffending, conduct in prison, responsiveness towards rehabilitation, completion of mandatory rehabilitation programmes and presence of concrete post-release plans.⁴³

71 The Prosecution nevertheless submits that while the MAS applies to imprisonment but not CT, CT is still warranted. In its written submissions, the Prosecution had initially submitted that CT is warranted, as it would allow the accused to receive psychiatric help. In *Pram Nair*, the Court observed at [16(a)], that there is now no longer any “qualitative” difference between the rehabilitative programmes offered to CT inmates and those offered to regular prison inmates. It was not clear to me that psychiatric help is not available to those in the usual imprisonment regime. In the course of its oral submissions, the Prosecution clarified that it is also their understanding that psychiatric help would be available to those in the usual imprisonment regime. The main reason the Prosecution is seeking CT, is that the automatic remission available under Conditional Remission Scheme (“CRS”) does not apply to CT, and the accused would have to undergo ongoing risk assessment, including psychiatric

⁴¹ Affidavit from SPS (“SPS”) filed on 9 June 2026 at [6]–[7].

⁴² SPS at [7].

⁴³ SPS at [5].

assessment, to assess his risk of recidivism, before release from prison under the release on licence regime (“ROL”).

Step 3: CT sentence is not unduly disproportionate

72 I next assess Step 3 of the *Sim Yeow Kee* Stage 2 framework, which considers whether the Prosecution’s submitted sentence of CT of 12.5 to 13.5 years, would be unduly disproportionate. I have assessed above at [67] that if the accused was sentenced to the usual regime of imprisonment, his likely term of imprisonment would be around 11 years to 11 years and six months. Compared to this, the Prosecution’s submitted position is not unduly disproportionate.

73 The consideration of proportionality between an underlying sentence and one of CT is important in cases where the mandatory minimum sentence of CT would result in a longer sentence than an imprisonment sentence for the offence. The Prosecution has proceeded on the basis that the CT term would be about the *same* as that under imprisonment.

74 In this case, the main reason advocated by the Prosecution for CT, which I accept in light of the assessment of a high risk of recidivism, is that the accused would be subject to the ROL scheme, which would involve a risk assessment before he is released from prison. That does not affect the considerations which underlie the length of an imprisonment term (which I have assessed above) or a CT term. I hence sentence the accused to 11 years and six months of CT.

Accused is ineligible to be caned

75 The accused is above 50 years old and is ineligible to be caned: s 325(1)(b) of the CPC. In *Public Prosecutor v Mark Kalaivanan s/o Tamilarasan*

[2025] 2 SLR 76 (“*Mark Kalaivanan*”), the Court of Appeal held that the Court does not have the power to impose an additional term of imprisonment in place of caning where an accused is sentenced to Preventive Detention (“PD”). The use of the phrase “in lieu of any sentence of imprisonment” in s 304(2) of the CPC makes it clear that all sentences of imprisonment would be subsumed in a sentence of PD: *Mark Kalaivanan* at [29]. The Prosecution submits that as this phrase is similarly used in s 304(1) of the CPC in relation to CT, imprisonment in lieu of caning cannot be imposed when an accused is sentenced to CT as well. I agree with the Prosecution.

Conclusion

76 In conclusion, I sentence the accused to CT for 11 years and 6 months. The Defence sought for the sentence to be backdated. The Prosecution has no objections.⁴⁴ The sentence is backdated to the date of the arrest of the accused, being 3 January 2024, with the period spent in custody counting towards the term of the CT.

Kwek Mean Luck
Judge of the High Court

Yap Wan Ting Selene and Heng Yu Qing Melissa (Attorney-
General's Chambers) for the Prosecution;
Mark Yeo Kee Teng and Amelia Lee Wan Lin (Fortress Law
Corporation) for the accused.

⁴⁴ PSS at [28].