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

[2026] SGHC 242

Criminal Case No 19 of 2026

Between

Public Prosecutor

And

DEX

GROUNDS OF DECISION

[Criminal Law — Offences — Sexual assault by penetration — Digital penetration]
[Criminal Law — Offences — Sexual offences]
[Criminal Law — Statutory offences — Children and Young Persons Act — Sexual exploitation of child or young person — Whether acts "obscene"]

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v
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[2026] SGHC 242

General Division of the High Court — Criminal Case No 19 of 2026
Aidan Xu J
19–22, 26 and 28 May, 1, 2 and 7 July, 6 and 23 October 2026

24 November 2026

Aidan Xu J:

Introduction

1 The accused, a 44-year-old male Singaporean, claimed trial to the following four charges:

(a) one charge of sexual assault by penetration under s 376(2)(*a*) punishable under s 376(4)(*b*) of the Penal Code (Cap 224, 2008 Rev Ed) ("PC") ("SAP Charge");

(b) one charge of committing an obscene act with a child for a first occasion sometime in 2015 punishable under s 7(*a*) of the Children and Young Persons Act (Cap 38, 2001 Rev Ed) ("CYPA") ("1st CYPA Charge");

(c) one charge of committing an obscene act with a child for a second occasion sometime in 2015 punishable under s 7(*a*) of the CYPA ("2nd CYPA Charge"); and

(d) one charge of committing an obscene act with a child for a third occasion sometime in 2015 punishable under s 7(*a*) of the CYPA ("3rd CYPA Charge", and collectively with the 1st CYPA Charge and the 2nd CYPA Charge, the "CYPA Charges").

2 The victim, the accused's former stepdaughter, was below 14 years of age at the time of the offences in 2015. The Prosecution's case was that, on three occasions in 2015, the accused had soaped, scrubbed and applied body cream on the victim's naked body, including over the victim's breasts. On the third occasion, the accused had additionally inserted two fingers into the victim's vagina. The accused denied entirely that these events occurred.

3 After considering the evidence and parties' respective submissions, I convicted the accused on all four charges. I imposed 11 years' imprisonment and 12 strokes of the cane for the SAP Charge, and eight months' imprisonment for each of the CYPA Charges. The sentences for the SAP Charge and the 1st CYPA Charge were ordered to run consecutively, and sentences for the 2nd and 3rd CYPA Charges were ordered to run concurrently with the sentence for the SAP Charge, resulting in a global sentence of 11 years' and eight months' imprisonment, and 12 strokes of the cane. The accused has appealed against my decision on both conviction and sentence.

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Background

4 The accused was married to the victim's mother ("M") in 2008.[1] Prior to their marriage, M had three daughters, namely the victim, who was born in 2002, a second daughter born in 2003 ("S2") and a third daughter born in 2005 ("S3"). M and the accused had another daughter in 2009 ("S4").[2] After their marriage, M and the accused resided in M's mother's flat.[3]

5 Sometime in November 2014, the accused and M, together with their four daughters, moved to another flat ("Matrimonial Flat").[4] The Matrimonial Flat had two bedrooms and two bathrooms. M and the accused occupied the master bedroom and shared its ensuite toilet ("master bedroom toilet"), while the children occupied the second bedroom and shared the common toilet. At the material time, the accused worked in security and as a bodyguard, and also operated a cleaning company.[5]

6 The accused and M first began encountering problems in their marriage sometime before 2013.[6] Their marriage was eventually dissolved in January 2016. M and her daughters moved out of the Matrimonial Flat around that time.[7] M and the accused's divorce was finalised in November 2017. As part of the

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1 Statement of Agreed Facts dated 14 May 2026 ("SOF") at para 3.

2 SOF at paras 1–4.

3 Agreed Bundle ("AB") at p 5.

4 SOF at para 4.

5 Transcript of 7 July 2026, p 25 at lines 15–25.

6 Transcript of 20 May 2026, p 17 at line 2 to p 18 at line 6.

7 Transcript of 20 May 2026, p 18 at lines 7–9; Transcript of 7 July 2026, p 9 at line 31 to p 10 at line 2.

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divorce agreement, the Matrimonial Flat was transferred to the accused in 2018.[8] M subsequently married her current husband ("H").[9]

The Prosecution's case

7 Including the victim, the Prosecution called 11 witnesses at trial. The attendance at trial of the remaining witnesses for the Prosecution, including S4 who was 16 years old at the time of the trial, were dispensed with by consent. Further, the conditioned statements of the witnesses for the Prosecution, where available, were admitted as their respective evidence-in-chief by consent.

The Commission of the Offences

8 The offences all took place sometime in 2015, when the family was residing in the Matrimonial Flat. The victim's evidence was that sometime after the family moved in, the accused instructed the victim and her sisters to shower together in the common toilet.[10] The sisters complied with his instructions. As the toilet door would remain unlocked, on a few occasions, the accused would enter the toilet and tell the sisters that he would teach them how to shower properly.[11] He would then scrub the victim as well as her sisters' bodies.[12] This was also confirmed by the evidence of S2 and S3,[13] and although S4 was young at the time, she confirmed that she remembers the sisters showering together in the common toilet.[14]

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8 SOF at para 6; Transcript of 7 July 2026, p 31 at lines 1–4.

9 AB at p 17.

10 AB at p 5.

11 AB at pp 5–6.

12 AB at p 6.

13 AB at pp 9–12.

14 AB at p 13.

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9 The victim gave evidence that sometime during 2015, on one of these occasions when the sisters showered together, the accused entered the common toilet and told the victim to continue showering in the master bedroom toilet alone. The victim complied.[15] While the victim was showering in the master bedroom toilet, the accused entered and began scrubbing her body. He then asked the victim to rinse off her body before leaving the toilet himself. After the victim dried off and left the master bedroom toilet, the accused would apply lotion on her body, including over her breasts.[16] This formed the background to the 1st CYPA Charge.

10 According to the victim, a similar sequence of events occurred two more times in 2015.[17] The latter two incidents formed the background to the 2nd and 3rd CYPA Charges respectively.

11 During the third of these instances, which took place in late 2015 during the end-of year school holidays,[18] the accused entered the master bedroom toilet while the victim was soaping her body. The victim's account was that the accused then began scrubbing her body with his hands. While the victim was still covered in soap,[19] the accused told the victim to sit on the toilet bowl and spread her legs apart. The accused then kneeled in front of her, with one knee on the floor and the other foot on the floor,[20] and proceeded to insert two fingers into the victim's vagina. He moved his fingers around and asked the victim if it was painful. The victim nodded. The accused continued moving his fingers for

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15 AB at p 6.

16 AB at pp 6–7.

17 AB at p 6.

18 AB at p 6; Transcript of 22 May 2026, p 53 at line 25 to p 54 at line 2.

19 Transcript of 22 May 2026, p 38 at line 20 to p 39 at line 14.

20 Transcript of 22 May 2026, p 11 at lines 17–22.

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around two to three minutes before pulling his fingers out. After this, he told the victim to dry herself and exit the master bedroom toilet. When the victim stepped out into the master bedroom, the accused proceeded to apply lotion to her body.[21]

Discovery of the offences

12 Sometime before 2020, the victim began suffering from headaches and sleeplessness. She told her then-boyfriend ("B") about her symptoms and that she often had flashbacks about the incidents.[22] As the victim's symptoms worsened,[23] he advised her to seek professional treatment in 2020.[24]

13 The victim visited a family clinic in July 2020 for a consultation. During the consultation, the attending doctor ("GP") asked if the victim had any suicidal thoughts or thoughts of self-harm, and the victim replied that she did and that they had affected her sleep. The GP then told the victim that he would have to inform her parents.[25] He called her parents to advise them to bring the victim to the hospital for medical attention.[26]

14 After the victim and B returned home, H and M asked the victim about what the GP had informed them, and her situation. The victim broke down and told them about the incidents with the accused. M suggested that the victim should contact her social worker. M and the victim then spoke to the victim's

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21 AB at pp 6–7.

22 AB at pp 7 and 18.

23 Transcript of 22 May 2026, p 16 at line 19 to p 17 at line 22.

24 AB at p 18.

25 Transcript of 22 May 2026, p 17 at lines 21–30.

26 AB at p 130.

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social worker over the phone, who recommended that M and the victim lodge a police report. Subsequently, M accompanied the victim to lodge a police report.[27] The accused was arrested a few days later in July 2020.[28]

15 The victim, together with M, was seen by Dr Parvathy Pathy ("Dr Pathy"), a Senior Consultant from the Institute of Mental Health, in March 2021 for an assessment. Dr Pathy recorded both the victim and M's accounts of the incidents in her report dated 29 March 2021 ("IMH Report").

16 The Prosecution argued that the case was proven beyond a reasonable doubt as the testimony of the victim was consistent, corroborated and compelling. Furthermore, her credibility was reinforced by evidence from her which, on its face, was favourable to the accused.[29] Cogent reasons were given for the delay in reporting.[30] The victim and her family had no motive to falsely incriminate the accused, given that they had minimal contact with the accused since 2016 and the financial and legal matters arising from the accused's divorce from M had been fully resolved by 2018.[31]

17 On the CYPA Charges, s 7(*a*) of the CYPA reads as follows:

> **Sexual exploitation of child or young person**
>
> **7**. Any person who, in public or private —
>
> (a) commits or abets the commission of or procures or attempts to procure the commission by any person of any *obscene or indecent act* with any child or young person ...

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27 AB at p 16.

28 AB at pp 118–119.

29 Prosecution's Closing Written Submissions dated 4 September 2026 ("P CWS") at [35].

30 P CWS at [36].

31 P CWS at [37]–[38].

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> shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 5 years or to both and, in the case of a second or subsequent conviction, to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 7 years or to both.
>
> [emphasis added]

18 In response to the Court's questioning whether the facts in the CYPA Charges were "obscene" acts under s 7(*a*) of the CYPA, the Prosecution submitted that whether an act is "obscene" or "indecent" is determined objectively with reference to the morals of the general public, *ie*, whether such an act would be considered to be obscene or indecent by any right-thinking member of the public, based upon the morals of the general public.[32] Further, "obscene" and "indecent" acts under s 7(*a*) of the CYPA formed a spectrum, with "obscene" acts at the overtly sexual end of the spectrum such as to be clearly morally wrong, while indecent acts are at the opposite end such as to be morally offensive but less intrusive or overtly sexual.[33] The question is to be determined objectively with reference to all the circumstances of the case, including the relationship between the parties, the details of the incident during which the act took place, and the previous and subsequent conduct of the parties within the context of their relationship.[34] The accused himself accepted that the acts, had they happened as described by the victim, would have fallen outside the established norms of the relationship between the accused and the victim at the material time, and therefore the acts were obscene.[35]

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32 Prosecution's Written Submissions at the Close of the Prosecution's Case dated 1 July 2026 ("P CPCWS") at [18(a)].

33 P CPCWS at [18(b)].

34 P CPCWS at [18(c)].

35 P CPCWS at [27]; P CWS at [51]–[52].

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The Defence's case

19 The Defence's case was a complete denial of the victim's version of events. The accused denied all the acts, including showering his stepdaughters. The Defence argued that the victim's testimony had to be unusually convincing.[36] The victim's evidence fell short of this as it was internally inconsistent:

(a) the victim failed to raise the fact that the accused asked her to sit on the toilet bowl and inserted his finger because he wanted to clean the inside of her vagina during trial or in her conditioned statement even as this was mentioned in the victim's account to Dr Pathy;[37]

(b) the victim gave an inconsistent account as to why she was in the master bedroom toilet naked;[38]

(c) the victim was inconsistent, when describing the second incident, as to whether she and her sisters were showering or washing the common toilet;[39] and

(d) the victim's explanation that she only told the accused that she was uncomfortable during the second incident as she felt he was in a good mood that day was an afterthought and contrasted with

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36 Defence's Closing Written Submissions dated 4 September 2026 ("D CWS") at [13]–[15].

37 D CWS at [16]–[18].

38 D CWS at [19].

39 D CWS at [20]–[21].

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her lack of protest while she was still showering with her sisters.[40]

20 The Defence also pointed to several external inconsistencies between the victim's evidence and that of her sisters. While the victim testified that there were chores allocated to each of them, S2 was unaware of these chore assignments, and S3 could not recall whether washing the master bedroom toilet was part of the chores assigned to them.[41]

21 The Defence also argued that it was not possible for the accused to have committed the offences. First, the accused worked daily from 7.00pm to at least 7.00am, returning home only to eat, shower and sleep as he would be exhausted from his day of work. Thus, there would have been very little opportunity or capacity for the accused to have committed the offences.[42] Second, the accused had injured his knees from two traffic accidents which made it difficult for him to bend down, and therefore it was impossible for him to have knelt down with one foot on the floor in front of the toilet bowl, as described by the victim.[43]

22 Finally, the Defence suggested that the victim had a plausible motive to falsely implicate the accused, in that she held a grudge against him either for hitting M after the accused caught M in a compromising situation, or for hitting the sisters when they were young.[44] There was also considerable delay between

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40 D CWS at [22]–[23].

41 D CWS at [26]–[28].

42 D CWS at [32]–[35].

43 D CWS at [36]–[38].

44 D CWS at [40]–[44].

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the alleged offences and the police report in 2020, and a further delay from the police report to the trial in 2026.[45]

Issues to be determined

23 I found that the evidence against the accused established his guilt on the four charges beyond any reasonable doubt. In convicting the accused, I considered the following:

(a) whether the delay in reporting the incidents had any effect;

(b) whether the evidence of the victim about the incidents was unusually convincing, or whether there were inconsistencies which undermined her evidence;

(c) whether the facts pointed to by the Defence, *ie*, his work schedule, his knee injury, and the plausible motive to implicate the accused, raised any reasonable doubt; and

(d) in respect of the CYPA Charges, whether the accused's alleged acts amounted to "obscene" acts under s 7(*a*) of the CYPA.

Whether the victim's evidence was unusually convincing

24 Where the Prosecution relies on the uncorroborated testimony of the victim as the sole basis for the accused's guilt, the victim's testimony must be unusually convincing before the court may convict the accused: *Public Prosecutor v GCK* [2020] 1 SLR 486 at [88]. This involves an assessment of both the internal and external consistency of the victim's testimony.

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45 D CWS at [45]–[46].

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25 As I had explained in *Public Prosecutor v Mookkapillai Pazhanivel* [2026] SGHC 60 ("*Mookkapillai Pazhanivel*") at [53], the "unusually convincing" requirement does not impose an additional requirement beyond the normal burden placed upon the Prosecution but, rather, it is an assessment of the victim's testimony against the totality of the evidence. The focus is simply on assessing the internal and external consistency of the victim's testimony, and on attributing the appropriate weight to the various pieces of evidence: *Mookkapillai Pazhanivel* at [48]–[52]. The internal and external consistency of the victim's evidence, and matters such as the demeanour and candour of the victim, are all to be taken into account as a part of the evidential matrix.

Delay in reporting

26 There was a delay in the reporting of the incident of at least two years between the alleged commission of the offences in 2015, and when the victim first made some reference to the incidents to B sometime before 2018,[46] and two more years before the victim made the police report in 2020. However, I did not find that the delay in reporting affected the credibility of the victim or the strength of her evidence.

27 Victims of sexual assault may not report the offence in a timely manner as there are "empirically-supported psychological reasons for delayed reporting, including feelings of shame and fear": *Public Prosecutor v Mohd Ariffan bin Mohd Hassan* [2019] 2 SLR 490 ("*Ariffan*") at [65]. This is even more so where the sexual assault took place in a familial context and the victim was young: *Public Prosecutor v CJK* [2024] SGHC 175 at [98]. There may be good reasons for a long delay before offences are reported.

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[46] Transcript of 19 May 2026, p 24 at line 20 to p 25 at line 11; Transcript of 22 May 2026, p 14 at line 28 to p 15 at line 1.

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28 The Court of Appeal in *Ariffan* at [67] held that the explanations proffered by the victim for the delay in reporting are to be considered by the court in determining the impact of the delay, if any, on the credibility of the victim. The effect of the delay in reporting must be considered on the specific facts of each case: *Public Prosecutor v Yue Roger Jr* [2019] 3 SLR 749 ("*Yue Roger Jr*") at [30].

29 Here, there was sufficient explanation for the omission to report the incidents immediately. The victim explained that she did not report the matter to the police as she was afraid of the accused. According to her, the accused threatened her that he could harm her or her family.[47] The accused was known to the victim for acts of violence (see [22] above).[48]

30 The victim had not kept mum about the incidents all the way up until 2020. The victim's account that she had informed B of the incidents while they were dating in or around 2018 was confirmed by B. His reaction in telling her that it was for her to decide on whether to inform her parents or the police was also entirely natural and understandable.[49] Although she did not reveal the incidents to her parents, the victim had also confided in her sisters, whom she spoke more to, sometime in 2019.[50] Even this, she only did hesitantly.[51] She explained that she chose not to confide in M as she felt that her and M "weren't

47 Transcript of 22 May 2026, p 13 at lines 19–26.

48 Transcript of 22 May 2026, p 7 at lines 6–13, p 13 at lines 19–26 and p 23 at lines 26–30.

49 Transcript of 22 May 2026, p 15 at lines 4–21.

50 Transcript of 22 May 2026, p 15 at line 22 to p 16 at line 18; Transcript of 26 May 2026, p 7 at line 5 to p 8 at line 3 and p 26 at line 14 to p 27 at line 2.

51 Transcript of 26 May 2026, p 8 at lines 3–4.

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very open with [their] feelings",[52] and that she felt more "comfortable confiding amongst" her sisters.[53] It was thus entirely natural for her to choose to first confide in those with whom she felt more comfortable, *ie*, her boyfriend and sisters.

31 Finally, although the victim did not make any mention of the slash marks on her hands or the incidents with the accused to the GP,[54] the GP's report confirmed that she did complain of depressed mood and passive suicidal thoughts.[55] This also supported the claim that she suffered from psychiatric issues which prompted her to consult the GP in the first place. The sequence of events through which the incidents came to light was entirely organic and explained the delay in reporting. Taken together, the delay in reporting did not undermine the credibility of the victim's testimony.

Alleged inconsistencies in the victim's evidence

32 The Defence raised a number of inconsistencies in the victim's evidence. To my mind, there was a core in the victim's evidence, unaffected by any alleged inconsistency raised by the Defence, which pointed to the commission of these offences beyond any reasonable doubt.

Dr Pathy's report

33 The first alleged inconsistency the Defence referred to concerned Dr Pathy's IMH Report. This was what was recorded in the IMH Report:[56]

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52 Transcript of 22 May 2026, p 31 at lines 13–17.

53 Transcript of 22 May 2026, p 28 at line 27 to p 29 at line 3.

54 Transcript of 22 May 2026, p 43 at line 3 to p 44 at line 23.

55 AB at p 130.

56 AB at p 126.

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> … [The victim] stated that after that, [the accused] told her to sit on the toilet bowl and asked her to open her legs so that he could access and clean her private (genital) part. According to [the victim], [the accused] first cleaned around her genital area with his hands, then rinsed his hands and told her that he must clean inside. …

34 In comparison, in the victim's conditioned statement, there was no mention that the accused had told her that the purpose of asking the victim to open her legs was to clean her private parts. Neither did the victim refer to this stated intention by the accused to clean her genital area during her cross-examination. The Defence argued that this was a "major shift in [the victim's] story."[57]

35 I did not agree with the Defence's characterisation. Any such discrepancy did not affect the core of the victim's evidence that the act was committed. In fact, her accounts given to Dr Pathy and at trial were consistent as to the material aspects of the incident involving penetration. Both accounts mentioned that the accused was scrubbing the victim in the master bedroom toilet, that she was told to sit on the toilet bowl and open her legs, that the accused inserted his fingers inside the victim's vagina, and that the accused asked her if she felt pain.[58] Secondly, this inconsistency was never put to her at trial. Consequently, the victim was not afforded the opportunity to explain. Given that this detail was ultimately immaterial to the charge, there was little basis to say that there was a shift in the victim's otherwise consistent account: see *GII v Public Prosecutor* [2025] 3 SLR 578 at [48].

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57 D CWS at [16]–[17].

58 AB at pp 7 and 126; Transcript of 22 May 2026, p 10 at line 30 to p 11 at line 4.

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Consultation with GP

36 The Defence argued a related point that the victim made no mention of the offences when she first consulted with the GP, and that she failed to mention the consultation with the GP in her account to Dr Pathy.[59]

37 Again, I did not think this took the Defence far. The victim saw the GP for her symptoms of low mood and having suicidal thoughts.[60] Given that the victim was 18 years old when she decided to make the police report after the consultation and the GP did not ask for specific details, it was not untoward that the victim failed to disclose the incidents with the accused to the GP.[61] It bore emphasising that prior to seeing the GP, the victim had not even informed M of the incidents. Neither would the victim be expected to mention her consultation with the GP during her interview with Dr Pathy. The victim was asked by Dr Pathy to give an account of the incidents which gave rise to the SAP Charge and the CYPA Charges.[62] Her consultation with the GP was not directly connected to the offences. Furthermore, the Defence did not dispute that the consultation with the GP had occurred. This was not an inconsistency, nor did it affect her credibility.

Whether cleaning or showering

38 The Defence argued that the victim was inconsistent as to whether she was cleaning the toilets or showering. The victim's evidence in her conditioned statement was that she was told to go to the master bedroom toilet and continued

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59 D CWS at [18].

60 AB at p 130.

61 Transcript of 22 May 2026, p 17 at line 21 to p 18 at line 9; Transcript of 28 May 2026, p 6 at lines 10–32.

62 AB at pp 125–128.

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to shower in the master bedroom toilet.[63] In comparison, the victim testified during cross-examination that during the second instance, the sisters started out washing the common toilet.[64] She said that the accused had then stepped into the common toilet to ask her to clean the master bedroom toilet.[65] Further, according to her, when the accused entered the master bedroom toilet, the victim was cleaning the toilet, and the accused supervised her by telling her where she had missed or to check on her progress.[66] The victim gave further evidence during re-examination that for this second instance, she was naked while washing the master bedroom toilet. She was not sure of the reason why she would be naked while washing the toilet and testified that this was not something she had done before.[67]

39 The Defence further submitted that the victim's account was inconsistent with the account of her sisters.[68] The victim said that there was an allocation of chores by both M and the accused, which included the cleaning of both the common and master bedroom toilets.[69] S2 however did not give any evidence as to any assignments of chores, but testified that there was no instruction from either M or the accused to clean the toilets.[70] S3 agreed that there were assigned chores including cleaning the common toilet, but she did

63 AB at pp 6–7.

64 Transcript of 22 May 2026, p 32 at lines 27–29 and p 33 at lines 6–8.

65 Transcript of 22 May 2026, p 33 at lines 9–15.

66 Transcript of 22 May 2026, p 33 at lines 9–23.

67 Transcript of 22 May 2026, p 51 at lines 7–20.

68 D CWS at [26]–[28].

69 Transcript of 22 May 2026, p 32 at line 30 to p 33 at lines 5.

70 Transcript of 26 May 2026, p 13 at line 29 to p 14 at line 15.

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not recall the cleaning of the master bedroom as being part of the chores assigned to the sisters.[71]

40 To my mind, this inconsistency was a minor one. The victim also gave evidence that part of the cleaning would involve using the showerhead spray to rinse the soap from the walls.[72] Whether the victim was showering or cleaning the toilets only formed part of the background of the alleged offences. Any difference between the sisters' recollection could be explained by the length of time that had elapsed, and the imperfections of human memory.

41 By contrast, the sisters, including S4 who was only around six years old at the time of the incidents, all confirmed that they showered together in the common toilet.[73] S2 and S3's evidence was consistent that the accused had, on multiple occasions, stepped into the common toilet while they were showering.[74] S2 and S3 both confirmed that there were instances where the accused had instructed the victim to move to the master bedroom toilet while the sisters were showering in the common toilet.[75] Therefore, despite the differences between the sisters' recollections, their evidence all supported the victim's account that the accused instructed the sisters to shower together, that he entered the common toilet while they were showering, and that he told the victim to move to the master bedroom toilet. In the face of the accused's bare denial, none of these supposed inconsistencies shook the core of the victim's allegations or rendered her account of the offences any less credible.

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71 Transcript of 26 May 2026, p 31 at line 16 to p 32 at line 2.

72 Transcript of 22 May 2026, p 33 at line 29 to p 34 at line 11.

73 AB at pp 9–13.

74 AB at pp 9–12; Transcript of 26 May 2026, p 13 at lines 8–15.

75 AB at pp 10 and 12; Transcript of 26 May 2026, p 13 at line 29 to p 14 at line 3 and p 35 at line 31 to p 36 at line 8.

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Protests by the victim to the accused

42 The final submission by the Defence on the victim's testimony was that it was inconsistent for the victim to, on one hand, not complain on the first and third instances as she was afraid of the accused, and on the other hand, protest that she was uncomfortable with the accused showering her on the second occasion.[76]

43 This submission must be considered in the context of the entire sequence of events. The victim's account was that she did not protest on the first and third occasions, but only after the second occasion.[77] She explained that she had protested that she could shower on her own, but the accused had dismissed her complaint on the basis that he was her "father".[78] During the third instance, when the alleged penetration took place, the victim's explanation for not protesting was that she was scared and also thought of the previous time when she had complained but he had dismissed her.[79] When this supposed inconsistency was pointed out to her during re-examination, she explained that it was because the accused was "in a good mood" during the second instance.[80] The victim thus explained that she had raised the issue then as she thought he would be more receptive at that point. This was not therefore an inconsistency in the victim's evidence. Neither did it dampen the credibility of the victim's account that the accused had showered her and penetrated her vagina with his fingers, in any way.

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76 D CWS at [22]–[23].

77 Transcript of 22 May 2026, p 52 at lines 3–9 and p 59 at lines 19–21.

78 AB at p 7; Transcript of 22 May 2026, p 35 at line 19–26 and p 59 at lines 20–24.

79 Transcript of 22 May 2026, p 58 at lines 4–8.

80 Transcript of 22 May 2026, p 52 at lines 12–16.

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44 There was a sufficient and consistent core in her evidence that rebuffed any assertion that a reasonable doubt had been raised. Her version thus carried such a ring of truth that pointed to the guilt of the accused on the charges proceeded: *Haliffie bin Mamat v Public Prosecutor* [2016] 5 SLR 636 at [28], citing *Public Prosecutor v Mohammed Liton Mohammed Syeed Mallik* [2008] 1 SLR(R) 601 at [39]. She presented a consistent chronology and candidly admitted where there were gaps in her recollection. Her evidence was also fair and moderate in that it also contained details which, on their face, tended to exonerate the accused. For example, she had clarified that the accused did not do anything to force her to open her legs while she was seated on the toilet bowl and that she had followed the accused's instructions.[81] Her evidence was also replete with sufficient details, including the manner in which she was penetrated by the accused,[82] the steps in which the accused applied the lotion on her body,[83] and the sound the accused made in response to her indicating that it was painful when the accused inserted his fingers.[84] I agreed with the Prosecution that her testimony bore the hallmarks of a genuine recollection, as opposed to a rehearsed or fabricated account.[85] Having regard to the victim's evidence holistically, I found that the victim was able to offer a clear and cogent account of the incidents between her and the accused, especially in light of her youth in 2015 and the long lapse of time between then and the trial.

45 I concluded therefore that the victim's evidence was both internally and externally consistent, and any inconsistency was minor and did not detract from

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81 Transcript of 22 May 2026, p 38 at line 30 to p 39 at line 5 and p 52 at line 26 to p 53 at line 10.

82 Transcript of 22 May 2026, p 39 at line 12 to p 40 at line 11.

83 Transcript of 22 May 2026, p 20 at lines 21–27.

84 Transcript of 22 May 2026, p 11 at line 23 to p 12 at line 3.

85 P CWS at [33]–[35].

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the credibility of her account that the incidents relating to the SAP Charge and the CYPA Charges did take place.

The accused's case

46 The Defence did not raise any reasonable doubt in the Prosecution's evidence.

The victim's alleged motive

47 The Defence argued that the victim and her family had a motive to implicate the accused. The accused believed that the victim and her family held a grudge against him for hitting M or, alternatively, that the sisters were angry with the accused for disciplining them.[86]

48 The presence of a motive to implicate the accused may indeed raise reasonable doubt: *Yue Roger Jr* at [50]. In a criminal case, the burden of establishing a motive to fabricate is on the accused. Only if a reasonable doubt is raised does the Prosecution have to prove the absence of a motive: *Yue Roger Jr* at [48(b)]–[48(c)]. Short of this threshold, the Prosecution does not need to disprove the existence of a motive to falsely implicate the accused. Raising frivolous conjectures on the possible motives of the victim would be insufficient to establish that the Prosecution has failed to discharge its burden: *Yue Roger Jr* at [48(c)(ii)].

49 In the present case, the Defence had not adduced sufficient evidence of a motive to fabricate so as to raise a reasonable doubt. Even if the sisters disliked the accused or held a grudge against him, it is hard to believe that this alone

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[86] D CWS at [41]–[42].

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would have led the victim and all her sisters to give evidence against the accused, and to fabricate such serious allegations. It was likely that any unhappiness or disquiet about the accused in that respect would have dissipated given the passage of time. By 2020, the accused was out of their lives. The accused's last contact with M pre-divorce was in early 2016,[87] after which M and her daughters all moved out of the Matrimonial Flat. Save for a brief encounter in 2017 or 2018 where the accused went to S4's school to try to speak to her, there was no other direct contact between the sisters and the accused.[88] There was a further lapse of time from the police report in 2020 to the victim giving evidence in the trial. The Defence itself recognised that given the delay between the time of reporting and the time of the trial, there may not be a strong motive for the victim to implicate the accused.[89]

50 The accused suggested in his statement that as he was selling the Matrimonial Flat, M and her family wanted to get at the proceeds.[90] This suspicion had no factual basis. The divorce proceedings, including the transfer of the Matrimonial Flat to the accused's sole name, were completed by 2018.[91] His attempts at selling the Matrimonial Flat would have nothing to do with M or her family. Subsequent to that, there was no further contact between the accused and M.[92] M and H married in February 2018.[93] Given the complete separation of affairs by 2020, there was little reason for the victim or M to

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87 Transcript of 7 July 2026, p 13 at line 29 to p 14 at line 13.

88 Transcript of 7 July 2026, p 20 at line 16 to p 21 at line 4 and p 30 at lines 6–12; Transcript of 22 May 2026 at p 18 at lines 28–31.

89 D CWS at [40].

90 AB at pp 92–93.

91 SOF at para 6; Transcript of 7 July 2026, p 30 at line 24 to p 31 at line 4.

92 Transcript of 7 July 2026, p 31 at lines 8–9.

93 Transcript of 21 May 2026, p 4 at lines 16–18.

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falsely implicate the accused. There was simply no reasonable basis for the Defence's assertion that the victim intended to falsely implicate the accused.

The accused's work schedule

51 The Defence argued that there was no opportunity or occasion for the accused to have committed the offences. According to the accused, his daily work schedule was from 7.00pm to 7.00am the next morning, and he would end later on some dates or have other work during the day.[94] His account of his schedule in 2015 was that he would return home in the morning with food for the children or cook for them, do the household chores, shower and then sleep.[95] It was thus not likely that he could have committed the offences.[96]

52 Again, no reasonable doubt was raised by this contention. The accused's work schedule did not refute the Prosecution's case. If anything, the accused's evidence pointed to him being at home during the day, which was entirely consistent with the evidence of the sisters who all agreed that the accused would be at home when they returned home from school in the afternoon.[97] Further, the letter of appointment disclosed by the accused to support his contentions contradicted his account of his working hours, as it stated that his hours were 9.00am to 6.00pm from Monday to Friday, and 9.00am to 1.00pm on Saturday.[98] He later clarified that he would only oversee the operations and would do the

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94 Transcript of 7 July 2026, p 2 at line 28 to p 3 at line 13.

95 Transcript of 7 July 2026, p 6 at lines 27–31.

96 D CWS at [34]–[35].

97 Transcript of 22 May 2026, p 26 at lines 14–23; Transcript of 26 May 2026, p 30 at line 32 to p 31 at line 11 and p 33 at lines 1–8.

98 Case for the Defence (Supplementary) dated 18 December 2025, p 13.

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actual ground work if there was insufficient manpower.[99] This suggested that he was in fact more available than what he initially testified.

The accused's knee injuries

53 The Defence also relied on the accused's supposed injuries as preventing him from acting as described by the victim. According to the accused, he had suffered injuries to his knees as a result of two traffic accidents in 2007 and 2009. The accused said that as a result of these injuries, it was very hard for him to bend and kneel down.[100] The Defence thus submitted that it was impossible for the accused to have been in the position in which the victim testified that he was in when he penetrated her with his fingers, *ie*, kneeling with one knee and his other foot resting on the floor in front of the toilet bowl (see [11] above).[101]

54 However, this did not withstand examination. First, notwithstanding the obvious materiality of this fact, the accused conceded during cross-examination that he made no mention of his knee injuries to the police in any of his statements.[102] His explanation was that he did not need to elaborate as the offences did not occur.[103] However, it would have been clear to anyone, including him, that if his injuries had rendered it physically impossible for him to kneel down, it was a simple and straightforward answer to the allegation against him that he kneeled down in front of the victim when inserting his fingers into her.

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99 Transcript of 7 July 2026, p 3 at lines 2–6.

100 Transcript of 7 July 2026, p 8 at lines 16–24.

101 D CWS at [37]–[38].

102 Transcript of 7 July 2026, p 26 at lines 27–29.

103 Transcript of 7 July 2026, p 27 at line 2–5.

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55 Second, there was no supporting medical evidence that the accused had suffered any problems with his knees in 2015 which rendered it difficult or impossible for him to kneel. Even if I accept that the accused did suffer injuries to his knees during the traffic accidents, the accused did not provide the Court with any medical report as to the nature and extent of his injuries. The only evidence presented as to the accused's condition was by the Prosecution, which referred to a medical report on the medical treatment received by the accused while in remand. This report noted that the accused had only complained of knee pain on 31 March 2026,[104] when he had been in remand since 7 July 2023.[105] The accused also accepted that he was not diagnosed with any condition save for wear and tear following two X-rays, and was only prescribed painkillers.[106] If his condition was in fact so severe that he could not even squat to use the toilet without pain while he was in remand, it is not believable there was no complaint by him up until the doorstep of trial on 31 March 2026.[107]

56 I could not accept the accused's assertion here. There was no good reason for him to have omitted to mention this until such a late stage in the proceedings, and this excuse of his knee injuries appeared to be an afterthought raised as the matter was heading for trial: *Kwek Seow Hock v Public Prosecutor* [2011] 3 SLR 157 at [19]. To me, this assertion also further affected the credibility of the accused and was relevant to my overall assessment of the evidence: *Public Prosecutor v Ilechukwu Uchechukwu Chukwudi* [2015] SGCA 33 at [62]–[63].

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104 Transcript of 7 July 2026, p 28 at lines 3–6.

105 Prosecution's Submissions on Sentence dated 21 October 2026 ("P Sentencing") at [32].

106 Transcript of 7 July 2026, p 28 at lines 7–16.

107 Transcript of 7 July 2026, p 27 at line 18 to p 28 at line 9.

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57 In any event, the victim's evidence was that the accused only remained in the position for a "couple of minutes".[108] Even if the accused had difficulties or would experience pain kneeling down, it did not render the SAP Charge impossible.

Assessment of the evidence

58 Accordingly, I did not find that there was any evidence put forward by the accused, whether as to the alleged motive of the victim to falsely implicate him, his work schedule, or his alleged knee injuries, which gave rise to a reasonable doubt in the Prosecution's case. Therefore, what remained of his defence was a bare denial that the actions for which he was charged did not take place.

59 First, the accused's denial that he had showered the sisters went up against the evidence of the victim, S2, S3 and S4.[109] Second, during cross-examination, the accused had denied scolding the sisters and claimed that the sisters were lying when they said that the accused was fierce and would scold them frequently.[110] This was contradicted directly by his evidence in the video-recorded statement that he would scold the victim and S2 because of their behaviour.[111] By his own account, he would discipline them as the victim would often lie to him, and S2 was lazy and had been caught smoking.[112]

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108 Transcript of 22 May 2026, p 40 at line 31 to p 41 at line 3.

109 AB at p 88, Transcript of 7 July 2026, p 52 at lines 13–29.

110 Transcript of 7 July 2026, p 32 at lines 18–27.

111 AB at pp 89–91.

112 AB at pp 91–92.

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60 Weighing the victim's detailed testimony, which was consistent with the account of her sisters, against that of the accused's bare denial, it became clear that her account was to be preferred. What remained of the accused's defence did not serve to raise any reasonable doubt in the Prosecution's case that the accused had showered and applied lotion on the victim on three occasions and digitally penetrated the victim's vagina during the last of these three occasions in 2015.

Whether the accused's acts were 'obscene' under s 7 of the CYPA

"Obscene or indecent act" under s 7 of the CYPA

61 As noted at [17] above, I initially had raised a question as to the meaning of an "obscene" act under s 7(*a*) of the CYPA. Having considered the submissions and the law, I agreed with the Prosecution that the facts referred to in the CYPA Charges amount to obscene acts under s 7(*a*) of the CYPA.

62 I accept, as a starting point, that there is no explicit guidance in the CYPA as to what amounts to an "obscene" or "indecent" act. The first port of call in undertaking a statutory interpretation of the terms in the CYPA would be to ascertain the ordinary meaning of the provision. For ease of reference, I reproduce the relevant portion of s 7 of the CYPA again below:

> **Sexual exploitation of child or young person**
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> **7.** Any person who, in public or private —
>
> (a) commits or abets the commission of or procures or attempts to procure the commission by any person of any obscene or indecent act with any child or young person; or
>
> [...]
>
> shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 5 years or to both and, in the case of a second or

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> subsequent conviction, to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 7 years or to both.

63 The terms "obscene" and "indecent" carry the following plain meanings:

(a) "obscene" is defined as "[o]ffensive or grossly indecent, lewd", or "[o]ffending against moral principles, repugnant, repulsive, foul, loathsome" ("obscene" (adj.), senses 1 and 2 in Oxford English Dictionary (Oxford University Press, 2026)); and

(b) "indecent" is defined as "[u]nbecoming; highly unsuitable or inappropriate" or "[t]hat offends against accepted standards of decency or propriety; highly indelicate, immodest; suggesting or tending to obscenity" ("indecent" (adj.), senses 1 and 3 in Oxford English Dictionary (Oxford University Press, 2026)).

64 Therefore, the words "obscene" and "indecent" share the common connotation to something of a sexual nature, which is offensive. The title of s 7 of the CYPA, which reads "Sexual exploitation of child or young person", provides further contextual support for this interpretation of the terms.

65 Turning then to the individual meanings of "obscene" and "indecent", case law on s 7 of the CYPA has not drawn an explicit distinction between the two: see *Public Prosecutor v Lee Seow Peng* [2016] SGHC 107 ("*Lee Seow Peng*") at [74]–[75]. It is presumed that Parliament shuns tautology and does not legislate in vain, which points to an interpretation which avoids rendering either word meaningless or redundant in the context of the section: *Blackstone Asia Real Estate Partners Ltd v Standard Chartered Bank (Singapore) Ltd* [2026] 1 SLR 251 at [24(a)]. In relation to the meaning of the words "obscene" and "indecent", the following observations were made in *Phillips v South Australia Police* (1994) 75 A Crim R 480 ("*Phillips*") at 488, per Debelle J:

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> ... Just as the words do not have the same denotation in ordinary parlance, neither do they at common law. What is obscene will also be indecent but it does not follow that what is indecent is necessarily obscene. The line between what is indecent and what is obscene may on occasions be difficult to draw but, as in ordinary usage, the common law recognises that the word "obscene" is a stronger epithet than "indecent". It denotes a higher degree of offensiveness.

66 The Court in *Phillips* was concerned with the meaning of the phrase "of an indecent, immoral or obscene nature" under s 33(3) of the Summary Offences Act 1953 (Aus), which criminalised the possession of pornographic films depicting children. A similar observation was made in *R v Stamford* [1972] 2 QB 391 ("*Stamford*"), though the phrase "obscene or indecent" was discussed in a slightly different context under s 11 of the Post Office Act 1963 (UK), which criminalised the sending of "indecent or obscene print, painting, photograph, lithograph ...; or any indecent or obscene article ...". Ashworth J noted in *Stamford* at 398 that:

> ... one way of expressing the test of indecency or obscenity which are at either end of the scale common to both, was that a matter is obscene if it is one that *offends against recognised standards of propriety*, and it may be that the *same test applies to a matter alleged to be indecent*, bearing in mind, as the courts have said, that those are different concepts, *different steps on the scale of impropriety*, obscenity being the graver of the two. [emphasis added]

67 The words "obscene or indecent" cover a range of acts criminalised under s 7(*a*) of the CYPA, but only some of these acts would amount to "obscene" acts. Yong Pung How CJ observed, in reference to the term "gross indecency", that it would fall to be assessed by "the customs and morals of our times" and the "morals of the general public": *Ng Huat v Public Prosecutor* [1995] 2 SLR(R) 66 at [27].

68 Surveying the case law, it would seem that acts which are explicitly sexual in nature and for which there is no other more innocent explanation

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would be "obscene", being serious violations against standards of morality and propriety. These include, for example:

(a) sexual intercourse with a child (see *Lee Seow Peng* at [75]);

(b) touching and rubbing the vagina and grabbing and squeezing the breasts of a child (see *Public Prosecutor v AUB* [2015] SGHC 166 ("*AUB*") at [1]–[2]);

(c) kissing on the lips and licking of the breasts of a young person (see *Public Prosecutor v BAB* [2016] 3 SLR 316 at [26] and [34], in which the conviction on the charge under s 7(*a*) of the CYPA for an obscene act was maintained on appeal in *Public Prosecutor v BAB* [2017] 1 SLR 292 at [40]);

(d) lifting a child's skirt and licking the child's vaginal area (*Public Prosecutor v Sim Wei Liang Benjamin* [2015] SGHC 240 at [22]–[23]); or

(e) penetration of a child or young person's vagina with a foreign object (*Public Prosecutor v ABJ* [2010] 2 SLR 377 at [12]).

69 In comparison, acts which violate standards of morality and propriety, but which had less explicit sexual content would be "indecent" acts. These include, for example:

(a) swiping a child's hand across the perpetrator's penis (*Public Prosecutor v BLV* [2020] 3 SLR 166 at [3] and [5]);

(b) sending messages to a child to solicit sexual intercourse (*Lee Seow Peng* at [1] and [75]); or

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(c) inviting a child to view pornography and masturbate together (*Public Prosecutor v APA* [2010] SGDC 544 at [1] and [3]).

70 I agreed with the Prosecution that the proper understanding of "obscene" and "indecent" acts under s 7(*a*) of the CYPA refers to two ends of a spectrum of acts which are criminalised. An exhaustive definition of the line distinguishing the two need not be arrived at in the present case. An act would be "obscene" or "indecent" if, when viewed objectively in its context, it would be considered morally offensive. To differentiate between the two, an "obscene" act represents a more serious violation against the recognised standards of morality and propriety than something which was only an "indecent" act. I would note that the sentencing range prescribed by Parliament for both types of acts is the same; whether there should be any differentiation is left for another occasion.

Whether accused's acts were obscene

71 The obscene acts the accused was charged with under the CYPA Charges included the soaping, scrubbing and application of body lotion on the victim's body. There was skin-to-skin contact by the accused while the victim was naked, and the victim had already hit puberty. Given his bare denial, I found it difficult to accept the submission by the accused that the acts were not obscene.[113] There was nothing in the evidence, aside from the sisters' testimony, by which I could assess the conduct of the accused. Neither was an innocent explanation proffered by the accused as to why he had showered or applied body lotion to the victim's body.

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113 D CWS at [47].

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72 Tellingly, the accused's own evidence revealed that he did not think it was appropriate for him to have showered the sisters.[114] The accused thought that he ought not help the victim and her sisters shower because, one, their privacy should be respected as they were female and, two, they were capable of independently showering themselves.[115] In his own words, if he had performed the alleged acts, he would be a "sick person".[116] Although S2 and S3 gave evidence that the accused may have been genuinely trying to teach them how to clean themselves properly,[117] they were not specifically singled out by the accused and asked to leave the common toilet. In comparison, the accused isolated the victim in the master bedroom toilet and approached her when she was alone.

73 It was also important to note that by 2015, the victim had hit puberty and her breasts had developed.[118] Further, to the victim, the act of applying lotion was abnormal as the sisters "usually don't put lotion on [their] body, if [...] [they] were to shower on [their] own."[119] There was nothing to suggest that the victim, who was around 13 years old at the time, could not apply lotion on her own. The unusual application of the lotion over her breasts by the accused was thus highly suggestive of a high degree of sexual intention in the accused's actions.

74 The irresistible inference to be drawn in the circumstances, given the lack of any other explanation, was that the actions as alleged, including soaping,

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114 Transcript of 7 July 2026, p 52 at line 30 to p 53 at line 3.

115 AB at p 88; Transcript of 7 July 2026, p 53 at lines 10–21.

116 AB at p 96.

117 Transcript of 26 May 2026, p 15 at lines 4–31 and p 34 at lines 17–19.

118 Transcript of 22 May 2026, p 20 at line 28 to p 21 at line 1.

119 Transcript of 22 May 2026, p 59 at lines 1–6.

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scrubbing and applying lotion, were not done with any innocent purpose. The only available explanation, when viewed objectively in the context of the parties' relationship and the victim's age, was that the accused's actions were explicitly sexual. There was no practice of the accused showering the victim, and the victim was already around 13 years of age and was perfectly capable of, and had been, showering by herself. The acts of showering and applying body lotion thus fell within the category of "obscene" acts which was a serious aberration against standards of morality and propriety. This was something which the accused himself recognised.

Conclusion on the charges

75 As noted above, I was satisfied beyond reasonable doubt that the accused did soap, scrub and apply body cream on the victim's body, and that he had penetrated the victim's vagina with his fingers, on the basis of the victim's unusually convincing testimony. I concluded as well that the actions of soaping, scrubbing and applying body cream amounted to an obscene act under s 7(*a*) of the CYPA. I thus convicted him of the SAP Charge and the CYPA Charges.

Sentencing

76 After convicting the accused on all four charges, the parties made their respective submissions on sentence. Having considered the parties' submissions on sentence, I imposed a sentence of 11 years' imprisonment and 12 strokes of the cane for the SAP Charge, and eight months' imprisonment for each of the CYPA Charges. I ordered the sentences of the SAP Charge and the 1st CYPA Charge to run consecutively, yielding a global aggregate sentence of 11 years' and eight months' imprisonment and 12 strokes of the cane.

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Prosecution's address on sentence

77 The Prosecution submitted that the court should impose a global imprisonment term of between ten years' and seven months' imprisonment, and 12 years' and nine months' imprisonment, with 12 strokes of the cane.[120]

78 For the SAP Charge, the Prosecution argued that the offence fell within the low to middle range in Band 2 of the sentencing bands set out in *Pram Nair v Public Prosecutor* [2017] 2 SLR 1015 ("*Pram Nair*") at [159], as the present offence involved two or more offence-specific aggravating factors, *ie*, the abuse of trust by the accused as the victim was his stepdaughter, and the victim's vulnerability by virtue of her age.[121] Therefore, the appropriate sentence should be ten to 12 years' imprisonment, and the statutory minimum of 12 strokes of the cane as the SAP Charge was punishable under s 376(4)(*b*) of the PC.[122]

79 For the CYPA Charges, the Prosecution sought a sentence between seven and nine months' imprisonment for each charge. The Prosecution relied on the decision in *AQW v Public Prosecutor* [2015] 4 SLR 150 ("*AQW*") at [13]. The Prosecution then argued that a slight upwards adjustment to the range of six to eight months' imprisonment for a charge under s 7 of the CYPA in *AQW* at [50]–[56] was appropriate, as: (a) the victim here was younger and thus more vulnerable; (b) the nature of sexual contact involved a greater degree of exploitation; (c) the accused had abused his position of authority and trust by virtue of his role as stepfather; and (d) some psychological harm was caused to

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120 P Sentencing at [2].

121 P Sentencing at [7]–[11].

122 P Sentencing at [6] and [17].

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the victim.[123] Further, the accused was not entitled to any reduction in sentence as he did not express any remorse and claimed trial.[124]

80 Finally, the Prosecution sought for the sentences for the SAP Charge and the 2nd CYPA Charge to run consecutively to yield the global sentence, and for the sentence to be backdated to the date of remand, *ie*, 7 July 2023.[125]

Defence's submissions and mitigation

81 The Defence argued for a global sentence of eight years' and six months' imprisonment, and 12 strokes of the cane. In relation to the SAP Charge, it agreed with the Prosecution on the applicability of the sentencing framework in *Pram Nair*, including the offence-specific aggravating factors set out in *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 ("*Terence Ng*"),[126] and that the present case fell within Band 2 of the sentencing framework.[127] While the Defence acknowledged that there was an element of abuse of trust, it emphasised that no force or violence was used, the victim did not experience any "special trauma", and the accused had no related antecedents.[128] It thus arrived at an indicative starting sentence of ten years' imprisonment and the statutory minimum of 12 strokes of the cane.

82 In relation to the CYPA Charges, the Defence similarly relied on *AQW*. It further submitted that the present case involved less exploitative touch than

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123 P Sentencing at [22]–[26].

124 P Sentencing at [18].

125 P Sentencing at [30]–[32].

126 Defence's Submissions on Sentencing dated 21 October 2026 ("D Sentencing") at [5]–[9].

127 D Sentencing at [12].

128 D Sentencing at [10]–[11] and [13].

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that in *Public Prosecutor v Siti Norlelawati bte Mohamed Jelani* [2014] SGDC 64 where six months' imprisonment was imposed for kissing and giving love-bites to the accused's student.[129] Further, it sought to point to the ambiguity as to whether the acts comprising the CYPA Charges were obscene.[130] The Defence thus arrived at the sentence of six months' imprisonment for each of the CYPA Charges.

83 Finally, the Defence submitted that applying the totality principle espoused in *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 ("*Raveen Balakrishnan*") at [98], the aggregate sentence of ten years' and six months' imprisonment (derived by running the sentences for the SAP Charge and one CYPA Charge consecutively) would be excessive and warranted a downwards reduction.[131]

My decision

84 The dominant sentencing considerations for serious sexual offences were retribution and general deterrence. In particular, in sexual assault cases involving children and young persons, in familial contexts no less, deterrence is a particularly strong sentencing consideration to protect children from sexual exploitation: see *Public Prosecutor v NF* [2006] 4 SLR(R) 849 at [42]. Offences against more vulnerable minors ought to be visited with heavier punishments on principles of deterrence and retribution: *AQW* at [15]. The present offences represented an abuse of the accused's paternal authority over the victim, and ought to be met with an appropriately harsh response in sentencing. The accused

129 D Sentencing at [17]–[18].

130 D Sentencing at [18].

131 D Sentencing at [20]–[22].

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himself was cognisant of his duties as a parent. It is all the more abhorrent that he nonetheless chose to be derelict in these duties and instead commit these acts.

SAP Charge

85 I turn to the appropriate sentence to be imposed for the SAP Charge. For sexual assault by penetration committed against a person who is under 14 years of age punishable under s 376(4)(*b*) of the PC, the prescribed punishment is between eight and 20 years' imprisonment and not less than 12 strokes of the cane. Parties also correctly agreed that the applicable sentencing framework is that laid down in *Pram Nair*.

86 It was clear that, under the *Pram Nair* framework, where the accused is convicted of an offence punishable under s 376(4)(*b*) of the PC for an offence committed against a person under 14 years of age, the case would fall within Band 2 of the *Pram Nair* framework: *Pram Nair* at [160].

87 I agreed with the Prosecution's submission that the present offence involved two offence-specific aggravating factors as set out in *Terence Ng* at [44]:

> (a) First, there was clearly an abuse of position and breach of trust, by virtue of his position as stepfather to the victim. In fact, the accused had changed the sisters' names to reflect him as their father.[132] This indicated that the accused saw himself in the position of a father in relation to the sisters, and his commission of the offences against the victim represented the violation of the trust the victim would have placed in him by virtue of his parental role.

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132 Transcript of 7 July 2026, p 14 at lines 14–23.

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(b) Second, the victim's tender age at the material time also placed her in the position of a vulnerable victim. I note that the SAP Charge had taken into account the statutory aggravating factor of the victim's age under s 376(4)(*b*) of the PC which imposed a higher minimum sentence for offences committed against those under 14 years of age. However, the aggravating factor of young age, in relation to enhanced offences, would apply if the victim concerned was materially younger than the stipulated age ceiling, and in a graduated manner depending on how much younger the victim was from the stipulated age ceiling: *GBR v Public Prosecutor* [2018] 3 SLR 1048 at [29(f)]. As such, this factor applied only to a limited extent on the present facts as the victim was not far from 14 years old at the time of the offences in 2015.

88 I also accepted the Prosecution's submission that there was some psychological harm caused, as the victim had testified that the accused's actions gave her nightmares,[133] a depressed mood and suicidal ideation.[134] However, I would observe that from Dr Pathy's IMH Report and the victim's own testimony, her symptoms had, fortuitously, improved after she was provided with a counsellor.[135] Therefore, I did not find that the level of harm caused rose to a level "beyond that that is usually associated with the offences in question" (*Public Prosecutor v BQW* [2018] SGHC 136 at [43]) which warranted it being considered as a separate offence-specific aggravating factor: see also, *Public Prosecutor v CFE* [2025] SGHC 106 at [286].

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133 Transcript of 22 May 2026, p 14 at lines 3–19.

134 Transcript of 22 May 2026, p 16 at line 19 to p 17 at line 12.

135 Transcript of 22 May 2026, p 20 at lines 9–13.

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89 However, I had some difficulty with the Prosecution's submission that the offence was a part of the accused's attempt at sexual grooming and was therefore premeditated.[136] The question of premeditation goes to the question of the extent of the offender's criminality and their commitment to the criminal enterprise: *Public Prosecutor v CPH* [2023] SGHC 272 at [32], citing *Mehra Radhika v Public Prosecutor* [2015] 1 SLR 96 at [41]. For one, this point was not expressly put to the accused. Further, on the circumstances of the current case, I did not think that facts supported an inference that the accused had begun soaping and scrubbing the victim with the goal of committing the SAP Charge. The Prosecution conceded, during its oral reply submissions on sentencing, that the evidence of such premeditation was limited to the fact that there were three separate occasions where the accused showered the victim which culminated in the SAP Charge. As the Prosecution did not point to any other evidence of the accused having attempted to groom the victim to build up to digital penetration, I could not conclude that there was premeditation as opposed to mere opportunism on the part of the accused.

90 Having regard to all the factors above, I was of the view that an uplift from the lowest sentence in Band 2 of *Pram Nair* was justified, *ie*, ten years, to arrive at an indicative starting sentence of 11 years' imprisonment, together with the statutory minimum 12 strokes of the cane for the SAP Charge, was appropriate.

91 As to offender-specific factors, I did not think there were any which would affect this starting point. The accused had one previous conviction, but this was unrelated to the present offences and was thus a neutral factor. For completeness, while the Defence submitted that this was a mitigating factor, I

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136 P Sentencing at [15]–[16].

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did not agree. The lack of any related antecedents is not a mitigating factor when the offender is being charged with multiple offences, unless those offences arose from a single incident: *Janardana Jayasankarr v Public Prosecutor* [2016] 4 SLR 1288 at [18]. Rather, this could at best be a neutral factor in sentencing (*BPH v Public Prosecutor* [2019] 2 SLR 764 at [85]), and the present situation is rather that "law had not yet caught up with him" for the span of his offending in 2015: *Low Han Siang v Public Prosecutor* [2024] SGHC 217 at [8(a)]. As the accused's offending spanned across several months in 2015 and were each discrete instances, no mitigating value could be attributed to his lack of related antecedents. There was not much in the way of mitigation, particularly since the accused was convicted after trial.

92 Thus, the appropriate sentence for the SAP Charge remained at 11 years' imprisonment and 12 strokes of the cane.

CYPA Charges

93 For the CYPA Charges, the sentencing range is a fine not exceeding $10,000 and/or a maximum of five years' imprisonment upon a first conviction under s 7 of the CYPA. I accepted that the benchmark sentence as set out at *AQW* at [50] was instructive, *ie*, six to eight months' imprisonment for an offence under s 7 of the CYPA where the sexual act involved the touching of naked genitalia, the minor is 14 years old or above and is otherwise not particularly vulnerable, there was no coercion, and there was no element of abuse of trust. The present offences justified a sentence on the higher end of this indicative range as the victim was younger, and there was an element of abuse of trust.

94 I also bore in mind the sentence imposed in *AUB*. That case involved a father who pleaded guilty to a charge of committing an obscene act under s 7(*a*)

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of the CYPA for touching and rubbing the vagina of his 13-year-old daughter, and who was sentenced to one year's imprisonment for this charge. The accused there was also sentenced for a charge of digitally penetrating his daughter under s 376(2)(*a*) of the PC punishable under s 376(4)(*b*) of the PC, and a further charge under s 7(*a*) of the CYPA for grabbing and squeezing her breasts was taken into account. Although the act was of a more explicitly sexual nature than the present case and therefore warranted a graver sentence, the rest of the circumstances were similar.

95 Another consideration was the nature of the offending acts themselves. Although I had concluded at [74] above that the acts of scrubbing, soaping and applying lotion to the victim's body were obscene when viewed in the entire context of the parties' relationship, I did not find that they fell into the gravest category of obscene acts, when compared against the other cases for which the offenders were convicted for obscene acts (at [68] above). Therefore, I was of the view that a sentence towards the higher end of the range indicated in *AQW* at [50] but below that in *AUB* would be appropriate.

96 The Defence argued that the sentence ought to be lower as the Court had doubts about the obscene nature of the acts. This submission was out of place. Having already convicted the accused of the CYPA Charges, there was no room to challenge the answer to the question on conviction. In any event, I had also accounted for the acts under the CYPA Charges being of a relatively lower severity as compared to other "obscene" acts under s 7(*a*) of the CYPA in determining the appropriate sentence.

97 Looking at the matter holistically, the appropriate sentence for the CYPA Charges would be eight months' imprisonment each.

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Global sentence

98 As for the global sentence, s 307(1) of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) required at least two of the sentences to run consecutively. Given the general rule that sentences for offences that form part of a single transaction should run concurrently (*Raveen Balakrishnan* at [98(b)]), I considered it appropriate to run the sentences for the SAP Charge and the 1st CYPA Charge, which were two discrete instances of offending, consecutively.

99 Applying the totality principle, I did not find that the global sentence of 11 years' and eight months' imprisonment, and 12 strokes of the cane was out of proportion with the offender's overall criminality: *Raveen Balakrishnan* at [98(c)]. The accused had, in clear breach of his duties as a parent to the victim, chosen to instead engage in acts which he himself thought to be inappropriate and out of bounds. This sentence was reflective of the serious nature of the offences committed, as well as the need to send a strong message of deterrence against the abuse of young, vulnerable victims by persons in positions of trust and authority. Crimes such as the present which involved intra-familial sexual abuse are, by their nature, hard to detect. Finally, the accused's bare denial to the police and at trial, coupled with his attempt at conjuring up a motive for the victim and her family, did not curry him any favour or provide any basis for mitigation. The global sentence was thus commensurate with the degree of criminality shown by the accused.

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Conclusion

100 For the reasons stated above, I imposed a global sentence of 11 years' and eight months' imprisonment, and 12 strokes of the cane. The accused's sentence was backdated to 7 July 2023 when he was first remanded in custody.

Aidan Xu
Judge of the High Court

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K Jayakumar Naidu (Jay Law Corporation) for the accused.

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