

SINGAPORE / JUDGMENT

Public Prosecutor v JFO

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In the state courts of the republic of singapore

[2026] SGMC 112 Magistrate Court – MAC 905793/2022 and another Magistrate’s Appeal 9147/2026/01 Between Public Prosecutor And JFO grounds of decision [Criminal Law] – [Offences under Section 354 Penal Code] – [Criminal Procedure and Sentencing] - [Sentence] This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher’s duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports. Public Prosecutor v JFO

[2026] SGMC 112 Magistrate Court — MAC 905793/2022 and another Magistrate’s Appeal 9147/2026/01 District Judge Carol Ling 6 – 8, 21 September 2023, 7 – 8 February 2024, 24 July 2024, 30 October 2024, 19 March 2025, 27 June 2025, 25 July 2025, 25 February 2026, 29 June 2026 28 September 2026 District Judge Carol Ling:

Introduction

1 This case concerned a father who violated the trust and sanctity of the parent-child relationship by committing acts of outrage of modesty against his own daughter, when she was between four to seven years of age (“the victim”). The offences came to light about a decade later when she disclosed to her boyfriend that she had been molested when she was young and that her father was the perpetrator. 2 The Accused, now 71 years old (Date of Birth: 3 December 1954), claimed trial to two charges. The two charges were: MAC 905793/2022 1 Foot Note 1 × Charge marked C1A are charged that you, sometime between 1999 and 2001, during the daytime, at [address], Singapore, did use criminal force on one Y, (DOB: 04/02/1994), who was then between the age of 4 – 7, to wit, by touching her vulva skin-to-skin, intending to outrage her modesty, and you have thereby committed an offence punishable under Section 354 of the Penal Code, Chapter 224. MAC 905794/2022 2 Foot Note 2 × Charge marked C2A are charged that you, sometime between 1999 and 2001, in the evening, at [address], Singapore, did use criminal force on one Y, (DOB: 04/02/1994), who was then between the age of 4 – 7, to wit, by touching her vulva skin-to-skin, intending to outrage her modesty, and you have thereby committed an offence punishable under Section 354 of the Penal Code, Chapter 224. Conviction and Sentences Imposed 3 At the conclusion of the trial, I found him guilty and convicted him on both charges. I sentenced him to 16 months’ imprisonment on each of the charges. The imprisonment terms were ordered to run concurrently, total: 16 months’ imprisonment. 4 This is the Accused’s appeal against both his conviction and sentence. The Prosecution’s Case Undisputed Facts 5 These facts were undisputed: 3 Foot Note 3 × Statement of Agreed Facts, marked “A”

- a) The Accused and his wife (PW3) are married and have two children together: a son and the victim;
- b) From 1994 to 2015, the victim resided together with the Accused, her mother and her brother at Block xxx Bukit Panjang Ring Road #xx-xxx, Singapore ("the family home");
- c) From 2011 to 2015, the victim studied at Ngee Ann Polytechnic;
- d) Sometime in or about August 2011, the victim was admitted into the National University Hospital (NUH) after she cut her wrist and stomach with a penknife. She was discharged on 5 August 2011;
- e) On 21 February 2015, the Accused, the victim and the rest of her family left Singapore in the Accused's car for a trip to Desaru, Malaysia together with the Accused's relatives. On 22 February 2015, in the afternoon, the victim and her mother returned to Singapore by bus;
- f) On 1 August 2015, the complainant moved out of the family home;
- g) From 10 to 22 November 2015, the victim was admitted to the psychiatric ward of the NUH due to an overdose of medication and depression. The consultant in charge of her case at this time was Dr Roger Ho.
- h) On 21 September 2016, the victim left Singapore to study at a university in the United Kingdom. She completed her degree in mid-2019 and returned to Singapore thereafter;
- i) On 9 July 2020 at about 7.12 p.m., the Accused called "999" to report " my daughter scolding me here ". 4 Foot Note 4 × Exhibit P1 The incident location provided was the gym at a condominium in Singapore.
- j) On 23 July 2020, the victim applied for a Personal Protection Order 5 Foot Note 5 × Exhibit P3 against the Accused. 6 The Prosecution called a total of five witnesses. Other than the victim herself, the victim's mother, her former boyfriend, her psychiatrist, her psychologist gave evidence. I will deal with the evidence of these witnesses at the point where their evidence becomes relevant to the issues at hand. 7 The cornerstone of the Prosecution's case was the testimony of the victim. Evidence of the Victim 8 The victim was 29 years old at the time she testified against her father (the Accused). The victim's evidence was substantial, traversing three and a half days across her evidence-in-chief, cross-examination and re-examination. The following sets out a broad overview of the victim's evidence, as well as the salient portions relevant to the charges, with the detailed aspects of her evidence dealt with as they arise in these written grounds. Background Facts 9 From the time she was born until 2015, the victim stayed in the family home with the Accused, her mother and her older brother. Both her parents were teachers. The victim described her relationship with her mother as a " whirlwind type " – moments when they would be very " intimate and warm " and moments when they would " fight a lot ". 6 Foot Note 6 × Notes of Evidence 6 September 2023, 9/4-8; 9/22-24 10 It was a different picture with the Accused. The victim described their relationship as " warm and close ". She would seek comfort from the Accused when she got

into fights with her mother. She also described the Accused as the “ more fun parent ” and how he would fetch her brother and her in the car for outings. 7 Foot Note 7 × Notes of Evidence, 6 September 2023, 9/20-10/3 She remembered the Accused being involved in caregiving duties such as fetching her brother and her to places, for example, to the doctor or to enrichment classes. 8 Foot Note 8 × Notes of Evidence, 6 September 2023, 11/8-13 11 The victim testified how the Accused sexually abused her when she was about five to seven years old. The nature of the sexual abuse involved the Accused using his hand to fondle her genitals, specifically, around the labia region. 9 Foot Note 9 × Notes of Evidence 6 September 2023, 12/31-13/5 The memory of the sexual abuse “ faded ” with time although she was able to remember that these incidents happened multiple times over a period of time. 10 Foot Note 10 × Notes of Evidence 6 September 2023, 11/18-31 The victim was unable to say the total number of times the sexual abuse took place but she was able to remember two to three specific instances of it. Evidence in relation to the “living room incident” - MAC 905794/2022 11 Foot Note 11 × Notes of Evidence 6 September 2023, 13/30-16/29 12 The victim recounted an incident when the Accused and her were sitting, side-by side, in the living room at home (the “living room incident”). Nobody else was present in the living room. The victim testified that the Accused had his bare hand underneath her shorts and touching her genitals (around her vagina). In her words, he was “ fondling ” her; she testified that the Accused “ had his, like, bare hand, like, underneath my ---my shorts and, like---as in---so his bare hand was---was---was touching my genitals directly. So---so there wasn’t any, like, clothing in between. And, yah, so he was just, like, fondling me like that .” 12 Foot Note 12 × Notes of Evidence 6 September 2023, 15/17-21; 7 September 2023, 24/15-18 13 The victim testified that as the Accused was molesting her, her mother came out of her room and as she was walking past them, she made “ some comment ”, something along the lines of telling the Accused to stop what he was doing. 13 Foot Note 13 × Notes of Evidence 6 September 2023, 14/5-9 At that point, the Accused stopped what he was doing. However, as soon as he noticed the victim’s mother back was turned and she continued to the kitchen, the Accused resumed molesting the victim. Evidence in relation to the “couch incident” - MAC 905793/2022 14 Foot Note 14 × Notes of Evidence 6 September 2023, 20/10-23/9 14 In respect of the other incident, the victim recalled that she was sick and the Accused had brought her to see a doctor. After returning from the doctor’s, the victim laid down in the couch in the living room to take a nap (“the couch incident”). In the course of her nap, the victim opened her eyes and saw the Accused fondling her vagina region, specifically the “ labi a ”. The victim remembered the Accused being taken aback when he noticed her opening her eyes. The victim added that she had her shorts on but the Accused had put his hands underneath her shorts. Other Incidents 15 In her evidence, the victim described other instances where the Accused molested her. There was an occasion when the victim and the Accused were in a theatre and she felt the Accused’s hand around her thigh, buttocks area and subsequently, felt his thumb applying pressure against her vagina 15 Foot Note 15 × Notes of Evidence 6 September 2023, 23/21-24/18 (“the theatre incident”). The victim remembered another occasion when she was asked by the Accused to remove an article of her clothing whilst clad in her school uniform and felt that the Accused was doing it for his “ sexual pleasure ”. 16 Foot Note 16 × Notes of

Evidence 6 September 2023, 25/14-28 The victim also had impressions of the Accused doing “ health checks ” on her which involved him fondling her labia region slowly, staring at her private parts - quite unlike the health checks done by doctors. 17 Foot Note 17 × Notes of Evidence 6 September 2023, 28/3-30/22 In essence, the victim had an impression that the instances of sexual abuse happened several times a week, possibly more than once a day but there was no specific frequency. 18 Foot Note 18 × Notes of Evidence 6 September 2023, 31/28-32/6 Disclosure by the Victim 16 The victim did not tell anyone about the sexual abuse while it was happening. She testified that she “ played it off each time ”; being afraid of having to confront the fact that her own father was molesting her. She was in denial. She could not imagine letting anybody know because she wanted to “ make it not real ”. 19 Foot Note 19 × Notes of Evidence 6 September 2023, 32/23-33/2 17 The victim testified that the Accused’s sexual abuse of her left “ a lot of trauma ” on her that manifested into the struggles she had in romantic relationships in the years before she turned 21 years old. 20 Foot Note 20 × Notes of Evidence 6 September 2023, 34/4-22 She experienced trust issues, was quick to anger because she would feel that the men were not serious about her; she would get jealous easily. 21 Foot Note 21 × Notes of Evidence 6 September 2023, 38/1-23 In 2011, she first disclosed the sexual abuse to her then boyfriend, one S (PW2), before revealing the same to one K , and L - persons whom she dated after PW2. A conditioned statement of L was tendered in evidence; 22 Foot Note 22 × Exhibit P11 K was not called as a Prosecution witness. 18 On the encouragement of L , the victim eventually disclosed to her mother (PW3) that she was sexually abused by the Accused. The victim did so as she needed her mother’s help to move out of the family home. 23 Foot Note 23 × Notes of Evidence 6 September 2023, 74/27-77/8 The victim subsequently moved out of the family home on 1 August 2015.

Behaviour of the Victim Following the Abuse 19 In the years after the abuse until the victim was about 17 years old, the victim testified that despite the sexual abuse, her relationship with the Accused was “ amicable , pleasant ”. She would still go out alone with the Accused; he would fetch her around to the places she needed to go to; they had a “ fun-loving relationship ”. 24 Foot Note 24 × Notes of Evidence 6 September 2023, 38/24-39/25 Even after she turned 17, the victim and the Accused would still “ hang out...just talk, chit-chat, laugh, spend quality time together, go out for a meal ”. 25 Foot Note 25 × Notes of Evidence 6 September 2023, 39/26-40/1 However, the victim testified that in the midst of all that, there seemed to be a buildup of anger and angst from her subconsciously knowing that the Accused had sexually abused her, thus leading her to act “ cold and angsty ” towards him. 26 Foot Note 26 × Notes of Evidence 6 September 2023, 40/7-18 20 In respect of her mental health, from about the age of seven until 21, the victim testified that her mental health was “ emotionally unstable ”. 27 Foot Note 27 × Notes of Evidence 6 September 2023, 59/4-29 She was sent to see the school counsellor and psychologist in primary school. At the age of 16, she was sent to the Institute of Mental Health (IMH) after a fight with her brother. Subsequently, the victim saw different psychologists at National University Hospital (NUH) irregularly. It was only after she turned 21 years of age that she began to see a psychologist and psychiatrist consistently. 28 Foot Note 28 × Notes of Evidence 6 September 2023, 61/10-28 21 In her evidence, the victim described in detail several significant “ meltdowns ” 29 Foot

Note 29 × Term as used by PW3 Chan Chui Eng, Notes of Evidence 7 February 2024, 33/14 that she had – the family trip to Desaru 30 Foot Note 30 × Notes of Evidence 6 September 2023, 66/4-70/31 ; when she was hospitalised and learnt that the Accused was on the way to her ward, 31 Foot Note 31 × Notes of Evidence 6 September 2023, 84/8-85/8 the incident at the airport when she was leaving for studies and saw the Accused walking towards her, 32 Foot Note 32 × Notes of Evidence 6 September 2023, 95/15-96/9 and lastly, her encounter with the Accused at the condominium gym on 9 July 2020. 33 Foot Note 33 × Notes of Evidence 6 September 2023, 99/7-100/27 It was following this last encounter that the victim decided to “open the case” against the Accused. 34 Foot Note 34 × Notes of Evidence 6 September 2023, 102/12-103/12 The Applicable Law 22 The victim’s evidence in this case stands uncorroborated. There were no eye-witnesses to the Accused’s acts of outraging the modesty of the victim. The testimonies of the victim’s mother (PW3) and her former boyfriend (PW2) and the conditioned statement of L , do not corroborate the victim’s testimony in respect of the incidents of molest. Apart from the fact that the complaints were made so long after the incidents, the source of their information about the occurrence of the incidents of molest emanated from the victim herself. 35 Foot Note 35 × Lee Kwang Peng v Public Prosecutor and another appeal [1997] 2 SLR(R) 569, [80] In any event, their testimonies in relation to the incidents of molest were bereft of details; they mainly consisted of very general information, and again, it was information which had been relayed to them by the victim herself. 23 As for the other witnesses, none of the Prosecution witnesses held themselves out as knowing for a fact that the Accused had sexually violated the victim. The victim may have informed Dr Roger Ho (PW4) and Ms Terri Chen (PW5) of the incidents of molest which occurred to her when she was a child but again, the source of information is from the victim herself. It was clear to the Court that the strength of the Prosecution’s case lies on the victim’s testimony alone. 24 The standard required of a witness’ uncorroborated testimony is well-established. In the case of Public Prosecutor v GCK and another matter [2020] 1 SLR 486 (“GCK”), it was stated: “,,,the “unusually convincing” standard is the only standard to be applied where an eyewitness’s uncorroborated testimony forms the sole basis for a conviction. The “unusually convincing” standard is used to describe a situation where the witness’s testimony is “so convincing that the Prosecution’s case [is] proven beyond reasonable doubt, solely on the basis of the evidence”: see Mohammed Liton ([32] supra) at [38]. In Haliffie bin Mamat v Public Prosecutor and other appeals [2016] 5 SLR 636 at [28], this court considered that (citing Mohammed Liton at [39]): ... a complainant’s testimony would be unusually convincing if the testimony, ‘when weighed against the overall backdrop of the available facts and circumstances, contains that ring of truth which leaves the court satisfied that no reasonable doubt exists in favour of the accused’. The relevant considerations in this regard include the witness’s demeanour, and the internal and external consistencies of the witness’s evidence.” 25 The court in GCK went on to state: “Put simply, the “unusually convincing” standard entails that the witness’s testimony alone is sufficient to prove the Prosecution’s case beyond a reasonable doubt: see Teo Keng Pong v Public Prosecutor [1996] 2 SLR(R) 890 at [73]. The overwhelming consideration that triggers the application of the standard is the amount and availability of evidence: see also Kwan Peng Hong ([72] supra) at

[29]. In a sense, the “unusually convincing” standard is not a “test” at all, but rather, a heuristic tool. It is a cautionary reminder to the court of the high threshold that the Prosecution must meet in order to secure a conviction, and of the anxious scrutiny that is required because of the severe consequences that will follow from a conviction. That scrutiny is directed towards the sufficiency of a witness’s testimony, which is inextricably linked to the ultimate inquiry of whether the case against the accused person has been proved by the Prosecution beyond a reasonable doubt: see Mohammed Liton at [39].” 26 Thus, it is clear that where the Prosecution’s case rests solely on the uncorroborated testimony of the victim (as in this case), the court must scrutinise that testimony with great care. The court must be satisfied that the victim’s evidence, viewed against all the available evidence, facts and circumstances, is so “ unusually convincing ” that no reasonable doubt exists in favour of the Accused. It is only upon being so satisfied that the court may convict the Accused on either or both of the two charges. Assessment of the Victim’s Evidence

Credibility of the Victim 27 Having carefully heard and considered the testimony of the victim, I find the victim to be a credible witness. The victim’s evidence in relation to the two incidents (which formed the subject matter of the charges) was clear and sufficiently detailed. She gave a logical and coherent account of the circumstances surrounding each incident, including the sequence of events, the physical setting, and the conduct and reactions of the Accused. Her account of the two incidents was not shaken, despite extensive cross-examination. 28 The reliability of the victim’s evidence in relation to the two incidents was not undermined by her inability to recall peripheral events. Where the living room incident was concerned, Defence took issue with the fact that the victim was unable to recall how long the Accused molested her for, whether her mother had gone into the kitchen to prepare dinner, whether they had any dinner right after the incident and who had dinner that day. 36 Foot Note 36 × Defence’s Closing Submissions, [10] As for the couch incident, Defence highlighted that the victim was unable to recall whether both parents had brought her to see the doctor or whether the fever was caused by an infection in her urinary tract. In the Defence’s own words, and which I adopt, these events surrounding both the incidents were “ peripheral events ”; 37 Foot Note 37 × Defence’s Closing Submissions, [16] they did not pertain to the core of the incidents. To my mind, it was not critical that the victim could not remember details in terms of the timelines relating to the sexual abuse and/or matters which happened after the incidents of molest. I agree with the Prosecution that there is no basis to fault the victim for not recalling these peripheral details, given the length of time that had elapsed. 38 Foot Note 38 × Prosecution’s Reply Submissions, [5] The inability to remember such peripheral details is consistent with the limitations of human memory and does not, on its own, suggest that the victim’s account was fabricated or not to be believed. 29 Under cross-examination, the victim gave a cogent explanation for why these two particular incidents of molest stood out in her memory from the “50 to 100” 39 Foot Note 39 × Notes of Evidence 8 September 2023, 2/8-14 occasions on which the Accused had molested her. In her evidence, she explained that “ perhaps the reason why I was able to remember,maybe it’s a bit more like impressionable in my head because the way that he reacted kind of showed me signs that he was aware that what he was doing to me was wrong ”. 40

Foot Note 40 × Notes of Evidence 7 September 2023, 31/1-23 In both the incidents, she described a reaction of the Accused which left an impression on her:

- a) Living room incident – The Accused looked over to check if the victim’s mother was still looking at what he was doing. When he realised that the victim’s mother was no longer looking, he continued to molest her. 41 Foot Note 41 × Notes of Evidence 7 September 2023, 31/24-32/2
- b) Couch incident – The Accused’s look of surprise when the victim who was taking a nap, opened her eyes to see him fondling her private part, as if he had not expected her to open her eyes and to see what he was doing. 42 Foot Note 42 × Notes of Evidence 7 September 2023, 32/3-8 30 In contrast, the multiple other incidents termed as “health checks” which the Accused had given as a pretext for touching her were too many for her to remember any specifically. According to the victim, the Accused would “ do it over and over and over again, like maybe, like, multiple times a day, many days of the week ”. 43 Foot Note 43 × Notes of Evidence 6 September 2023, 29/22-28 In my view, given the regularity of these instances over a prolonged period of time, the victim’s inability to distinctly remember and recount details of any individual incident was not detrimental to her credibility as a witness. 31 Whilst the victim was able to recall some incidents better than others (for example, the theatre incident), I did not consider it necessary to dwell on it since it did not form the subject matter of any charge. Even if the theatre incident could be regarded as similar conduct, in my view, it did not add to the Accused’s guilt in respect of the two charges before the court. The court’s focus remained on assessing the credibility of the accounts relating to those two charges on their own merit. 32 The victim was candid, forthright and even-handed in the giving of her testimony, with no tendency to exaggerate or embellish her evidence. She described the offending acts of molest factually and to the best of her recollection. I did not find any tendency on her part to present the Accused as more culpable. For one, as the Prosecution highlighted, she maintained throughout that the Accused never penetrated her vagina with his fingers. 44 Foot Note 44 × Prosecution’s Closing Submissions, [34] Notably, the victim did not shy away from acknowledging the positive aspects of her relationship with the Accused She described her relationship with the Accused as “ close ” and “ warm ”; she acknowledged that she had a “ loving relationship ” with the Accused. 45 Foot Note 45 × Notes of Evidence 8 September 2023, 7/2-12 She spoke openly of a trip to Bali that she had gone on with the Accused alone, after her O level examinations 46 Foot Note 46 × Notes of Evidence 7 September 2023, 55/4-31 . There was no attempt to downplay or minimise any of these experiences, which spoke of the victim’s candour in the giving of her evidence. By all accounts - the victim’s mother (PW3) 47 Foot Note 47 × Notes of Evidence 7 February 2024, 16/4-17/4; 19/23-28 , the victim’s brother (DW2) 48 Foot Note 48 × Notes of Evidence 19 March 2025, 3/15-17; 11/15-23 , the Accused’s sister (DW3) 49 Foot Note 49 × Notes of Evidence 19 March 2025, 22/2-10 and the Accused’s brother-in-law (DW4) 50 Foot Note 50 × Notes of Evidence 19 March 2025, 27/11-17

- the Accused and the victim were observed to share a very good relationship throughout her years of growing up. The victim's evidence was entirely consistent with this. The victim was internally consistent 33 The victim was able to give a satisfactory explanation for continuing to share a close relationship with the Accused even after the incidents of molest. Defence highlighted the holiday the victim had gone on with the Accused and submitted that it was inexplicable that the victim would have taken this trip with the Accused if he had indeed molested her. 51 Foot Note 51 × Defence's Closing Submissions, [8] On the face of it, it may seem illogical, risky or inconceivable that the victim would still allow herself to go on a one-on-one trip with the Accused after what had happened. 34 However, the victim's own testimony shed light on this. On many occasions in the course of her testimony, the victim explained that all the while, she was feeling dissociated, 52 Foot Note 52 × Notes of Evidence 6 September 2023, 17/5-32 trying to "play it off", 53 Foot Note 53 × Notes of Evidence 6 September 2023, 17/5-15; 18/1-19; 19/18-29; 20/21-29; 22/18-25; 32/23-33/2; 7 September 2023 24/11-25 "push it away" 54 Foot Note 54 × Notes of Evidence 6 September 2023, 38/31-39/9; 41/18-29 and continued to hold up a facade of a "very normal and close, intimate relationship with [her]father". 55 Foot Note 55 × Notes of Evidence 6 September 2023, 39/1-9 She was in constant denial about the abuse. 56 Foot Note 56 × Notes of Evidence 6 September 2023, 18/31-19/4; 34/17-22; 35/6-8; 36/12-30; 40/13-14; 41/1-7; 45/19; To her, she was playing a character — someone who had not been violated and for whom everything was normal — when in reality, this was the complete opposite of how she truly felt inside. 57 Foot Note 57 × Notes of Evidence 6 September 2023, 17/20-28; 37/1-12; From her evidence, it was clear that the victim was constantly seeking normalcy in a father-daughter relationship. 58 Foot Note 58 × Notes of Evidence 6 September 2023, 18/4-19; 39/1-9; 52/1-19; 71/1-14 Asking and going on a trip with the Accused was one of the ways she manifested that desire. 59 Foot Note 59 × Notes of Evidence 8 September 2023, 7/6-12 Through the victim's testimony, I could sense the inner turmoil that she was struggling with. 35 The inner turmoil that the victim was experiencing similarly accounted for the victim's late disclosure of the incidents of sexual abuse. As the Prosecution acknowledged, the earliest occasion that the victim appeared to have disclosed the sexual assault was to S in end-2011, and thereafter to L before 21 February 2015; to her psychologist in July 2015; and to her psychiatrist in November 2015 – more than a decade after the relevant incidents took place. 60 Foot Note 60 × Prosecution's Closing Submissions, [46] Her delayed disclosure was not without good reason. As her testimony revealed, she had spent years in denial, consciously suppressing what had happened to her and maintaining a façade of normalcy. It was therefore understandable that she did not come forward immediately. This was particularly so since the victim shared a close relationship with the Accused. I find that the victim's delay in coming forward did not undermine her credibility; on the contrary, it was consistent with the behaviour of someone who had been silently carrying the burden of the abuse. 36 It bears repeating that not all victims of sexual abuse can be expected to react and/or to respond to these incidents in a logical, text-book like way. This was made clear in GBR v Public Prosecutor and another appeal [2017] SGHC 296, where it was stated that "victims of sexual crimes cannot be straitjacketed in the expectation that they must act or react in a certain manner". I was able

to accept the evidence of the victim – that was her way of dealing with these incidents which happened to her as a child. In a curious way, the fact that the victim shared a warm and close relationship with the Accused through the years, becomes, in itself, a reason to believe her. It is precisely because of that bond, not in spite of it, that the victim's decision to come forward and testify against her own father speaks to the truth of her testimony. 37 The imperfections in the victim's evidence do not make her an unbelievable witness. To some extent, I agree with the Defence that the language the victim had used when giving her testimony, to describe her feelings and thoughts supposedly at that time of the incidents, seemed "too advanced" (in the Defence's words) 61 Foot Note 61 × Defence's Closing Submissions, [13] for a young child. However, this did not mean that the victim had made up these incidents of molest. Her evidence, whilst extremely elaborate and detailed, particularly in relation to her thoughts and feelings, was not contrived. 38 I was satisfied that the victim was telling the truth. To my mind, she was making sense of and recounting her painful childhood experiences in the language and understanding she now possesses as an older person. Throughout her testimony, she had been extremely elaborate in describing her feelings, emotions, and what had taken place over those years. Her account now may be understood as an attempt to put into words what had happened to her some 20 years ago - something she may not have been able to fully express as a young child, or even as she grew older. 39 The victim's conduct following the incidents of molest was consistent with her testimony that she had been molested by the Accused:

- a) She moved out of her home on 1 August 2015 when she was about 21 years old. 62 Foot Note 62 × Statement of Agreed Facts, [8] The idea of moving out was first suggested to her by L , with whom she had been romantically involved. He had observed how deeply affected she was by the abuse. The victim was initially resistant to the suggestion. However, the idea took root in her subconsciously even as she consciously rejected it. The turning point came during a family trip to Desaru, Malaysia when the Accused's verbally aggressive and difficult behaviour on that trip triggered a feeling that she could no longer continue to deny the reality of what he had done to her; that it was no longer safe to be around the Accused. She described a moment where "something in me just snapped in a way. It snapped and then I was emotionally very distressed ." It was at that moment that she made the decision to move out. 63 Foot Note 63 × Notes of Evidence 6 September 2023, 35/17-37/12
- b) The victim's disclosures to her psychologist and psychiatrist. On her fourth admission to the hospital, the victim disclosed to her psychologist, Ms Terri Chen (PW5) that she had been sexually abused by her father as a child. She did not go into specific details but remembered confirming that there had been no penetration. The victim explained that the disclosure was a natural consequence of the personal decision she had already made to stop denying the abuse. She felt it was both "logical and natural" to share what had happened with the medical professionals supporting her mental health, as she believed that meaningful progress in her treatment could only be made if they understood what she had been through. 64 Foot Note 64 × Notes of Evidence 6 September 2023, 81/28-82/23 The victim also revealed the same to her psychiatrist, Dr Roger Ho (PW4). 65 Foot Note 65 × Notes of

Evidence 6 September 2023, 82/28-83/2

- c) The victim's need for consultation and treatment with medical professionals. The victim was around 21 or 22 years old when she began seeing a psychologist and a psychiatrist regularly. Following her fourth hospitalisation, the victim made a conscious decision to take her mental health treatment more seriously. Prior to that, she had been inconsistent – stopping and starting her antidepressants and attending only a session or two with her psychologist before discontinuing. The fourth hospitalisation was a wake-up call for her. She felt that being hospitalised four times was simply too many, and that she needed to take greater personal responsibility for her recovery. From that point on, she started to see her psychiatrist and psychologist more frequently. 66 Foot Note 66 × Notes of Evidence 6 September 2023, 83/3-28
- d) The victim's manifestations of severe and adverse reactions to the Accused at the hospital, the airport and eventually, at the gym at the condominium. On her fourth hospitalisation, when she saw her father walk into the ward, she rushed to her bed, pulled the blanket over her entire body and began to cry. She only calmed down when he moved away. 67 Foot Note 67 × Notes of Evidence 6 September 2023, 84/12-85/8 At the airport, the victim was caught completely off guard when she saw the Accused walking towards her at the restaurant, smiling and greeting her. The sight of him caused her to break down in tears immediately. 68 Foot Note 68 × Notes of Evidence 6 September 2023, 95/15-96/9 At the condominium gym, 69 Foot Note 69 × Statement of Agreed Facts, [11] whilst exercising, the victim noticed the Accused outside the gym walking towards her, smiling with his eyes “lit up”. She felt unsafe and disgusted, walked out of the gym and began calling the Accused a “paedophile” and making clear that she wanted him to stay away from her. 70 Foot Note 70 × Notes of Evidence 6 September 2023, 99/5-100/3 40 To my mind, the victim's severe and adverse reactions to the Accused were significant. The reactions were significant because even though they were different in form, they reflected the same deep fear and aversion the victim had towards the Accused. Every time the victim unexpectedly encountered the Accused, her response was immediate and instinctive - whether hiding under a blanket, breaking down in tears or publicly confronting him. These reactions occurred in different settings and in different periods of time. They were spontaneous reactions by the victim and could not have been manufactured or rehearsed. Taken together, they paint a picture of a person who had genuinely suffered trauma at the hands of the Accused. 41 The victim's overall testimony was also consistent with the details she related in her application for a Personal Protection Order (PPO) on 23 July 2020 71 Foot Note 71 × Exhibit P3 (it is undisputed that the victim did apply for a Personal Protection Order against the Accused 72 Foot Note 72 × Agreed Statement of Facts, [12]). In making this decision, the victim explained: “I really just wanted to feel safe from my abuser. I wanted to feel that there was like a more, sort of, like, authoritative way for for him to to to, you know, stay away from me, generally, yes. So, that's why I filed for the PPO”. 73 Foot Note 73 × Notes of Evidence 6 September 2023, 103/18-104/17 The victim eventually withdrew the PPO application, giving sufficient reason why. 74 Foot Note 74 × Notes of Evidence 6 September 2023, 107/6-14 The Victim was externally consistent

Victim's mother (PW3) 42 The victim's evidence was consistent with the evidence of her mother PW3. PW3 confirmed all the "meltdowns" the victim had recounted to the court. PW3 also confirmed that the victim had disclosed to her what the Accused had done to her. 43 PW3 slowly made sense of the victim's behaviour. The impact of these incidents on the victim was reflected in the writings and drawings in her personal diary when she was in primary school. PW3 testified how in trying to understand the victim, she had looked into the victim's personal diary. PW3 was "extremely disturbed" when she saw the victim's drawing of a girl screaming, accompanied by the words: "He's coming, he's coming. He's he's doing that, he's doing that. He's putting it, he's putting it." 75 Foot Note 75 × Notes of Evidence 7 February 2024, 23/3-24 As PW3 sought to make sense of this troubling entry, she recalled an incident where she had come home to find the Accused uttering puzzling words. As the victim had been ill and lying on the couch, she had enquired after the victim's well-being. In response, the Accused said: "I'm not trying to" "to do something to your daughter. I was just trying to examine her, making" "I mean, to" "to check her infection". 76 Foot Note 76 × Notes of Evidence 7 February 2024, 24/3-22; 27/14-23 The Accused appeared defensive. In her testimony, PW3 spoke of how, in slowly piecing together the different pieces of the puzzle, she came to understand why the victim had behaved the way she did. 77 Foot Note 77 × Notes of Evidence 7 February 2024, 26/27-32 44 PW3's reaction to the victim's disclosure - that of shock and disbelief that any parent could do such a thing 78 Foot Note 78 × Notes of Evidence 6 September 2023, 75/10-23

- reflected the gravity of what she had been told and was consistent with the severity of the sexual abuse the victim said she suffered. PW3's immediate instinct to go to the police was resisted by the victim. 79 Foot Note 79 × Notes of Evidence 6 September 2023, 75/32-76/21 Again, the victim's reluctance, citing the lack of eyewitnesses and the passage of time as attested to by PW3, was consistent with the behaviour of someone who had genuinely suffered abuse but felt powerless to prove it. It was PW3 who then stepped in to help the victim to secure alternative accommodation. 80 Foot Note 80 × Notes of Evidence 7 February 2024, 33/31-35/32 45 The fact that PW3 testified that she had not witnessed the Accused touching the victim inappropriately at any time 81 Foot Note 81 × Notes of Evidence 7 February 2024, 73/14-18; Defence's Closing Submissions, [39]; [42]-[44]; [93]-[95] did not mean that the sexual abuse spoken of by the victim did not happen. There were plenty of occasions when the Accused and the victim were alone. PW3 testified that she was a full-time teacher, as was the Accused. In order to ensure a parent present at all times, she would work in the afternoon session whereas the Accused would work in the morning session. Being the one who drove, the Accused also took on caregiving responsibilities such as bringing the children for their medical check-ups and vaccinations. 82 Foot Note 82 × Notes of Evidence 7 February 2024, 7/22-10/8 Acts of this nature would also not ordinarily be committed in the full view of any other person. Hence, it was not inconceivable that PW3 may not have observed any incidents of molest committed on the victim by the Accused, despite the frequency at which the victim testified it had happened. 46 PW3's evidence that she did not remember telling the Accused "to stop what he was doing" 83 Foot Note 83 ×

Notes of Evidence 6 September 2023, 14/9 in respect of the “living room incident” similarly did not mean that her evidence contradicted the victim’s account. PW3’s failure to remember that incident is not the same as denying that something had happened. It may be that PW3 had forgotten an exchange that took place many years ago, especially if it had not struck her as significant at the time. On the other hand, the victim, as the person directly involved, naturally had reason to remember it. Further, by the time of the trial, the victim would already have been aware that PW3 had no recollection of what she was supposed to have said. 84 Foot Note 84 × Notes of Evidence 6 September 2023, 76/6-9; September 2023, 25/10-14 That being the case, the victim would have had no reason to fabricate such a detail, since it would add nothing to her account without PW3’s corroboration of it. 47 Notwithstanding the above, in finding the victim credible, I did not place any weight on what the victim had testified her mother (PW3) had supposedly remarked in the living room incident. Apart from the fact that there was no corresponding confirmation from PW3, it was also not clear who the remark was directed at or what it was referring to. This piece of evidence was at best, an assumption by the victim that her mother was referring to the Accused molesting her. In relation to the couch incident, PW3 did not witness what the Accused was doing when the victim was asleep on the couch. What PW3 did observe, however, was the Accused’s defensive and puzzling response when she enquired after the victim, and it was this that later helped her to piece together and understand the victim’s behaviour. 48 The consistency between the victim and PW3’s evidence strengthens the overall reliability of the victim’s account. However, to the extent that the Defence relies on PW3’s conduct following the victim’s disclosure as undermining the victim’s credibility and the truth of what had happened - I am unable to accept this submission. 85 Foot Note 85 × Defence’s Closing Submissions, [46]-[52]; [98], PW3’s actions in asking the Accused for help to bring the victim’s belongings, 86 Foot Note 86 × Notes of Evidence 7 February 2024, 48/1-10 allowing the Accused to fetch her to the victim’s place, 87 Foot Note 87 × Notes of Evidence 7 February 2024, 51/22-28 informing the Accused of the victim’s hospital 88 Foot Note 88 × Notes of Evidence 7 February 2024, 41/1-18 and flight details, 89 Foot Note 89 × Notes of Evidence 7 February 2024, 47/27-48/15; 53/14-20 inviting the victim to her condominium even though the Accused was around 90 Foot Note 90 × Notes of Evidence 8 February 2024, 14/1-28

- were a product of PW3’s own choices, over which the victim had no control. PW3’s personal belief, perception or opinion of what had happened between the Accused and the victim had no bearing on the court’s findings on the credibility of the victim’s evidence. Victim’s former boyfriend (PW2) 49 The victim’s former boyfriend, one S (PW2) met the victim in Ngee Ann Polytechnic through a film club. She was one year his junior in school. PW2 shared a brief relationship with the victim from July 2011 to February 2012. After they broke up, their contact was minimal. 91 Foot Note 91 × Notes of Evidence 21 September 2023, 24/1-5 I considered PW2 to be a credible witness - independent, with no personal interest in the outcome of the proceedings. The victim’s evidence was consistent with PW2’s evidence:

- a) Without any knowledge of the abuse at the time, PW2 observed that the victim appeared distant from her father, even “ estranged ”, 92 Foot Note 92 × Notes of Evidence 21 September 2023, 19/1-16; 27/2-14 and never spoke of him fondly. This independent observation supported the victim's account of her struggle in her relationship with the Accused – that whilst she maintained a façade of normalcy in her relationship with the Accused, the distance and discomfort she felt towards him was visible to those around her. When the victim eventually disclosed to him, in PW2’s words, it all started “ mak ing sense ” 93 Foot Note 93 × Notes of Evidence 21 September 2023, 21/27-30 to him; he was able to “ piece it together ” 94 Foot Note 94 × Notes of Evidence 21 September 2023, 20/12-14; and there was a “ sense of affirmation from myself that okay that I read their relationship correctly ”; 95 Foot Note 95 × Notes of Evidence 21 September 2023, 22/1-4
- b) The victim's disclosure to PW2 which took place around November to December 2011 96 Foot Note 96 × Notes of Evidence 21 September 2023, 23/2-24 was well before any police report or court proceedings. To my mind, it would have been highly unlikely for the victim to have invented such a serious allegation against her own father and shared it with her boyfriend at that early stage;
- c) PW2’s description of how the victim disclosed to him – gradually, over two separate conversations, with the identity of the abuser revealed only in the later conversation, 97 Foot Note 97 × Notes of Evidence 21 September 2023, 20/7-18 was consistent with the victim's own account of how difficult it was for her to confront and speak about the abuse.
- d) PW2 testified that it took a lot of courage for the victim to share that she had been molested by the Accused. 98 Foot Note 98 × Notes of Evidence 21 September 2023, 20/25-30; 22/9-26 His observation that the victim seemed relieved 99 Foot Note 99 × Notes of Evidence 21 September 2023, 21/4-6; 22/14-15 after making the disclosures was consistent with the victim's inner turmoil she had been coping with for so many years. Evidence of victim’s former boyfriend - L 50 The evidence of the victim’s other boyfriend, L tendered in the form of a conditioned statement, 100 Foot Note 100 × Exhibit P11 told the same story. He met the victim in late 2013 and they dated for about six months before breaking up in February 2015. During their relationship, he noticed that the victim was not close to her father - she would disengage whenever he approached her, and she told him multiple times that she locked her bedroom door at night to keep her father out. In his conditioned statement, L stated that the victim had mentioned about wanting to move out, saying that she did not feel safe at home. At the time of their breakup, the victim disclosed to him that she had flashbacks of her father touching her in her groin area when she was young. Shortly after, during a family trip to Desaru, she called him in tears saying she was breaking down. L ’s evidence was not challenged by the Defence. 51 Both the former boyfriends of the victim observed the same strained relationship between the victim and the Accused. Both of them also received disclosures from the victim about her being sexually abused at different stages of their respective relationships with her — PW2 in late 2011, and L at the time of their breakup in early 2015. Neither of them had any reason to collude or coordinate their observations.

Taken together, the evidence of both PW2 and L presented a coherent and convergent account that was consistent with the victim's testimony. Victim's psychiatrist Dr Roger Ho (PW4) 52 Dr Roger Ho is a Professor of Psychiatry and a Senior Consultant Psychiatrist with the NUH and has been with NUH since 2002. The victim was one of his former patients whom he treated for major depressive disorder and emotionally unstable personality type sometime in November 2015. His evidence was also received by way of a conditioned statement. 101 Foot Note 101 × Exhibit P9 53 Dr Roger Ho confirmed that the victim had disclosed to him that she had been sexually abused by the Accused when she was young. At the material time, the victim had been hospitalised in the psychiatric ward of the NUH in relation to a drug overdose and Dr Roger Ho was the consultant in charge of the victim's case. 54 On the issue of "false memory syndrome", Dr Roger Ho's position was nuanced. He did not say that false memory syndrome can never be diagnosed, but explained that in the victim's case, he could not diagnose it because doing so would first require confirming whether the abuse had actually occurred - something beyond his capacity and a matter more for the police and the court to investigate into. Dr Roger Ho also noted that any such assessment would need to be carried out by an independent psychiatrist with a forensic background who was not involved in the patient's care. In essence, he was saying that the threshold conditions for even considering such a diagnosis had not been met in this case. Victim's psychologist Ms Terri Chen (PW5) 55 Ms Terri Chen's evidence-in-chief was in the form of a conditioned statement. 102 Foot Note 102 × Exhibit P10 She is a clinical psychologist with the National University Hospital ("NUH"), and has worked in this field for more than 10 years. The victim was one of her patients. 56 The disclosure made to Ms Terri Chen by the victim regarding how the Accused had touched her vagina on multiple occasions when she was young, and why she wanted to move out of the family home, 103 Foot Note 103 × Exhibit P10, [3] was consistent with the testimony of the victim. Ms Terri Chen's treatment of the victim for mood-related difficulties and learning skills to improve her ability to manage and respond to emotional experiences also appeared consistent with the general psychological trauma the victim described in her testimony. 57 The first time that Ms Terri Chen heard of "false memory syndrome" being mentioned in relation to the victim's case was when she received an email on 25 July 2016 from the victim, informing her that she (the victim) had heard that the Accused had been telling others that the victim had been diagnosed with false memory syndrome. In her reply to the victim's email, Ms Terri Chen stated amongst other things, that false memory syndrome is not a diagnosable clinical condition and offered to discuss it with her during their next session. 104 Foot Note 104 × Exhibit P10, [8]-[9] Ms Terri Chen maintained this under cross-examination. 105 Foot Note 105 × Notes of Evidence 24 July 2024, 25/17-21; 36/12-20 Ms Terri Chen's evidence that false memory syndrome is not a diagnosable clinical condition confirmed that there was no medical or clinical basis for suggesting that the victim's memories of the abuse were anything other than genuine. 58 The victim's account was consistent with the evidence of her medical professionals. Both Dr Roger Ho and Ms Terri Chen, who treated the victim in a clinical setting and had no personal stake in the proceedings, independently confirmed the disclosures she had made to them about the abuse. These disclosures were also made during

the course of medical treatment, before any police report was lodged or commencement of court proceedings. 59 The victim's gradual disclosure to various persons connected to her at different stages of her life lent credibility to her account. Whilst these disclosures may not be strictly considered as corroboration since the source of the complaint was from the victim herself, in my view these disclosures reveal a consistent pattern of how things unfolded for the victim. She did not come forward all at once, nor did she disclose to everyone at the same time which would have seemed deliberate and pre-planned. Instead, her disclosures emerged gradually over the years — first to her former boyfriend (PW2) in late 2011, to Ms Terri Chen (PW5) in July 2015, then to her mother (PW3) before she moved out of the family home on 1 August 2015, and subsequently to Dr Roger Ho (PW4) during her hospitalisation in November 2015, before a case was eventually opened following her encounter with the Accused at the condominium gym. 60 The Court recognises that based on the medical evidence presented, it may not be possible to attribute the victim's history of being hospitalised, being treated for her mental health, seeing a psychologist and a psychiatrist - entirely to the Accused's offending acts on her. Notwithstanding, the victim's treatment, consultation with psychologists and psychiatrists, her hospitalisation are facts which the Court could not simply ignore in the total consideration of the victim's evidence. This aspect of the evidence formed a composite whole of the victim's testimony which the Court was obliged to consider. I was satisfied that the victim was telling the truth. False Memory Syndrome 61 In respect of this "false memory syndrome", the evidence appeared to be conflicting. As highlighted by the Defence, both the Accused 106 Foot Note 106 × Notes of Evidence 30 October 2024, 25/9-13; 49/20-50/7 and the victim's mother (PW3) 107 Foot Note 107 × Notes of Evidence 7 February 2024, 41/25-43/21 testified that they had heard Dr Roger Ho mention this at the hospital when the victim was hospitalised. The victim testified that her mother had also mentioned to her what Dr Roger Ho had said to her about her (the victim) having "false memory syndrome" 108 Foot Note 108 × Notes of Evidence 8 September 2023, 13/15-19 ; she had heard from other relatives as well. 109 Foot Note 109 × Notes of Evidence 6 September 2023, 105/26-106/6 However, in his evidence, Dr Roger Ho disagreed that he said anything like that. 110 Foot Note 110 × Notes of Evidence 24 July 2024, 41/28-40; Exhibit P9, [12] 62 To my mind, it was not material that I was not able to resolve the discrepancies in the evidence surrounding the existence of a "false memory syndrome". Apart from the fact that the Accused's account of the conversation with Dr Roger Ho differed from that of PW3's 111 Foot Note 111 × Prosecution's Closing Submissions, [41] , the more critical aspect of this portion of the evidence was:

- a) At no time was the victim ever diagnosed with a false memory syndrome by any doctor - if it could even be diagnosed;
- b) The evidence of both Dr Roger Ho (PW4) and Ms Terri Chen (PW5) was that no such diagnosis had been made. This was consistent with the fact that no such diagnosis or comment was documented in the victim's discharge summary from hospital; 112 Foot Note 112 × Prosecution's Closing Submissions, [43]; Exhibit P9, [12]

- c) There was no evidence, medical or otherwise, produced by the Defence to state that the victim did suffer from such a condition which would create a reasonable doubt on the victim's recollection of the incidents in her childhood. 63 On the contrary, when weighed against the overall evidence presented in court, the victim's evidence contained a "ring of truth". From one caught in between her husband and her daughter, PW3 herself recognised: "How [the victim] described the touching incident, how could a person with false memory syndrome remember exactly how she was touched? It really break my heart. Then tell myself, I cannot undo the past, the least I can do is to leave the house, and bring her far, far away from this house. She could describe exactly how she was touched as a child. And now I begin to understand why she behaved the way she behaved. She was struggling, trying to cope by having a very, very close relationship with the father, so that she can cope with the fact that she had to continue living with the father.... now I understand why she behaved the way she behaved ." 64 These are the words of a mother recognising the truth in what her child had told her. PW3 instinctively rejected the claim of a "false memory syndrome", based on the specificity of the victim's account. The detailed and coherent quality of the victim's evidence was compelling. The Defence's Case 65 The Accused's defence is one of a bare denial. There was no allegation that the victim had relied on "false memory"; 113 Foot Note 113 × Notes of Evidence 27 June 2025, 7/1-2 neither was there an assertion supported by evidence that the victim's post-incident conduct was based on her perpetuating a false memory of such offending incidents in her childhood. The Accused essentially denied that he had committed any of the acts complained of by the victim. 66 When asked about the incident in the living room, the Accused testified that this incident, as alleged by the victim, never took place. He responded by describing a close and affectionate relationship between him, the victim and the victim's brother (DW2). The Accused asserted that the incident did not happen. 114 Foot Note 114 × Notes of Evidence, 30 October 2024, 14/29-15/10 This was a bare assertion, unsubstantiated by any other evidence. 67 In relation to the couch incident, Accused claimed that he "might have been" 115 Foot Note 115 × Defence's Closing Submissions, [100] applying medication to the victim for a urinary tract infection (UTI). He himself was not sure if he had in fact applied any medication on the victim. 116 Foot Note 116 × Notes of Evidence 30 October 2024, 16/9-12 This was flatly denied by the victim. 117 Foot Note 117 × Notes of Evidence 7 September 2023, 27/5-8 Prosecution further identified discrepancies in the Accused's account that showed he had shifted his position over the course of the trial. Initially, the Defence put to the victim during cross-examination that the Accused had been applying medication to her genitals — implicitly accepting that he had touched her skin-to-skin there. However, the Accused later claimed in his own evidence that he could not even remember whether he had applied any medication at all. He also claimed for the first time in cross-examination that he would have used cotton wool rather than his hand, which had never been put to the victim. The Accused's evidence was vacillating in respect of this "couch incident". 68 To be fair to the Accused, if he had genuinely done nothing wrong on this occasion, it may be understandable that he had no clear memory of it; there would have been nothing remarkable for him to remember. I did not hold his vague and uncertain account of "I remember that there was this incident, but I do not remember

if I had gone to apply such thing on her " against him. 69 However, even taking the Accused's defence at the highest - that he had been applying medication to the victim for UTI, 118 Foot Note 118 × Notes of Evidence 8 September 2023, 49/25-28 it did not mean that he could not have molested the victim on this same occasion. His bare assertion that he could not remember was insufficient to displace the clear and cogent evidence of the victim in respect of this incident. Accused's Defence Witnesses 70 The Accused called a number of witnesses in his defence:

- a) His son (DW2);
- b) His sister (DW3); and
- c) His brother-in-law (DW4). 71 The value of the evidence of the Defence witnesses was limited. Whilst they testified to a good father and daughter relationship between the Accused and the victim - this fact was not disputed by the victim. On the surface, as the victim testified, she did share a warm and close relationship with the Accused. That the Accused's son (DW2), Accused's sister (DW3) and Accused's brother-in-law (DW4) had not witnessed the Accused behaving inappropriately with the victim was not probative. The Accused's son (DW2) agreed with the Prosecution that he was not always present when the Accused and the victim were together; 119 Foot Note 119 × Notes of Evidence 19 March 2025, 15/28-31 the Accused's sister (DW3) and her husband (DW4) both confirmed that they stayed at a different address from the Accused and the victim and would not know what takes place at the home of the Accused and the victim. 120 Foot Note 120 × Notes of Evidence 19 March 2025, 23/1-11; 28/1-12 The Defence witnesses had no personal knowledge of what had taken place between father and daughter in the private moments. Their evidence neither aided the Accused's case nor cast any doubt on the strength of the victim's evidence. 72 I make it clear that the Defence's failure to suggest any motive to lie on the part of the victim did not diminish the Prosecution's burden. The burden remains on the Prosecution, from start to finish, to prove its case beyond a reasonable doubt, which includes satisfying the court that the victim is telling the truth and is "unusually convincing". Whilst the Defence may seek to raise a reasonable doubt by adducing evidence of a motive to lie, the Defence is not obliged to do so and also may not be able to do so. After all, who would know what lies in the mind of a lying victim? Hence, only where an accused can show that the victim has a motive to falsely implicate him, then the burden must fall on the Prosecution to disprove that motive: see *XP v Public Prosecutor* [2008] SGHC 107. 73 Overall, the Defence's case did not cast a reasonable doubt on the Prosecution's case. The Accused's bare denial stood in stark contrast to the victim's consistent and compelling account. For the reasons elaborated above, I find the victim to be "unusually convincing" and I accept her evidence. I therefore found the Accused guilty on both the charges and convicted him accordingly. The Appropriate Sentence Prosecution's Position 121 Foot Note 121 × Prosecution's Skeletal Submissions on Sentence 74 The Prosecution sought a sentence of 16-19 months' imprisonment on each of the two charges. 75 The learned Deputy Public Prosecutor (DPP) submitted that the case fell into Band 3 of the sentencing framework as set out in

Kunasekaran s/o Kalimuthu Somasundara v Public Prosecutor [2018] 4 SLR 5801 (“Kunasekaran ”), based on four offence-specific factors: 122 Foot Note 122 × Prosecution’s Skeletal Submissions on Sentence, [3]

- a) There was a significant degree of sexual exploitation as the offences involved skin-to-skin contact with the victim’s vulva;
- b) The victim was vulnerable given her tender age of five to seven years’ old at the material time – she was thus unable to protect herself from the accused. In addition, for the first charge (MAC-905793-2022), the victim had been sleeping at the time, which adds a further dimension of vulnerability;
- c) There was an egregious abuse of trust given that the accused is the victim’s father;
- d) The offences caused significant psychological harm to the victim. 76 The Prosecution drew a comparison to P ublic Prosecutor v BZT [2022] SGHC 148 (BZT), where the offender received 18 months’ imprisonment and six strokes of the cane for a charge under section 354 of the Penal Code which similarly involved a high degree of sexual exploitation against a child seven to nine years of age. In BZT , the offender had rubbed his penis against the girl’s buttocks (over her clothes), used her hand to rub her vagina (skin-on-skin) and rubbed his penis against her vaginal area (skin-on-skin). Prosecution argued that whilst the extent of sexual exploitation in the present case was less, the victim was even younger at the material time; the Accused was also her biological father, which represented an even greater abuse of trust than in BZT . 123 Foot Note 123 × Prosecution’s Skeletal Submissions on Sentence, [5]-[6] 77 Guided by the case of Chew Soo Chun v P ublic Prosecutor and another appeal [2016] 2 SLR 78 (“ Chew ”), Prosecution submitted that the Accused’s medical conditions did not warrant the exercise of judicial mercy; it should be treated as a neutral sentencing factor for three reasons: 124 Foot Note 124 × Prosecution’s Skeletal Submissions on Sentence, [7]-[15]
 - a) Singapore Prison Service (SPS) had confirmed it can provide haemodialysis during incarceration, meaning imprisonment is unlikely to affect his life expectancy;
 - b) Of the nine medical reports and one medical memo provided by the Defence, only two commented on the impact of incarceration. The equivocal nature of the reports did not carry any mitigatory value and did not meet the high threshold in Chew ;
 - c) In any case, SPS has reviewed all the medical material and indicated that it “ has an adequate system of healthcare delivery in place and manages inmates with a variety of medical conditions, including those with complex and serious medical conditions ”. 125 Foot Note 125 × Email from SPS dated 11 February 2026 Accused’s Mitigation Plea 126 Foot Note 126 × Plea in Mitigation 78 The Defence implored the Court to exercise judicial mercy in view of the Accused’s serious medical conditions and to impose a fine or a nominal prison sentence, 127 Foot Note 127 × Plea in Mitigation, [8] tendering several medical documents in support. 128 Foot Note 128 × Plea in Mitigation, [14] Defence submitted that from the medical reports, it was evident that the Accused is suffering from multiple serious medical

conditions, in particular, end stage renal failure which requires him to attend dialysis sessions at least 3 times a week; that the Accused has a weakened immune system and overall health, which may be exacerbated by incarceration. 129 Foot Note 129 × Plea in Mitigation, [14]-[16] Defence submitted that also relied on several case authorities when judicial mercy was exercised and fines were imposed. 130 Foot Note 130 × Plea in Mitigation, [19]-[20] 79 Defence also argued there were humanitarian considerations of the Accused's extreme health condition, personal circumstances and low risk of re offending which would make a fine or a nominal custodial sentence just and appropriate in this case. 131 Foot Note 131 × Plea in Mitigation, [23]-[26] In the alternative, Defence submitted for eight months' imprisonment. 132 Foot Note 132 × Plea in Mitigation, [27]-[35] Reasons for the Sentence 80 The prescribed punishment for an offence under section 354 of the Penal Code is an imprisonment term which may extend to 2 years and/or with fine and/or with caning. Applying the Kunasekaran framework 81 The sentencing approach and framework in Kunasekaran s/o Kalimuthu Somasundara v Public Prosecutor [2018] 4 SLR 580 ("Kunasekaran ") applies in this case. As summarised by the Prosecution, 133 Foot Note 133 × Prosecution's Skeletal Submissions on Sentence, [2] the approach would be to first, identify which band the offence in question falls within with reference to the offence-specific factors, such as the degree of sexual exploitation, the circumstances of the offence and the harm caused to the victim. These bands define the range of sentences which may usually be imposed for a case with such offence-specific features. The sentencing bands in Kunasekaran are: Band Factors Sentencing Range 1 None or only one offence-specific factors; involving a fleeting touch or no skin-to-skin contact; and no intrusion into private parts 2 Two or more offence-specific factors are present:

- Lower end: private parts intruded without skin-to-skin contact. Higher end: skin-to-skin contact with private parts; use of deception 5 -15 months' imprisonment 3 Numerous offence-specific factors, including vulnerable victim/s, abuse of trust, use of violence or force 15-24 months' imprisonment Offence-Specific Factors 82 There were several offence-specific factors present. On the evidence adduced:
 - a) The degree of sexual exploitation was high. The contact was skin-on-skin. The Accused had put his hands under the victim's shorts and fondled her vaginal region with his bare hands in the "living room incident"; in the "couch incident", he had also put his hands under the victim's shorts;
 - b) The victim was only four to seven years old at the material time. Generally, the younger the age, the more vulnerable the victim would be. As was stated in the case of AQW v Public Prosecutor [2015] 4 SLR 150 from [15]: "The more vulnerable the minor is, the more protection he or she will require, and the more reprehensible will be the conduct of an offender in exploiting him or her for the offender's own gratification. Thus, on principles of deterrence and retribution, offences against more vulnerable minors ought to be visited with heavier punishments. One factor that goes towards the vulnerability of the minor is of course the minor's age. The younger the minor, the more vulnerable he or she will likely be

found to be ”;

- c) There was a grave abuse of trust as the offences had taken place in a familial context; the Accused was the victim’s biological father. It was precisely this relationship which the victim shared with the Accused which placed her in a constant dilemma - the person whom she was most conditioned to trust and love was the very same person perpetrating these acts against her. As Prosecution highlighted: “ The ultimate relationship of trust and authority is that between a parent and his or her child. There exists between them a human relationship in which the parent has a moral obligation to look after and care for the child. In our view, the level of confidence and trust that a child naturally reposes in his or her parent entails that a parent who betrays that trust and harms the child stands at the furthest end of the spectrum of guilt”; 134 Foot Note 134 × P ublic Prosecutor v UI [2008] 4 SLR(R) 5002; Prosecution’s Skeletal Submissions on Sentence, 3(c)
- d) The victim clearly suffered psychological harm as a result of the Accused’s offences. Apart from the victim’s painful account of her inner turmoil and her struggles with her romantic relationships as she matured, the victim also testified that she engaged in “ risky behaviour ... like binge drinking or like cutting [herself], taking prescription pills ...” 135 Foot Note 135 × Notes of Evidence 6 September 2023, 59/20-23 . In the words of the victim, she felt: “ ... pain and---and anguish and suffering into---into that, so I think, like---like, on---on, like a---on the most conscious level, a lot of my anguish came from that place of---of feeling kind of rejected and neglected and abandoned by my parents .” 136 Foot Note 136 × Notes of Evidence 6 September 2023, 60/4-13 The victim’s meltdowns whenever she encountered the Accused were also a testament to the trauma she experienced. 83 Given the offence-specific factors present in this case, the offences committed by the Accused clearly fall in Band 3 of the Kunasekaran framework. An indicative starting sentence would be in the middle of Band 3 i.e., 18-19 months’ imprisonment. Offender-Specific Factors 84 Next, I considered the aggravating and mitigating factors present in this case. In this regard, the Accused is untraced; he is a first offender. He did not plead guilty and thus, he would not receive any sentencing discount. 85 The Accused’s ill-health is relevant to sentencing. In *Chew Soo Chun v PP* and another appeal [2016] 2 SLR 78 (“Chew”) 137 Foot Note 137 × Prosecution’s Skeletal Submissions on Sentence, [8]-[9] from [38], the court expressed that an offender’s ill-health may be relevant to sentencing in either of two ways: “...ill health is relevant to sentencing in two ways. First, it is a ground for the exercise of judicial mercy. Judicial mercy is an exceptional recourse available for truly exceptional cases and which will likely result in an exceptional sentence. Where mercy is exercised, the court is compelled by humanitarian considerations arising from the exceptional circumstances to order the minimum imprisonment term or a non-custodial sentence where appropriate. Secondly, it exists as a mitigating factor. The cases where ill health will be regarded as a mitigating factor include those which do not fall within the realm of the exceptional but involve markedly disproportionate impact of an imprisonment term on an offender by reason of his ill health. The court takes into account the fact that ill health may render an imprisonment term that will not otherwise be crushing to one offender but may be so to another, and attenuates the

sentence accordingly for the latter offender so that it will not be disproportionate to his culpability and physical condition. In all other cases, ill health is irrelevant to sentencing. It may be that the offender has a condition or several conditions, but unless he can satisfy the tests for exercising judicial mercy or for mitigating a sentence because of disproportionate suffering or decreased culpability, there is no proper basis to vary the sentence” 86 In this case, I did not consider the Accused’s ill-health a basis to exercise judicial mercy. Whilst it is true that the Accused suffers from serious medical conditions, chief of which is end-stage renal failure, the mere presence of these serious conditions is insufficient to compel an exercise of judicial mercy. The many medical reports tendered largely describe the nature of the Accused’s existing conditions and the general possibility of it worsening but do not go so far as to establish that incarceration would carry a high and imminent risk to the Accused’s life. The circumstances were not so exceptional. 87 Moreover, the Singapore Prison Service (SPS) confirmed that they would be able to manage the Accused’s medical conditions. In both emails dated 31 July 2025 and 11 February 2026, 138 Foot Note 138 × Emails from SPS, annexed to Prosecution’s Skeletal Submissions on Sentence SPS informed that they have “ an adequate system of healthcare delivery in place and manages inmates with a variety of medical conditions, including those with complex and serious medical conditions .” SPS also assured that “ al l inmates are given the appropriate level of medical care and treatment as may be required, including a referral to a Public Healthcare Institutions (PHIs) for treatment and management of their medical conditions, if necessary ”. They fully acknowledged the Accused’s medical history (when they listed each of his conditions down), his surgical history as well as his psychiatry history. In particular reference to the memo by Dr Tan Wei Liang dated 23 October 2024 (which specifically highlights the Accused’s end stage renal failure), SPS also confirmed that the Accused will be able to undergo haemodialysis treatment during his incarceration. 88 A sentence proportionate to the gravity of the offences committed and the level of culpability of the Accused is necessary. The need for retribution, punishment and deterrence is strong in this case. There are no exceptional circumstances which would justify the court imposing an “ exceptional sentence ” 139 Foot Note 139 × Chew Soo Chun v PP and another appeal [2016] 2 SLR 78, [38] that would not fully reflect the seriousness of the offence. 89 I was prepared to give the Accused’s ill-health some consideration in terms of sentence. The Accused does suffer from multiple serious conditions and a term of imprisonment may be more burdensome for him than it would be for a person in good health. To that extent, a measure of compassion may be shown to the Accused.

Conclusion

90 On a total consideration of all the facts and circumstances in this case, I imposed a sentence of 16 months’ imprisonment on each of the 2 charges. The sentences were ordered to run concurrently, the total sentence: 16 months’ imprisonment. 91 The Accused was not liable to be caned in this case due to his age. Even though caning may have been appropriate in this case, I did not impose any imprisonment term in lieu of caning. This is, again, a further measure of

leniency extended to the Accused. The sentence imposed is appropriate and is not manifestly excessive. 92 The Accused is on bail, pending the hearing of this appeal. District Judge DPPs Tan Pei Wei and Xavier Tan (Attorney-General's Chambers) for the Prosecution Chung Ting Fai and Muk Yin Shyn (Chung Ting Fai & Co.) for the Accused

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