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

[2026] SGHC 58

Criminal Case No 29 of 2025

Between

Public Prosecutor

And

DCC

GROUNDS OF DECISION

[Criminal Law — Offences — Rape]
[Criminal Law — Offences — Sexual assault involving penetration]
[Criminal Procedure and Sentencing — Sentencing — Young offenders]

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v
DCC

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Valerie Thean J:

Introduction

1 On 15 January 2026, I convicted the accused ("DCC") on a count of aggravated statutory rape of the complainant ("C"), an offence under s 375(1)(*b*) punishable under s 375(3)(*b*) of the Penal Code (Cap 224, 2008 Rev Ed) ("PC") ("the Rape Charge"); and a count of aggravated sexual assault involving penetration ("SAP") of C, an offence under s 376(2)(*a*) punishable under s 376(4)(*b*) of the PC ("the SAP Charge").

2 I thereafter heard parties on DCC's sentence on 10 March 2026. These are my written grounds of decision for the sentences I imposed.

Background

3 The detailed facts may be found in *Public Prosecutor v DCC* [2026] SGHC 10 ("Conviction Judgment"). I adopt the abbreviations used therein, save that Charges A2 and A3 are referred to as "the Rape Charge" and "the SAP Charge" respectively, for ease of reference.

4 C is DCC's cousin and their two families were extremely close. From the time C was two months' old, she was cared for by their grandmother every day in the home of her aunt, DCC's mother. Around 2009, their grandmother and DCC's family moved to the Residence, DCC's family home. The grandmother continued to look after C while her parents were at work, and C's parents ate dinner at the Residence every weekday evening before the family went home. The caregiving arrangement extended to C's two younger brothers when they were born. DCC's mother was a homemaker who ran the household at the Residence and helped with fetching C from school. C and DCC would thus see each other every weekday at the Residence.

5 Two family meetings were convened between 2016 and 2018 arising from inchoate complaints made by C about DCC. The SAP offence occurred after the First Family Meeting, between 2016 and November 2017, in the master bedroom on the third floor of the Residence. There, DCC penetrated C's vagina with his fingers. At the material time, C was 8 to 10 years old, while DCC was 12 to 14 years old. The Rape offence occurred just before the Second Family Meeting, in January 2018. DCC penetrated C's vagina with his penis in the master bedroom. At the time, C was 10 years old and DCC was 14 years old.

6 C first revealed that she had been raped in September 2020 and lodged a police report in January 2021. Charges were brought against DCC in 2023.

Charges, parties' positions and issues

7 DCC was charged under s 375(1)(*b*) punishable under s 375(3)(*b*) of the PC and s 376(2)(*a*) punishable under 376(4)(*b*) of the PC for the Rape and SAP Charges respectively. Each charge carries a mandatory minimum sentence of 8 years' imprisonment and 12 strokes of the cane.

8 The applicable sentencing frameworks, *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 ("*Terence Ng*") for the Rape Charge and *Pram Nair v Public Prosecutor* [2017] 2 SLR 1015 ("*Pram Nair*") for the SAP Charge, were not disputed.[1] These cases have set out a two-stage framework which both parties' submissions rest on. Only the factors and application of the relevant issues at each of the two stages are disputed.

9 The Prosecution asked for a term of 12 to 13 years' imprisonment and 12 strokes of the cane for the Rape Charge, and 9 to 10 years' imprisonment and 12 strokes of the cane for the SAP Charge.[2] Applying the one-transaction rule and the totality principle, the Prosecution contended that although the two charges disclosed distinct offences that occurred on different occasions, the sentences should run concurrently, resulting in a total sentence of 12 to 13 years' imprisonment and 24 strokes of the cane.[3]

10 The Defence raised two main issues. The first was an allegation that the Prosecution has calibrated its sentencing position based on an erroneous factual matrix, which is that DCC had embarked on a prolonged course of offending

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1 Prosecution's Submissions on Sentence dated 20 February 2026 ("PSS") at paras 8 and 23; Defence's Submissions on Sentence dated 27 February 2026 ("DSS") at para 39(b).

2 PSS at paras 21 and 26.

3 PSS at paras 29–30.

conduct.[4] An objection was also raised regarding two of the factors raised by the Prosecution within the sentencing framework. The second issue was that DCC was "exceptionally young" at the time of offending and was "prejudiced by the passage of time" between then to conviction.[5] This was because DCC was 12 to 14 years old at the time he committed the SAP and Rape offences, but his offences were only reported to the police when he was 17 years old, and a "long lapse of time" during investigations resulted in DCC only being charged when 19 years old, and tried and convicted at 22 years of age, as an adult.[6] In the light of these two issues, the Defence suggested that the mandatory minimum global sentence of 8 years' imprisonment and 24 strokes of the cane would be sufficient.[7]

11 I deal with the issues in this sequence:

(a) I first consider how the youth of DCC and the lapse in time between commission and conviction affects the approach to and use of the applicable sentencing frameworks.

(b) I then apply the frameworks. I deal with the Defence's objection that the Prosecution's premise of DCC's prolonged period of offending "permeates the entirety" of its submissions[8] in the context of the frameworks, as the applicability of the frameworks was not disputed and the Defence's contention amounted, in effect, to an assertion that the

4 DSS at paras 20–24.

5 DSS at p 6.

6 DSS at para 26.

7 DSS at para 45.

8 DSS at para 20.

Prosecution had erroneously considered the period of offending as an aggravating factor.

Effect of DCC's age at time of offending and the time period between commission and conviction

12 As a starting point, the law presumes that where youthful offenders are concerned, the primary sentencing consideration is rehabilitation: *A Karthik v Public Prosecutor* [2018] 5 SLR 1289 ("*Karthik*") at [33]. In the present case, in view of the gravity of the sexual offences (see for example, *Public Prosecutor v CPS* [2024] 2 SLR 749 ("*CPS (CA)*") at [32]), both parties' submissions implicitly agreed that the presumptive primacy of rehabilitation had been displaced by deterrence and retribution as the dominant consideration for sentencing. The dispute related to the appropriate custodial sentences.

13 The Defence pointed out that the offences were committed when DCC was 12 to 14 years of age, while the conviction was 8 to 10 years later when DCC is 22 years old. Because of this, the Defence suggested that the mandatory minimum global sentence would "already be a huge blow to [DCC] and would readily meet the ends of justice".[9] The Defence's submission was premised on *Public Prosecutor v ASR* [2019] 3 SLR 709 ("*ASR (HC)*"), where the offender was 14 years old at the time of the commission of the offence, but past 16 years old by the time the matter had been concluded. The High Court was of the view that there was prejudice caused by the passage of time between the commission of the offence and date of conviction because first, the offender was denied the opportunity of arguing he should not be sentenced to imprisonment pursuant to s 37 of the Children and Young Persons Act (Cap 38, 2001 Rev Ed) (the present s 42(2) of the Children and Young Persons Act 1993 (2020 Rev Ed) ("CYPA")));

[9] DSS at para 44.

and second, he was denied the opportunity to rely on the provisions limiting caning for younger offenders in the Criminal Procedure Code (Cap 68, 2012 Rev Ed): *ASR (HC)* at [162]–[166]. The same two reasons apply to this present case, argued the Defence.[10]

14 These concerns of the Defence reflect two related issues which should be analysed separately for clarity: the youth of DCC at the time of the commission of the offence, and the delay between the commission of the offence and sentencing.

15 On the first issue of DCC's youth at the time he committed the offences, this may be accommodated within the *Terence Ng* and *Pram Nair* frameworks at Stage 2 where offender-specific factors are relevant. The fact that DCC was 12 to 14 years old at the time of the commission of the offences ought to be accounted for there. Where an offender was extremely young at the time of the offence, the retributive element applies with less force as such offenders are less culpable than adult offenders. There are neurological reasons in consideration. Teenage offenders have less capacity to assess the harm caused by their actions, and also have less impulse control (see *Public Prosecutor v See Li Quan Mendel* [2019] SGHC 255 at [65]). In *Karthik*, Sundaresh Menon CJ discussed the retrospective rationale in deciding whether rehabilitation has been displaced as the dominant consideration in sentencing young offenders, which is that a young offender who has acted out of youthful folly may be given a second chance (see [37(a)]). In my view, this retrospective rationale still applies where the presumption has been displaced. A sentence carries many considerations, and rehabilitation may remain relevant even while deterrence is the primary focus of the sentence.

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[10] DSS at paras 31–36.

16 The second issue raised by DCC was the delay between the commission of the offence and DCC's sentencing. He relied on *ASR (HC)* for this proposition. The learned judge in *ASR (HC)* made clear, however, that he was in any event minded to impose a sentence of reformative training: at [167]. He did not, as a result, deal with the issue as to the effect, if any, of such prejudice as he saw. The Court of Appeal in *Public Prosecutor v ASR* [2019] 1 SLR 941 ("*ASR (CA)*") did not deal with the issue. The dominant feature of *ASR (HC)* and *ASR (CA)*, which was not applicable in this present case, was that the offender in question had a mental age of between 8 and 10 years old. In *Karthik*, Menon CJ explained, at [55], that his view of *ASR (HC)* was that there, the delay in prosecution was not used as a basis for imposing a more lenient sentence on the offender, but rather, that the court was using the opportunity presented by the delay to assess how the offender had progressed in his rehabilitation.

17 This issue of delay was, nevertheless, dealt with in *Karthik*, and I turn there for guidance. In *Karthik*, the offender, who was 22 years old at the time of sentencing, was sentenced more than 5 years after he committed the offences. Menon CJ recognised two ways in which the lapse in time may be relevant (at [49]):

> (a) where it can be shown that there was undue delay that prejudiced the offender, thereby warranting the imposition of a more lenient sentence as a matter of fairness to him; or
>
> (b) where it affords the court the opportunity to gauge how the offender has progressed in his rehabilitation in the intervening period.

18 While these factors were mentioned in the context of deciding the type of sentence to be applied, the cases cited from [50]–[61] of *Karthik* make clear that these considerations remain useful when deciding the length of a term of

imprisonment: see, for example, *Tan Kiang Kwang v Public Prosecutor* [1995] 3 SLR(R) 746; *Ang Zhu Ci Joshua v Public Prosecutor* [2016] 4 SLR 1059.

19 There is a final issue that is also relevant when sentencing a young offender. This is the second limb of the totality principle, which operates to ensure that the aggregate sentence is not crushing or out of step with the offender's future prospects: see *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 ("*Shouffee*") at [57]–[59].

20 I apply these principles within the relevant frameworks.

The Rape Charge

The sentencing framework

21 At the first stage of the *Terence Ng* framework, the court should identify which sentencing band the offence in question falls under, having regard to offence-specific factors. Once the sentencing band has been identified, the court should determine precisely where the offence at hand falls within the applicable range, so as to derive an "indicative starting point" which reflects the intrinsic seriousness of the offending act: *Terence Ng* at [39(a)].

22 Putting aside the mandatory minimum applicable here, the *Terence Ng* sentencing bands are:

> (a) Band 1 (10 to 13 years' imprisonment and 6 strokes of the cane), which applies to cases at the lower end of the spectrum of seriousness, where no offence-specific aggravating factors are present or are only present to a very limited extent (*Terence Ng* at [50]);

(b) Band 2 (13 to 17 years' imprisonment and 12 strokes of the cane), which applies to cases of a higher level of seriousness, where two or more offence-specific aggravating factors are present (*Terence Ng* at [53]); and

(c) Band 3 (17 to 20 years' imprisonment and 18 strokes of the cane), which applies to extremely serious cases of rape, often featuring victims with particularly high degrees of vulnerability and/or serious levels of violence attended with perversities (*Terence Ng* at [57]).

23 The second stage concerns offender-specific factors. The court should have regard to the aggravating and mitigating factors relating to the offender's particular personal circumstances, in order to calibrate the sentence appropriate for that offender. In exceptional circumstances, the court is entitled to move outside of the prescribed range for a sentencing band if, in its view, the case warrants such a departure: *Terence Ng* at [39(b)].

Application of the framework

24 The Prosecution listed five offence-specific factors:[11]

(a) Intrafamilial abuse of trust over a prolonged period;

(b) Lack of factual consent;

(c) The victim's vulnerability because of her age;

(d) Premeditation; and

(e) Harm caused to the victim.

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11 PSS at para 10.

25 The Prosecution therefore placed DCC within the middle of Band 2, with the indicative starting point at 15 years' imprisonment and 12 strokes of the cane, and an adjustment to 12 to 13 years' imprisonment on account of DCC's age at Stage 2.[12]

26 The Defence was of the view that the abuse of trust was overstated and objected to the contention that there was planning and premeditation.[13] Coupled with the alleged erroneous factual context for the Prosecution's sentencing position, the young age of DCC at the time of commission of the offence, and the prejudicial lapse in time, the Defence contended that the mandatory minimum sentence of 8 years' imprisonment and 12 strokes of the cane would be sufficient.[14]

Offence-specific factors

27 I turn to the offence-specific factors. That C was under 14 at the time of the Rape and did not consent is a statutory aggravating factor under s 375(3)(*b*) of the PC. The mandatory minimum sentence applicable reflects the seriousness of this factor. The Court of Appeal in *Terence Ng* gave guidance that cases prosecuted under s 375(3), as is the present case, "will almost invariably fall within [Band 2]": at [53]. Further, the age of C at the time of the Rape offence was significantly less than 14, being 10, thus her vulnerability arising from age was more intense.

28 Three other factors were relevant. I disagreed with the Defence that there was no abuse of trust simply because there was no "great imbalance in power"

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12 PSS at paras 17 and 21.

13 DSS at para 25.

14 DSS at para 45.

between DCC and C, and DCC was not entrusted to take care of C.[15] C saw DCC as an elder brother and reposed trust on him as such: Conviction Judgment at [121]. Courts have recognised trust reposed in sibling relationships: see *Public Prosecutor v CJH* [2022] SGHC 303 ("*CJH (HC)*") at [54]; *Public Prosecutor v CRX* [2024] SGHC 162 at [36]. On the facts, the bond between C and DCC was akin to that between an elder brother and a younger sister at the time of the offences. It was their special relationship that enabled DCC to exploit C.

29 There was also some degree of harm that falls outside the range of emotional trauma envisaged in rape cases. As stated at [4] above, C's and DCC's families were extremely close. C was initially reluctant to report the incidents to the police as she was worried that this would ruin the relationship between her family and DCC's family: Conviction Judgment at [43]. Subsequently, the relationship between the two families became estranged.[16] C bore a taxing emotional burden of guilt over ruining familial relations and feelings of disgust and self-blame.[17] In *CJH v Public Prosecutor* [2023] SGCA 19 ("*CJH (CA)*"), the Court of Appeal, in discussing a 9 to 12 year old victim of sibling rape, found it difficult to suggest that there was no severe harm when the victim was so young at the time of the sexual offences, and had retreated into a position of not resisting the offender's assaults as she found it pointless to resist: *CJH (CA)* at [16]; see also *CJH (HC)* at [104]. These elements were also present in this case.

30 Lastly, DCC did not use a condom while he committed the Rape offence. It may be that the risk of sexually transmitted diseases was lower, but there

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15 DSS at para 25(b).

16 Notes of Evidence ("NE") 8 May 2025 at p 36 line 15.

17 NE 8 May 2025 at p 38 line 2 to p 39 line 21.

remained the risk of pregnancy, as C had started menstruating in November 2017, prior to the Rape offence: Conviction Judgment at [22]. The failure to use a condom is an offence-specific aggravating factor: *CPS (CA)* at [39].

31 There were two aggravating factors raised by the Prosecution that I did not take into consideration. First, I rejected the Prosecution's submission that there was planning and premeditation on DCC's part by closing and locking the master bedroom door to avoid detection of his assaults on C.[18] Premeditation that the law considers aggravating requires "a significant degree of planning and orchestration": *Pram Nair* at [138]. The Rape offence was opportunistic and did not require careful planning.

32 Second, I did not consider a prolonged period of offending as an aggravating factor. The Defence contended that all relevant facts for sentencing must be proven beyond a reasonable doubt, as the offender cannot be punished for something that is not proven: *K Saravanan Kuppusamy v Public Prosecutor* [2016] 5 SLR 88 at [7].[19] The Rape Charge was based on one specific incident: see Conviction Judgment at [146]. The Prosecution, on its part, referring to [90], [132] and [136] of the Conviction Judgment, contended that facts that are relevant and proved may be taken into consideration when there is sufficient nexus: see *Public Prosecutor v Bong Sim Swan Suzanna* [2020] 2 SLR 1001 ("*Suzanna Bong*") at [64]–[67].

33 In my view, the authorities are not opposed. In *Suzanna Bong*, the Court of Appeal started from the premise (at [64], citing *Vasentha d/o Joseph v Public Prosecutor* [2015] 5 SLR 122 at [62] and *Public Prosecutor v Tan Thian Earn*

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18 PSS at para 14.

19 DSS at para 21.

[2016] 3 SLR 269 at [62]) that if the Prosecution wants the sentencing court to consider an offender's prior acts, the onus is on them to proceed with corresponding charges or apply to have them taken into consideration. Tay Yong Kwang JCA went on to explain that the court should consider the aggravating circumstances where those circumstances could technically constitute separate offences if they had sufficient nexus to the commission of the charged offence (at [65]–[66]). The critical point, nevertheless, was that such aggravating circumstances must be "*relevant and proved*" [emphasis added]: *Suzanna Bong* at [66].

34 In the present case, the Rape Charge was based on one specific incident: see Conviction Judgment at [146]. An assertion that there was a prolonged period of offending is an assertion that there were multiple previous offences of rape or penetration. While, as the Prosecution pointed out, I referenced past incidents at various points of the Conviction Judgment, these were relevant to the issue of C's consistency in the context of the specific Rape Charge. Any *assumption* that other *charges* have been proven should be avoided. While offending over a long period of time is an aggravating offence-specific factor (see *Terence Ng* at [55]), previous cases applied this factor where the *offences* considered were *proven* or *admitted to* as part of charges upon which the offender was convicted or charges taken into consideration for sentencing: see, for example, *CJH (CA)* at [14]; *Public Prosecutor v CGA* [2024] SGHC 131 at [32]; and *Public Prosecutor v CRH* [2024] SGHC 34 at [169] and [178].

35 In sum, therefore, I found four factors applicable. The first, being a statutory aggravating factor and with C's age being substantially lower than 14, was particularly intense in quality. Looking at the intensity and number of factors in all the circumstances of the case, the Prosecution's indicative starting point of 15 years' imprisonment and 12 strokes of the cane was well taken.

Offender-specific factors

36 Adjustment was necessary in the offender-specific Stage 2. First, as I mentioned at [15] above, DCC's extreme youth warranted a reduction. He was between 12 and 14 years of age at the time of the commission of the offences, and at present 22 years old.

37 Secondly, I considered the *Karthik* factors I highlighted at [17] above. First, on the issue of whether DCC has rehabilitated in the interim, there was no evidence specific to the offence at hand. While a testimonial from his teacher shows that he has pursued his studies diligently,[20] that did not amount to rehabilitation in the context of this offence. In any event, the Defence's submission rested on the second issue, that DCC has been "prejudiced by the passage of time" between the commission of the offence and DCC's conviction.[21] In my view, this is not relevant on the specific facts of this particular case. There has been no undue delay. The intimate intra-familial setting that DCC took advantage of to commit the offence made reporting difficult. The delay in reporting was understandable in light of the discouragement and pressure within the family. In such cases, the effluxion of time makes any offence difficult to prosecute and prove. In this context, the passage of time benefits the offender and increases the suffering of the victim. Certainly it is true that if DCC had taken responsibility when C complained at the Second Family Meeting, any prosecution then may have resulted in him being sentenced under the CYPA regime. But his failure to take early responsibility cannot now be turned on its head in his favour. These are the consequences of the path he has chosen. Therefore, I rejected the Defence's

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20 DSS at Annex A.

21 DSS at p 6.

submission as to 8 years' imprisonment and 12 strokes of the cane. In my view, in the present case, justice was best served through two adjustments. The first is to take into account DCC's extreme youth at the time of the offending at Stage 2 of the *Terence Ng* or *Pram Nair* framework. The second, which I deal with subsequently, as a safeguard, is to assess whether in totality the aggregate sentence is crushing, in keeping with the principles set out in *Shouffee*.

38 In this context I return to the Stage 2 adjustment. In *Terence Ng*, guidance was given that movement outside the sentencing bands in Stage 2 should only be made in exceptional circumstances, where the case warrants such a departure: at [39(b)]. I therefore saw the Prosecution's suggestion of 12 to 13 years' imprisonment and 12 strokes of the cane as reasonable. 13 years is at the outer limit of Band 1 and the threshold of Band 2; 12 years is within Band 1. On account of DCC's youth and the 12 strokes mandated, but for the reasons I raise below at [50], a sentence of 12 years' imprisonment and 12 strokes of the cane would have been apt for the Rape Charge.

The SAP Charge

The sentencing framework

39 The *Terence Ng* framework was transposed to the offence of sexual penetration by the Court of Appeal in *Pram Nair*. The two-stage approach in *Terence Ng* was retained, but the three sentencing bands were revised downwards to account for the lesser gravity of SAP compared to rape: see *Pram Nair* at [159]; *BPH v Public Prosecutor* [2019] 2 SLR 764 at [41].

40 Subject to the mandatory minimums applicable in this case, the three sentencing bands are:

(a) Band 1 (7 to 10 years' imprisonment and 4 strokes of the cane);

(b) Band 2 (10 to 15 years' imprisonment and 8 strokes of the cane); and

(c) Band 3 (15 to 20 years' imprisonment and 12 strokes of the cane).

Application of the framework

41 The Prosecution asked for 9 to 10 years' imprisonment and 12 strokes of the cane.[22] The Defence, for the reasons raised earlier in the Rape Charge, repeated the submission for the mandatory minimum of 8 years' imprisonment and 12 strokes of the cane.

42 The factors I found applicable under the *Pram Nair* framework are the same as those used above for the *Terence Ng* framework – save that the lack of a condom is not a relevant factor at Stage 1 for the SAP Charge, which involved digital penetration. As a starting point therefore, this was a Band 2 case. *Pram Nair* also made clear at [160] that s 376(4) statutory aggravating factors should be dealt with in Band 2.

43 Looking at the matter holistically and with reference to the bands, a sentence of 9 years' imprisonment and 12 strokes of the cane would have been appropriate on the SAP Charge, but for reasons that I explain below.

The individual and aggregate sentences

44 A comparison was made by the Prosecution with the individual sentences in *CJH (CA)*.[23] CJH pleaded guilty to three counts of sexual

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22 PSS at para 26.

23 PSS at para 31.

penetration of a minor, his biological sister, by penile-vaginal penetration ("the penile-vaginal charge"), and penile-anal and penile-oral penetrations ("the penile-anal and penile-oral charges"). The offences were punishable with, *inter alia*, imprisonment for up to 20 years under s 376A(3) of the PC. CJH consented to six charges being taken into consideration for sentencing, including three rape charges against the same sister. The trial judge sentenced him to 10 years' imprisonment and 8 strokes of the cane for the penile-vaginal charge, and 8 years' imprisonment and 4 strokes of the cane for the other two charges each, resulting in a global sentence of 18 years' imprisonment and 16 strokes of the cane: *CJH (HC)* at [110], [114], and [124]. The Prosecution contended that the present case was graver than *CJH (CA)* because, while the present facts and offender-specific factors were largely similar to that case, CJH had pleaded guilty, unlike DCC.[24]

45 Comparison to *CJH (HC)* and *CJH (CA)* was useful as the *Terence Ng* framework had been used in sentencing on the penile-vaginal penetration charge and the *Pram Nair* framework on the other SAP charges. While there was offending in *CJH* over a three-year period, with multiple charges being taken into consideration, the individual charges in this case were more serious, attracting mandatory minimums. A substantial plead guilty discount would also have been reflected in CJH's sentence.

46 A useful comparison could also be drawn with *CPS (CA)*, where the offender who was 16 years old at the time of the offence and 19 years old at the time of conviction was sentenced for a single charge of rape against a girl aged 14. He was charged with rape pursuant to s 375(1)(*a*) punishable under s 375(2) of the PC, a charge less serious than the ones in the present case. Upon his

[24] PSS at para 35.

pleading guilty, the High Court sentenced the offender to reformative training for a minimum of 12 months: *Public Prosecutor v CPS* [2024] SGHC 64 at [76]. On appeal, the Court of Appeal imposed a sentence of 8 years' imprisonment and 3 strokes of the cane: *CPS (CA)* at [5].

47 These comparisons were useful notwithstanding that every case turns on its own specific facts. As individual sentences paired with the minimum 12 strokes of the cane, an imprisonment term of 12 years for the Rape Charge and 9 years for the SAP Charge would have been appropriate.

48 In this context, I come to the overall sentence. A last look, in line with *Shouffee* at [58], was required. If the effect was crushing, the individual sentences could be recalibrated to arrive an appropriate aggregate sentence: see *Shoufee* at [59].

49 This too was the approach of the Court of Appeal in *CJH (CA)*. On appeal, the Court of Appeal held that a global imprisonment term of 18 years was "crushing" as it represented "almost [the offender's] whole life up to that point": *CJH (CA)* at [20]. The Court of Appeal reduced the imprisonment terms for the penile-anal and penile-oral charges by two years, resulting in an aggregate sentence of 16 years' imprisonment and 16 strokes of the cane: *CJH (CA)* at [20]–[21].

50 In the present case, a minimum punishment of 12 strokes of the cane was applicable on each charge. DCC will receive 24 strokes of the cane, a stiff and substantial starting point. He is 22 years old. The preservation of public interests dictates that the sentence must be sufficiently robust for the purposes of deterrence and to reflect societal abhorrence. A condign sentence holds potential at the same time, and more so for a young offender, to serve as an

inflexion point toward reform and restoration. Therefore the term of imprisonment, when coupled with 24 strokes, should not be crushing in a way that would cause him to lose hope in building a future; I hope it directs a time of self-examination and diligence toward these ends.

51 Considering all the circumstances of the case, it was in my judgment appropriate to impose an aggregate sentence of 10 years' imprisonment and 24 strokes of the cane. I therefore imposed 10 years' imprisonment and 12 strokes of the cane on the Rape Charge, and 8 years' imprisonment and 12 strokes of the cane for the SAP Charge. Both terms of imprisonment were ordered to run concurrently.

Valerie Thean
Judge of the High Court

Anandan Bala, Daphne Lim, Benedict Chan and Joel Fun
(Attorney-General's Chambers) for the Prosecution;
Wong Hin Pkin Wendell, Andrew Chua Ruiming and Ng Jun De Andrew (Drew & Napier LLC) for the accused.