

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

[2025] SGHC 162

Magistrates Appeal No 9358 of 2018/01

Between

Anita Damu @ Shazana Bt
Abdullah

... Appellant

And

Public Prosecutor

... Respondent

Magistrates Appeal No 9358 of 2018/02

Between

Public Prosecutor

... Appellant

And

Anita Damu @ Shazana Bt
Abdullah

... Respondent

FOUNDATIONS OF DECISION

[Criminal Procedure and Sentencing — Appeal]

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Anita Damu (alias Shazana bte Abdullah)

v

Public Prosecutor and another appeal

[2025] SGHC 162

General Division of the High Court — Magistrates Appeals Nos 9358 of 2018/01 and 9358 of 2018/02
26 May 2025

14 August 2025

Sundaresh Menon CJ:

1 Foreign domestic workers who come to Singapore do so in search of better economic prospects for themselves and their families in their home countries. In the vast majority of cases, they are welcomed, well-provided for and treated with affection and dignity by the Singaporean families they come to work for. This is as it should be, given the contributions that most of them make to our families.

2 Occasionally, it does not work out this way. There are domestic workers who do not adjust well, or who treat their employers without the trust and affection that they should, and there are employers who fail to accord their helpers the care, support and consideration that are due to them. At times, they even fail to accord them the basic dignity due to a fellow human being. Sadly, the present matter is such a case, and it is a matter of regret that it has taken this

long to be resolved, in large part because of the litigation choices that were made by the accused person.

Introduction

3 HC/MA 9358/2018/01 (“MA 9358/01”) and HC/MA 9358/2018/02 (“MA 9358/02”) were cross-appeals by Ms Anita Damu @ Shazana bt Abdullah (the “Appellant”) and the Prosecution, against the decision of the district judge (the “DJ”) to sentence the Appellant to 31 months’ imprisonment and order her to pay compensation amounting to \$8,000 (in addition to the sum of \$4,000 which she had already paid as voluntary compensation).

4 The Appellant pleaded guilty to five charges (these being the 2nd, 3rd, 4th, 5th and 7th Charges brought against her). Two of these were for offences under s 324 read with s 73(2) of the Penal Code (Cap 224, 2008 Rev Ed) (the “Penal Code”); two more were for offences under s 323 read with s 73(2) of the Penal Code; and the last was for an offence under s 22(1)(a) of the Employment of Foreign Manpower Act (Cap 91A, Rev Ed 2009) (“EFMA”). Additionally, she consented to having four other charges being taken into consideration for the purposes of sentencing (namely, the 1st, 6th, 8th and 9th Charges) (the “TIC Charges”).

5 In MA 9358/01, the Appellant appealed against the DJ’s decision to impose a custodial sentence, instead of a fine, while in MA 9358/02, the Prosecution appealed seeking to enhance the length of the imprisonment sentence imposed by the DJ, as well as the quantum of the compensation order ordered by the DJ. It sought an uplift of the Appellant’s imprisonment term to 55 months and to increase the amount of compensation by \$9,588.

6 I heard both appeals on 26 May 2025. I dismissed the appeal by the Appellant and allowed the Prosecution’s appeal against the sentence imposed by the DJ, but I considered that the term of imprisonment it sought was insufficient and I therefore increased the aggregate sentence of 31 months’ imprisonment to 84 months’ (or 7 years’) imprisonment. I also allowed the Prosecution’s appeal in respect of the compensation order and ordered the Appellant to pay further compensation of \$9,588. I furnished brief reasons for my decision at the time, and, as I indicated I would, I now set out the detailed grounds for my decision.

The material facts

Background to the dispute

7 The facts were largely not in dispute because the Appellant admitted to the amended Statement of Facts, dated 2 May 2025, without any qualification.

8 At all material times, Ms Siti Khodijah (“the Victim”) was employed as a domestic helper by the Appellant. She commenced her employment with the Appellant on 19 October 2013 and worked in the Appellant’s household until 23 April 2015. Sometime in April 2015, an investigation officer from the Ministry of Manpower (“MOM”), one Ms Valeria Chia (“Ms Chia”), visited the Appellant’s flat after she received information that the Victim was being abused by her employer. When Ms Chia saw the Victim, she observed that the Victim had scars on various parts of her body. Suspecting that the Victim had been abused, Ms Chia brought the Victim down to the void deck and interviewed her alone. Ms Chia then reported the matter to the Police who referred the Victim to the Accident and Emergency Department of Changi General Hospital.

9 Following investigations, it emerged that the first instance of abuse had taken place sometime between May and June 2014. This was the subject of the 3rd Charge brought against the Appellant. The Victim had eaten a longan without the Appellant's permission because she felt hungry. The Victim often felt hungry as she was not provided with adequate food, but when she consumed food without permission, she would be punished. The Victim had been reluctant to ask the Appellant for food, for fear that the Appellant would beat her. On one occasion, the Appellant made the Victim sign a letter, stating that if the Victim reported anything about the Appellant to the authorities, the Appellant would have her imprisoned because the Appellant had caught her taking food without permission.

10 In relation to the incident that was the subject of the 3rd Charge, when the Appellant discovered that the Victim had stolen a longan, she became angry and questioned her. The Victim denied doing so, but this angered the Appellant further. The Appellant then took a hot water flask and intentionally splashed hot water from the flask onto the Victim's left leg and back, causing the Victim to shriek and cry in pain. It also caused her skin to turn reddish, and it was very painful. The Appellant did nothing to ameliorate the injury she had caused and did not even offer to get any medical attention. Instead, she directed the Victim to continue with her chores. The hot water resulted in burn and scald injuries which left a permanent mark on the Victim's back and left lower leg. I will refer to this as "the Hot Water Incident".

11 The second instance of abuse took place sometime in August 2014 and formed the subject of the 2nd Charge brought against the Appellant. The Victim was ironing some clothes when the Appellant scolded her for doing her work slowly. She then grabbed the hot electric iron from the Victim's hands, pulled

the Victim's left hand towards her and intentionally pressed the hot surface of the iron on the top of the Victim's left hand and wrist. The skin on the top of the Victim's left-hand tore away from the hot iron as she tried to pull her hand away and screamed in pain. The Appellant next pulled the Victim's right hand, placed it on the ironing board, and pressed the heated iron down on that hand as well. Again, the skin from the Victim's right-hand tore as she tried to pull her hand away, causing her to scream in pain. The Appellant continued to pull on the Victim's right hand and then placed the heated iron on her right wrist. During this incident, the heated iron also grazed the Victim's right arm. As a result, the Victim sustained various burn injuries that were extremely painful. Although the Victim was crying and told the Appellant she was in extreme pain, the Appellant ignored her and told her to continue ironing. The Appellant again did nothing to attend to or ameliorate the injuries. The burns and scald injuries caused by this incident left permanent scars on the Victim, specifically a "scar on [the] bilateral wrist" and a "large keloid scar ... on [the] left hand dorsal aspect". I will refer to this as "the Iron Incident".

12 The third instance of abuse took place sometime in the afternoon of January 2015 and was the subject of the 4th Charge brought against the Appellant. The Victim was using a bamboo pole with a metal prong with sharp edges to hang clothes. The Appellant scolded the Victim for making a mistake and used the bamboo pole to poke the Victim's back and ribs area repeatedly with the sharp edges of the metal prong. The Appellant had frequently used the same pole on previous occasions to poke the Victim on her back and stomach. The Appellant's actions caused the Victim to suffer bodily pain and manifested in multiple hypopigmented patches of varying sizes with a hyperpigmented border, on her back. I will refer to this as "the Metal Prong Incident".

13 The fourth instance of abuse took place on 19 April 2015, just before the intervention of the MOM, and formed the subject of the 5th Charge brought against the Appellant. The Victim felt tired while doing her chores and wanted to rest. The Appellant was angered when she saw this. She took a slipper from the living room area and used it to hit the Victim forcefully on her face repeatedly, including in the area near her eyes and nose. As a result, the Victim suffered bodily pain and harm and a right periorbital hematoma. I will refer to this as “the Slipper Incident”.

14 There were several other instances of abuse which the Victim was subjected to, and these were reflected in the TIC Charges. These instances involved such acts as the Appellant using a pair of pliers to pinch the Victim on her arms and lower back on multiple occasions, causing extreme pain and leaving permanent marks on the Victim’s arms and lower back. The Appellant also slapped the Victim on her face on various occasions, and, in one instance, forced a cup of hot water to the Victim’s mouth.

15 Throughout the period of the Victim’s employment, the Appellant only allowed the Victim five hours of sleep (from 11.00pm to 4.00am) on days when she was required to wake up to get the Appellant’s daughter ready for school. This left the Victim constantly tired as she lacked sufficient rest. The Appellant was therefore charged with breaching the conditions of the work permit by restricting the victim’s sleeping hours and not affording the victim adequate rest. This formed the subject of the 7th Charge brought against the Appellant.

16 As a result of the pendency of these proceedings, the Victim has had to remain in Singapore without employment since 24 April 2015.

Procedural history*The initial proceedings before the DJ*

17 The DJ convicted and sentenced the Appellant based on the original Statement of Facts: see *Public Prosecutor v Anita Damu @ Shazana bt Abdullah* [2019] SGDC 35 (“Decision 1”).

18 After the Appellant was duly convicted, she tendered a mitigation plea asserting that she was suffering from major depressive disorder (“MDD”) with psychotic features and auditory hallucinations. Two psychiatric reports, prepared by Dr Lim Cui Xi (“Dr Lim”) and Dr Calvin Fones Soon Leng (“Dr Fones”), were tendered together with her mitigation plea in support of this claim. A Newton hearing was convened, in the course of which the psychiatrists gave evidence opining on the Appellant’s psychiatric condition. However, despite the concerns of the Prosecution, the Appellant did not testify. It was a matter of contention as to whether it was open to the DJ to make a finding on the Appellant’s mental condition when she was not intending to give evidence of her symptoms. The DJ nonetheless concluded that the Appellant was suffering from MDD (with auditory hallucinations) at the time of the offences and that “there was a causal link between MDD and the [Appellant’s] offending”. However, he was “not satisfied that the [Appellant] was significantly deprived of self-control or the ability to appreciate the nature and consequences of her actions” (Decision 1 at [24]–[28]).

19 As to sentence, the DJ found that although rehabilitation was an important consideration, in light of the Appellant’s psychiatric condition, retribution and deterrence remained important considerations (Decision 1 at [33]–[39]). In the final analysis, as he found that the Appellant was not deprived

of self-control or the ability to appreciate the nature and consequences of her actions, considerations of deterrence and retribution retained their primacy. He therefore concluded that a custodial sentence was warranted (Decision 1 at [40]–[45]).

20 Turning to the length of the custodial sentence, the DJ agreed with the Prosecution that the sentencing framework set out in the case of *Tay Wee Kiat and another v Public Prosecutor and another appeal* [2018] 4 SLR 1315 (“*Tay Wee Kiat*”) would be the relevant and appropriate sentencing framework for the 4th and 5th Charges, under s 323 read with s 73(2) of the Penal Code, the latter provision providing for the sentence to be enhanced if the victim was a domestic worker. However, he disagreed with the Prosecution’s proposed approach of adjusting the sentencing framework in *Tay Wee Kiat* for offences under s 324 read with s 73(2) of the Penal Code, the former provision being an aggravated form of causing hurt using a dangerous means (Decision 1 at [46]–[48]).

21 The DJ observed that the Appellant’s “egregious acts of physical abuse against the Victim over a protracted period of time” and degrading treatment of her resulted in serious injuries and concomitant psychological harm. The psychological harm suffered by the Victim was clearly evidenced by her victim impact statement and the scare and guilt tactics employed by the Appellant to prevent the Victim from disclosing the truth about her abuse (Decision 1 at [50]–[53]). That said, the DJ also took into account various mitigating factors in the Appellant’s favour, in particular her psychiatric condition, as well as her early plea of guilt and voluntary compensation of \$4,000 to the Victim (Decision 1 at [49] and [54]).

22 In determining the appropriate aggregate sentence, the DJ considered that although all of the proceeded charges concerned separate acts and occasions of abuse, since all of the offences “took place within the context of an ‘employer-domestic worker’ relationship within the [Appellant’s] household and arose under rather similar circumstances”, it was sufficient to order three of the five charges (namely, the 2nd, 4th and 7th Charges) to run consecutively, with the remaining two (the 3rd and 5th Charges) to run concurrently. This gave rise to an aggregate sentence of 31 months’ imprisonment (Decision 1 at [56]–[57]).

23 Finally, on the appropriate compensation order, the DJ considered that it was uncontroversial that the present case, being one of maid abuse, warranted such an order. It was undisputed that the Victim’s loss of income amounted to \$2,088. However, in respect of the Victim’s pain and suffering, the DJ found that although the Prosecution’s proposed sums fell within the Guidelines for the Assessment of General Damages in Personal Injury Cases (Academy Publishing, 2010) (the “Guidelines”), due to the fact that “some of the injuries were inflicted at or around the same time and a number of the permanent scars were in close proximity over specific parts of the Victim’s body”, there would have been some overlapping pain and suffering. As a result, he assessed the total compensation for pain and suffering to be in the amount of \$9,912 (Decision 1 at [58]–[68]).

24 In sum, the DJ imposed the following sentences (Decision 1 at [55]–[57] and [68]):

Charge	Sentence	Remark
2nd Charge (the Iron Incident)	24 months' imprisonment	Consecutive
3rd Charge (the Hot Water Incident)	24 months' imprisonment	Concurrent
4th Charge (the Metal Prong Incident)	6 months' imprisonment	Consecutive
5th Charge (the Slipper Incident)	4 months' imprisonment	Concurrent
7th Charge (providing inadequate rest)	1 month's imprisonment	Consecutive
Aggregate Sentence	31 months' imprisonment	
Head of damage	Amount awarded	
Loss of income	\$2,088	
Pain and suffering	\$9,912	
Total Compensation	\$12,000 (inclusive of a voluntary compensation of \$4,000)	

25 As both the Appellant and the Prosecution were dissatisfied with the DJ's decision, they appealed against the sentence ordered by the DJ, with the Prosecution also appealing against the compensation order (Decision 1 at [8]).

The initial proceedings in the High Court

26 These appeals first came before me in 2019. In *Anita Damu v Public Prosecutor* [2020] 3 SLR 825 ("Decision 2"), I observed that although it appeared that the DJ had implicitly made the finding that the Appellant was

suffering from auditory hallucinations at the material time of the offences (at [13]), such a finding was made without the best evidence, namely, the testimony of the Appellant herself. Indeed, the question of whether the Appellant did or did not suffer from auditory hallucinations was a question of fact, and so it was something that the Appellant should have testified on. No explanation had been furnished for the absence of such evidence (at [26]–[28]). It was clear to me that the psychiatrists could not render an expert opinion on the interpretation and diagnosis of the Appellant’s reported symptoms, until and unless there was adequate admissible evidence as to those symptoms, especially the alleged auditory hallucinations (at [43]). I thus set aside the DJ’s finding that the Appellant had experienced auditory hallucinations (at [51]).

27 Subsequently, on 5 May 2020, I directed that additional evidence be taken by the District Court, pursuant to s 392(1) of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) (“CPC”), on whether the Appellant experienced auditory hallucinations at the time of the offences.

28 Sometime before the remitted proceedings commenced, the Appellant was remanded at the Institute of Mental Health (“IMH”) from 15 July to 29 July 2020 for psychiatric evaluation. She was diagnosed with schizophrenia and assessed to be of unsound mind and incapable of making her defence. She was thus released on bail on 29 July 2020. The Appellant was then remanded once more from 8 February 2023 to 1 March 2023 for psychiatric assessment. She remained unfit to plead and the case was then reported to the Minister for Law (“the Minister”). The Appellant was subsequently remanded in prison and was then ordered to be confined pursuant to the Minister’s Order for a period of 12 months twice more, with the second order due to expire on 21 June 2025.

29 On 5 August 2024, the Appellant was found to be fit to make her defence. The remitted proceedings therefore resumed before the DJ.

The remitted proceedings

30 At the end of the remitted proceedings, the DJ concluded that the Appellant did not experience auditory hallucinations at the time of the offences: see *Public Prosecutor v Anita Damu @ Shazana Bt Abdullah* [2025] SGDC 88 (“Decision 3”).

31 In coming to his decision, the DJ considered the evidence of eight witnesses, namely: the Appellant, two of her daughters, her husband, the individual who lodged the Appellant’s arrest report, Ms Chia, the police officer who recorded the Appellant’s statements and the Victim (Decision 3 at [14]–[15]). After reviewing the contents of the Appellant’s investigation statements to the Police, her statement to the MOM, and her cautioned statements, as well as the medical reports of the two psychiatrists and the oral testimonies of the Appellant’s family, the DJ found that the Appellant’s assertion, that she was experiencing auditory hallucinations during the offences, was fraught with internal and external inconsistencies. He thus concluded that the Appellant’s claim that she had experienced these hallucinations was untrue (Decision 3 at [28] and [45]–[47]). The matter then came before me to determine the appeals.

Issues to be determined

32 The following issues arose for my determination:

- (a) Whether the DJ was right to conclude that the Appellant was not experiencing auditory hallucinations at the time of the offences.

- (b) Based on that, whether the DJ erred in the sentence he imposed. More specifically:
- (i) whether the DJ should have imposed a fine instead of a custodial sentence;
 - (ii) if not, whether the DJ erred in imposing an aggregate imprisonment sentence of 31 months; and
 - (iii) whether the DJ erred in ordering the Appellant to pay \$8,000 for the compensation order.

Whether the Appellant experienced auditory hallucinations at the time of the offences

33 I begin with whether the DJ was right to find that the Appellant had not experienced auditory hallucinations at the time of the offences, since this determination significantly impacted my assessment of the submissions of both parties on whether the DJ erred in imposing the custodial sentence which he did.

34 The DJ concluded that the Appellant had not experienced auditory hallucinations at the time of the offences, and that her assertion to this effect was an afterthought that had only been raised ten months after the Appellant's arrest (Decision 3 at [45]). The DJ observed that in her initial statements to the authorities, the Appellant had been able to provide cogent and detailed explanations for why she committed the offences, which were conspicuous for the absence of any reference or even allusion to the alleged auditory hallucinations (Decision 3 at [29]–[34]). It was only in her interviews with Dr Lim and Dr Fones that the first mention of these auditory hallucinations was made. However, even here, the Appellant's evidence in relation to these hallucinations was inconsistent (Decision 3 at [35]–[37]). Finally, the DJ found

that the Appellant's oral testimony at the remitted proceedings was peppered with "gratuitous and bare assertions" which lacked "any meaningful details of what those voices told her or particulars of how those voices compelled her to commit the offences" (Decision 3 at [38]). The testimony of the Appellant's family members also offered little in the way of persuasive corroboration of her claim that she had experienced auditory hallucinations at the time of the offences (Decision 3 at [39]–[44]).

35 In my view, the DJ's determination was unsurprising. The crucial flaw in the Appellant's claim of having experienced auditory hallucinations at the time of the offences, was the utter absence of *any* reference or allusion to this in *any* of her various statements to the authorities. Instead, in *all* her initial statements, the Appellant furnished detailed explanations for why she had harmed the Victim, and these largely centred around the alleged failings of the Victim which were presented as somehow justifying the abuse.

36 The first time the Appellant mentioned experiencing auditory hallucinations as the reason for abusing the Victim, was some *ten months after* the Appellant's arrest and more than a month after her cautioned statement was recorded on 13 January 2016. Despite this patent inconsistency in the Appellant's purported reason for abusing the Victim, nothing was put forward by way of an explanation. When the Appellant was questioned on this at the remitted proceedings, she claimed that this was because "[s]ometimes, [she is] forgetful". But this was not a case of a passing slip. For ten months, she maintained a certain narrative that did not feature any mention of the alleged auditory hallucinations; and then, all of a sudden, these hallucinations inexplicably became the centrepiece of her defence. Further, the Appellant also

accepted that if she was hearing such voices, she “should have told the police about this ... in [her] statements”.

37 Her alleged lapse of memory made no sense at all, given that she was able to provide detailed and cogent explanations about her growing dissatisfaction with the Victim’s quality of work as well as her frustration and anger towards the Victim, as the reasons for abusing the Victim. For instance, in the Appellant’s investigative statement recorded on 25 April 2015, at 9.45am, she recounted the circumstances surrounding the Iron Incident. The relevant portion of her statement is as follows:

... I recalled entering my daughter room to check on my maid ironing of my children clothings [sic]. Upon checking, *I discovered that she was sleeping in a standing position. The iron was switched on and it was standing upright.* I then shouted at her to wake up ... *I was so furious and I just took the hot iron and placed it on the top of her left hand ...*

[emphasis added]

Similarly, as regards the Metal Prong Incident, in her statement to the Police on 25 April 2015, the Appellant stated that she had poked the Victim on multiple occasions as she was “angry with her switching on [the] water heater in the toilet to shower [even though] she did not bath[e]”.

38 It was clear that the Appellant had been able to provide a clear and detailed reason for *why* she decided to injure the Victim and, to put it bluntly, this had nothing to do with any alleged auditory hallucinations.

39 As to the testimony of the Appellant’s family members, as the DJ observed, the Appellant’s husband said that he was not sure if the Appellant abused the Victim because she heard voices, and the Appellant’s eldest daughter was similarly unsure if the Appellant suffered from auditory hallucinations

(Decision 3 at [40]–[41]). Although the Appellant’s family members did testify that she displayed some behavioural anomalies, such as talking to herself or claiming to see a black figure when nobody else could, none of these instances related to an occasion when the Appellant injured the Victim. Indeed, according to the Appellant’s husband and second daughter, the Appellant never told them why she abused the Victim; nor had she ever claimed to have done so because she had heard voices urging her to do so. Their evidence that the Appellant did, at some point, experience auditory hallucinations did little to support her claim, because even these alleged instances did not correspond to the offences.

40 In the circumstances, I was amply satisfied that the DJ was correct to find that the Appellant had not committed the offences on account of the alleged auditory hallucinations.

Whether the DJ erred in the sentence imposed

41 I turn then to address the parties’ submissions on the sentence that was imposed below.

Whether a custodial sentence was appropriate

42 The Appellant relied on two key cases, namely, *Soh Meiyun v Public Prosecutor* [2014] 3 SLR 299 (“*Soh Meiyun*”) and *Chong Yee Ka v Public Prosecutor* [2017] 4 SLR 309 (“*Chong Yee Ka*”), to contend that she should not be given a custodial sentence. Both *Soh Meiyun* and *Chong Yee Ka* involved offenders who suffered from mental illnesses, abused a domestic helper and were sentenced to a fine instead of to imprisonment. The Appellant contended that her mental impairment was as, if not even more, severe than that of the accused persons in those cases. It was therefore submitted that a custodial

sentence should not have been imposed, and that rehabilitation had displaced deterrence as the key sentencing principle.

43 As I stated in my oral remarks at the conclusion of the hearing, I considered that *Soh Meiyun* and *Chong Yee Ka* had *no* bearing on the present case, because the *only* aspect of the Appellant’s underlying psychiatric condition that was alleged to have contributed to the offences was her purported auditory hallucinations. Once this was rejected, essentially as a fabrication, her MDD ceased to have any relevance at all. In contrast, in both the precedents cited by the Appellant, the court had found that the self-control, awareness and hence culpability of the two accused persons had been severely impaired by their mental condition.

44 In *Soh Meiyun*, Chao Hick Tin JA observed that based on the medical evidence, the offender was “*overwhelmed by the emotions* generated by the disorders over which she had no control, and she was *probably barely conscious* of the fact that she was harming a human being” [emphasis added] (at [49]). Similarly, in *Chong Yee Ka*, See Kee Oon J (as he then was) accepted that “there was a *substantial diminution in the [offender’s] ability to exercise self-control*, and there was an impairment of her consciousness in the light of her psychiatric conditions” [emphasis added] (at [82]).

45 Conversely, at the material time, the Appellant had harmed the Victim because she thought the Victim deserved it on account of what the Appellant deemed was her poor standard of work. There was no question of the Appellant losing control over her actions. She remained well aware and conscious of the fact that she was harming the Victim. In this regard, it may be noted that even Dr Fones accepted that the Appellant was not totally deprived of self-control

and seemed aware of what she was doing at the material time. This was also reflected, in my view, in her cynical acts done to prevent the discovery of the abuse by extracting a statement from the Victim acknowledging that if she reported the abuse to the authorities, she would be sent to jail for stealing food (see [9] above). This cynicism subsequently persisted in the fabrication of the auditory hallucinations as the revised explanation for the Appellant's heinous acts.

46 I therefore dismissed the Appellant's appeal seeking a fine, instead of a custodial sentence, and turn to explain my decision in relation to the Prosecution's appeal, which was to increase the sentences imposed by the DJ.

Whether the length of sentences imposed was appropriate

47 The key thrust of the Prosecution's case was that in light of the DJ's conclusion that the Appellant was not suffering from auditory hallucinations at the time of the offences, this necessarily meant that his original finding that a "muted sentence was appropriate in the present case as compared to an offender without a causative mental disorder" was erroneous. It followed that an uplift from the original sentence would be in order. The Prosecution stood by the position it advanced in 2019 and sought an aggregate term of imprisonment of 55 months.

48 As I explain below, in my judgment, the sentences imposed by the DJ were manifestly insufficient. That said, I also considered that the sentences sought by the Prosecution were not adequate.

The appropriate sentencing framework for offences under s 324 read with s 73(2) of the Penal Code

49 Before I address the question of the appropriate sentences for the individual charges, I will first set out the appropriate sentencing approach to be taken as regards offences under s 324 read with s 73(2) of the Penal Code (“Enhanced s 324 offences”).

50 It was undisputed that for offences under s 323 read with s 73(2) of the Penal Code, the appropriate sentencing framework would be that set out by the court in *Tay Wee Kiat*. However, this is for the offence of causing simple hurt, rather than the offence of causing hurt by dangerous means, as is the case for the offence under s 324 of the Penal Code. The Prosecution proposed applying a multiplier of 3.5 to the applicable sentencing bands provided in *Tay Wee Kiat*, because this reflected the difference between the full sentencing ranges for the two offences. The DJ disagreed.

51 Section 324 of the Penal Code – which at the time of the offences provided for a sentencing range of up to seven years imprisonment – when read with s 73(2) of the Penal Code, permits the court to sentence an offender to a term of up to 10.5 years’ imprisonment. Conversely, an offence under s 323 read with s 73(2) of the Penal Code provides for a sentencing range of up to three years. Although the sentencing range for an Enhanced s 324 offence is indeed 3.5 times that which is applicable to the corresponding offence under s 323 of the Penal Code, I agreed with the DJ that the Prosecution’s proposed approach risked adopting an overly simplistic and arithmetical approach. In my judgment, to derive the appropriate sentencing approach for the Enhanced s 324 offence, it was appropriate to start by considering how the base sentencing range

for the offence under s 323 of the Penal Code is enhanced and to take into account the rationale underlying each stage of the enhancement.

52 The first enhancement, which increases the sentencing range from two to seven years, arises by reason of the use of a dangerous weapon and/or means. In *Ng Soon Kim v Public Prosecutor* [2020] 3 SLR 1097 (“*Ng Soon Kim*”), I observed that a key indicia of culpability that the court should be particularly attentive to, as regards offences under s 324 of the Penal Code, in light of the provision’s express terms, is the particular *means* and/or weapons used to inflict harm (at [10]).

53 The second enhancement, as prescribed under s 73 of the Penal Code, concerns the targeting of a uniquely vulnerable victim, namely a foreign domestic worker. In *Tay Wee Kiat*, the High Court observed that “the extended sentencing powers under s 73 of the Penal Code were introduced in recognition of the vulnerable status of domestic maids” (at [68]). Domestic workers are particularly vulnerable to abuse by their employers because they are in a foreign land, and in a position of subordination. Further, the violence perpetrated against them often occurs in the privacy of the abuser’s home which may make it hard to uncover. The confluence of these conditions creates a situation that makes it possible for an employer to inflict both physical and psychological abuse. Since “the psychological harm and mental anguish that a domestic maid can suffer from being trapped in a situation of fear, abuse and oppression can be just as acute and enduring as physical harm, if not more, ... the emotional trauma resulting from psychological abuse is a critical sentencing consideration where the abuse of domestic maids is concerned, particularly where the abuse is deliberate and relentless” (at [68]–[69]).

54 The sentencing approach developed in *Tay Wee Kiat* accounts for such psychological abuse, by collapsing the consideration of both the physical and psychological harm together within a matrix that accounts for the uplift pursuant to s 73 of the Penal Code. However, the Enhanced s 324 offence involves the additional aggravating factor of a dangerous means or weapon. I therefore did not consider it appropriate to conflate the consideration of the physical and psychological harm, with the consideration of the means employed to cause such harm. This is because “the gravity and egregiousness [of an offence under s 324 of the Penal Code] would vary greatly depending” on the means used, such that any matrix “that failed to adequately distinguish these means ... could not be correct” (*Ng Soon Kim* at [11]).

55 *Tay Wee Kiat* applies a multiplier of 1.5 times (pursuant to s 73 of the Penal Code) to the sentence that would have been meted out if the offence in question had been one under s 323 of the Penal Code, and it did not involve a domestic worker. Applying a similar logic to the Enhanced s 324 offences, it would make sense to first determine what the sentence would have been if the offence had been one under s 324 of the Penal Code, and it did not involve a domestic worker. The multiplier of 1.5 times would then be applied to this starting sentence, to take into account the vulnerable status of the victim.

56 I therefore adopted the following sentencing approach for the Enhanced s 324 offences:

- (a) First, apply the sentencing framework for the offence under s 323 of the Penal Code as set out in *Low Song Chye v Public Prosecutor and another appeal* [2019] 5 SLR 526 (“*Low Song Chye*”) to determine the appropriate starting sentence in light of the *physical* harm suffered

by the victim. I reproduce the framework set out in *Low Song Chye* (at [77]) for ease of reference:

Band	Hurt caused	Indicative sentencing range
1	Low harm: no visible injury or minor hurt such as bruises, scratches, minor lacerations or abrasions	Fines or short custodial term up to four weeks
2	Moderate harm: hurt resulting in short hospitalisation or a substantial period of medical leave, simple fractures, or temporary or mild loss of a sensory function	Between four weeks' to six months' imprisonment
3	Serious harm: serious injuries which are permanent in nature and/or which necessitate significant surgical procedures	Between six to 24 months' imprisonment

(b) Second, apply a suitable uplift, having regard to the dangerous means used as well as the potential harm that could have resulted from the chosen means of offending. This uplift can extend to up to five years, this being the difference between the maximum sentence for the offence under s 323 of the Penal Code and that for the offence under s 324 of the Penal Code.

(c) Third, apply a suitable uplift pursuant to s 73(2) of the Penal Code. This may extend up to 3.5 years in the context of the base offence under s 324 of the Penal Code. This would take into account the vulnerability of the victim and also encompass the consideration of the psychological harm that was inflicted. In this regard, the factors outlined in *Tay Wee Kiat* (at [72]) are relevant considerations:

(i) whether there was behaviour calculated to reinforce the offender’s authority and to oppress and bully the Victim into submission;

(ii) whether there was humiliating or degrading treatment of the victim; and

(iii) whether the psychological harm arose from a sustained pattern of abuse.

(d) Fourth, adjust the provisional sentence that has been arrived at to what would be appropriate, having regard to the particular aggravating or mitigating circumstances at play.

57 Finally, it will always be necessary to assess whether any further adjustment is needed on account of considerations of overall proportionality, especially where multiple offences are involved.

58 I turn to the appropriate sentence for each of the proceeded charges.

The appropriate sentence for the five proceeded charges

(1) The Hot Water Incident (the 3rd Charge)

59 This involved an Enhanced s 324 offence. I therefore applied the framework outlined at [56] above.

60 The Prosecution argued that this incident involved serious physical harm, as evinced by the Victim’s testimony that her injuries were “so painful and most unbearable”, and she felt “so much pain” as a result of them being left untreated. Further, the Victim’s injuries over her left back and leg had a degree

of permanency as they were observable even a year after the assault. There was also significant psychological harm given that the Appellant's decision to splash the Victim with hot water was precipitated by the discovery that the Victim had eaten a longan without permission. The context to this was that she was not being provided with adequate food and had previously been punished for consuming food without permission (see above at [9]).

61 I agreed that the physical harm occasioned to the Victim was serious. The permanence of the Victim's injuries, compounded with the fact that they had been left untreated, demonstrated their gravity. In my judgment, the physical harm fell in band three of the *Low Song Chye* framework. However, I did not consider that this was at the uppermost end of the spectrum since it did not appear that the Victim's injuries necessitated significant surgical procedures. I therefore considered the indicative starting sentence to be at the lower end of the third band, of about nine months.

62 I next considered the dangerous means employed by the Appellant, which was the use of hot water. In *Public Prosecutor v Azlin bte Arujunah and another* [2020] SGHC 168 ("*Azlin*"), Valerie Thean J, in applying the sentencing approach set out in *Ng Soon Kim*, imposed an uplift of two years' imprisonment to account for the dangerous means used, which was also hot water. Although many of Thean J's justifications for the uplift were similarly applicable in the present case – such as the fact that the water used was of a sufficiently high temperature to cause mid to deep dermal burns, and the fact that using hot water can lead to greater surface areas being affected which would, in turn, result in more serious injuries and consequences – some of her justifications were inapplicable to the present context. For instance, Thean J took into account the fact that the victim in that case was the offender's own

young child who, with thinner skin, would be disproportionately affected by the use of hot water as compared to an adult (at [204]–[206]). I thus considered that an uplift of 18 months would be appropriate in this case.

63 I next considered the enhancement applicable under s 73(2) of the Penal Code. As the Prosecution rightly noted, the Appellant had splashed hot water on the Victim to punish her perceived wrongful act of taking a longan without permission. In *Tay Wee Kiat*, the High Court observed that behaviour calculated to reinforce the offender's authority would be indicative of psychological harm (at [72(a)]). I considered it significant that the Appellant had abused the Victim to reinforce a specific and wholly unjustified lesson. In the circumstances, I considered that an uplift of 18 months was appropriate.

64 It followed that the appropriate sentence for the 3rd Charge was 45 months.

(2) The Iron Incident (the 2nd Charge)

65 As this incident too involved an Enhanced s 324 offence, the framework outlined at [56] above would apply. For broadly the same reasons outlined above (at [60]), the Prosecution submitted that, as was the case for the Hot Water Incident, this instance too involved serious physical harm and significant psychological harm.

66 In my judgment, similar to the aforementioned incident, the physical harm in this instance fell under band three of the *Low Song Chye* framework since it resulted in a serious injury that was permanent in nature. That said, the harm in this instance was *more* serious because the resultant scarring was, as stated in the medical report referred to in the Statement of Facts, likely to be

permanent, covered a larger area and was more severe in nature. Hence, a higher starting position of about 15 months would be appropriate.

67 Turning to the uplift for the dangerous means used, here the dangerous means employed was a hot electric iron. As compared to hot water, a hot electric iron was, in my view, more dangerous since it could get much hotter. This meant that when placed in close contact with human skin, or as was in this case, *pressed* onto skin, the potential resultant injury would be significantly greater. Indeed, on the facts of this case, the Victim's skin tore away from her hand as a result of the burn sustained from the iron. I therefore considered that an enhancement of 24 months was appropriate.

68 Finally, as regards the appropriate uplift under s 73(2) of the Penal Code, I considered the circumstances of bullying and subordination to be similar and hence applied the same uplift of 18 months (see above at [63]).

69 It followed that the appropriate sentence for the 2nd Charge was 57 months.

(3) The Metal Prong Incident (the 4th Charge)

70 This offence was one under s 323 read with s 73 of the Penal Code. The sentencing framework in *Tay Wee Kiat* was therefore applicable. I briefly set out the *Tay Wee Kiat* framework for easy reference:

- (a) The court will first determine the degree of physical and psychological harm caused in relation to each charge, to arrive at an indicative starting sentence (*Tay Wee Kiat* at [71]):

	Less serious physical harm	More serious physical harm
Less serious psychological harm	3 – 6 months' imprisonment	6 – 18 months' imprisonment
More serious psychological harm	6 – 18 months' imprisonment	20 – 30 months' imprisonment

(b) The court then adjusts the indicative starting sentence for each charge in light of the applicable aggravating or mitigating factors (*Tay Wee Kiat* at [73]–[74]).

71 Although the Prosecution conceded that this charge concerned less serious physical harm, it argued that the injuries sustained were, by no means, minor given that the Victim was poked multiple times with the sharp edges of a metal prong, and the resulting scars remained visible more than two years after the incident. The Prosecution further accepted that there was less serious psychological harm, though it highlighted the fact that the Appellant had assaulted the Victim in a similar manner, using the bamboo pole with a metal prong, on a fairly regular basis.

72 I agreed with the Prosecution's assessment of the degree of psychological and physical harm inflicted. Although the marks left on the Victim had a degree of permanency, they did not appear to have broken skin and instead resulted in hypopigmented patches on her back.

73 Therefore, as this case involved less serious physical and psychological harm, a starting sentence of six months was appropriate.

(4) The Slipper Incident (the 5th Charge)

74 For broadly the same reasons outlined above (at [71]), the Prosecution contended that, similar to the Metal Prong Incident, this instance involved less serious physical harm and less serious psychological harm.

75 I agreed with the Prosecution's assessment of the degree of psychological and physical harm as less serious. That said, I considered that a starting indicative sentence of five months was appropriate, considering that the injuries did heal.

(5) The applicable aggravating and mitigating factors

76 I turn to the applicable aggravating and mitigating factors in this case. The Prosecution cited two main aggravating factors. First, the fact that the Appellant had attempted to prevent the Victim from seeking or accessing help and second, the Appellant's clear lack of remorse for her actions. It also argued that the use of weapons (the bamboo pole with a metal prong with sharp edges and the slipper) was an additional aggravating factor, applicable to the 4th and 5th Charges.

77 As to the Appellant's efforts to prevent the Victim from seeking help, the Prosecution highlighted that on an occasion in January 2014, after the Appellant realised that the Victim had taken food without permission, she "made the Victim sign a letter to state that if the Victim reported anything about the [Appellant], the [Appellant] would send the Victim to jail". The Appellant had also attempted to manipulate the Victim into remaining silent, by telling her "that if she told the truth (about her abuse) to the MOM officers, she ([meaning the Appellant]) would go to jail and there would be no one to look after her

youngest daughter”. Although some of these manipulative actions may have predated the offences in question, they were intended to and would likely have operated on the Victim’s mind throughout the course of her employment. Hence, I agreed with the Prosecution that these actions were done with the intent and had the effect of dissuading the Victim from seeking help.

78 Second, as regards the Appellant’s lack of remorse, the Prosecution pointed to the fact that despite inflicting serious injuries on the Victim, the Appellant never took steps to obtain any medical attention for her. Further, after the Appellant was arrested, she lied to the Police and claimed that the Victim’s injuries were accidental or due to “skin diseases”. The Appellant also sought to shift blame on the Victim by claiming that she had only hit the Victim because she was a slow worker who frequently made mistakes. Finally, she fabricated an account of having acted under the influence of auditory hallucinations in a vain and ill-conceived attempt to avoid or minimise the consequences of her actions. I agreed with the Prosecution that the Appellant’s attitude towards the Victim – both immediately after the offences, and also in her attempts to justify her abuse of the Victim or to shift blame from herself – displayed a callous disregard for the Victim’s injuries and well-being. For instance, during the Iron Incident, when the Victim had “cried and told the [Appellant] that she was in pain ... the [Appellant] ignored her and told her to continue ironing the clothes ... and did not offer to send the Victim for any medical attention after the incident”.

79 As to the 4th and 5th Charges, I agreed with the Prosecution that the use of the Metal Prong and the Slipper were aggravating.

80 In relation to the applicable mitigating factors, it appeared that the DJ found that three factors were made out in this case: the Appellant’s psychiatric condition, her early plea of guilt and her voluntary compensation of \$4,000 to the Victim (Decision 1 at [48]).

81 As regards the Appellant’s MDD, for the reasons I have already explained at [42]–[45] above, I accorded no weight to this.

82 As to the Appellant’s plea of guilt, the Prosecution submitted that the DJ accorded undue weight to the Appellant’s plea, given that “the evidence against her was overwhelming”. It was said that the Appellant “must have known that the game was up once [Ms Chia] visited the flat, given the horrific injuries suffered by the Victim”. In the final analysis, I placed no weight on the Appellant’s guilty plea for three reasons.

83 First, the evidence against the Appellant was damning. Second, the plea of guilt was not reflective of any real remorse when seen in the context of the Appellant’s disregard for the Victim’s suffering and her attempts to lay blame, for her abuse of the Victim, on the Victim herself. Third, in *Tay Wee Kiat*, the High Court reasoned that an early plea of guilt may be a mitigating factor, where it “avoid[s] protraction and reliev[es] the victim from having to testify at trial” (at [74(a)]). Here, despite the Appellant’s plea of guilt, the Victim did eventually end up having to take the stand and testify about the various incidents resulting in her injuries, as a result of the Appellant’s fabricated claim that she had experienced auditory hallucinations which caused her to commit the offences. Further, as a result of the Appellant’s litigation strategy of: (a) choosing not to testify in the first instance at the Newton hearing; and (b) persisting in a fabricated claim that she was acting as she did because of the alleged auditory

hallucinations, she necessitated the Victim remaining in Singapore without employment for all these years.

84 The final factor considered by the DJ was the voluntary compensation made by the Appellant of \$4,000 (Decision 1 at [49]). The Prosecution submitted that the Appellant's offer of compensation should be given limited weight as it came at a very late stage, nearly eight or nine months after she was charged, and was driven by tactical considerations. Notwithstanding the delay, the fact remained that she had made such compensation voluntarily. I therefore agreed with the DJ that this may bear some mitigating weight. That said, in *Tay Wee Kiat*, the High Court observed that such voluntary compensation would merely be a relevant factor of consideration in evaluating the offender's genuine remorse and contrition for their actions (at [74(a)]), and as I have observed, this was sadly lacking in this case.

85 In sum, I considered that the offences were aggravated by the Appellant's efforts to prevent the Victim from seeking help, which applied to all four charges involving causing hurt, as well as by the use of an implement, which only applied to the 4th and 5th Charges.

86 To account for the common aggravating factor, I considered that an uplift of three months, for all four charges, would be in order. As for the 4th and 5th Charges, which involved the use of weapons, I determined that an additional uplift of two months would be appropriate.

87 As for the mitigating factors, for the reasons set out above, I considered that none of the mitigating factors warranted a reduction of the Appellant's sentences.

88 Given the gravity of the offences and having regard to the overall criminality before me, I considered that no further adjustment was called for.

89 I accordingly determined that the original sentences ordered by the DJ were manifestly inadequate and ordered the following sentences:

Charge	Prosecution's submission	My order
2nd Charge (the Iron Incident)	40 months	5 years (57 months + 3 months uplift)
3rd Charge (the Hot Water Incident)	40 months	4 years (45 months + 3 months uplift)
4th Charge (the Metal Prong Incident)	11 months	11 months (6 months + 5 months uplift)
5th Charge (the Slipper Incident)	11 months	10 months (5 months + 5 months uplift)

(6) The 7th Charge

90 I turn to the final charge under s 22(1)(a) of the EFMA. The Prosecution submitted that the DJ's sentence of one month's imprisonment for the 7th Charge was wholly inadequate, and an appropriate sentence would be at least four months. This was because the DJ had given undue weight to the Appellant's psychiatric condition and plea of guilt, and failed to have regard to several key facts:

- (a) the Victim had been deprived of adequate rest for a prolonged period;
- (b) the Appellant was aware of the Victim's lack of adequate rest; and
- (c) the Victim's vulnerability was heightened because she lacked sufficient food.

91 The Prosecution also submitted that a sentence of one month's imprisonment was out of line with precedent cases. It relied on *Public Prosecutor v Chia Yun Ling and Tay Wee Kiat* [2019] SGMC 13 ("*Chia Yun Ling*"), in which the judge imposed a sentence of three months for an offence under s 22(1)(a) of the EFMA for failing to provide the victim adequate rest in the period from 28 December 2011 to 8 November 2012 (at [6]). Although the judge's decision was ultimately appealed, her sentence for this charge was not. The judge accepted the victim's evidence that her "waking hours were 5.30am and she would only sleep past 12 midnight", which led to her feeling sleepy and tired (at [87]). The judge further observed that "apart from the length of rest, the sleeping conditions of [the Victim] were less than ideal[, as she] was made to sleep in the living room, which would mean that she was not able to sleep until the lights were all out, and had no pillow or blanket in order to have a comfortable rest" (at [89]).

92 I agreed with the Prosecution that the transgression here was more severe than in *Chia Yun Ling* in at least two respects – first, the period during which the respective victim was deprived of adequate rest and second, her sleeping conditions. As the Prosecution pointed out, the Victim was deprived of adequate sleep from 12 October 2013 to 23 April 2015, which was about one

and a half years, which was appreciably longer than in *Chia Yun Ling*. Further, in the latter case, the victim had a mattress, whereas in the present case, the Victim was forced “to sleep on the floor on a blanket without a mattress”, after the Appellant threw her mattress away. On the other hand, I also noted that the offender in *Chia Yun Ling* had claimed trial.

93 In the round, having regard to the greater length of the offending period and the Victim’s appalling sleeping conditions, I considered that a sentence of four months, as proposed by the Prosecution, was appropriate.

The appropriate aggregate sentence

94 In light of the prolonged and sustained nature of the Appellant’s abuse and the fact that there were four further TIC Charges, which concerned the Appellant engaging in similar acts of abuse against the Victim and using items such as hot water and pliers to inflict that abuse, I considered it appropriate to run the two most serious offences (the 2nd and 3rd Charges) consecutively as a means of reflecting the severity of the Appellant’s offences and the primacy of the key considerations of retribution and deterrence. I also found it appropriate to run the 7th Charge, the failure to afford the Victim adequate rest, consecutively as it entailed a clearly distinct pattern of conduct and nature of offending. Ordering these three charges to run consecutively would not offend the one transaction rule, given that the Hot Water and Iron Incidents clearly constituted separate and distinct occasions, with the 7th Charge concerning an entirely distinct offence (see *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 at [39]). This would lead to an aggregate sentence of imprisonment for a period of nine years and four months.

95 In *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998, I observed that in applying the totality principle at the end of the sentencing process, the court will take a final look at all the facts and circumstances and assess whether the sentence needs to be adjusted to ensure that it is not crushing, whilst ensuring that proper weight is given to the severity of the offences committed. At this stage, the court may adjust the aggregate sentence either by “re-assessing which of the appropriate sentences ought to run consecutively [... or alternatively] by re-calibrating the individual sentences” (at [58]–[59]). In my view, an aggregate sentence of nine years and four months’ imprisonment called for some adjustment. The Enhanced s 324 offence carries a maximum sentence of 10.5 years, and I did not consider the Appellant’s conduct as a whole to approach the most severe category of such offences. As such, I made the following adjustments to the individual sentences: I reduced the sentence for the 2nd Charge from five years to four years (or 48 months), and I reduced the sentence for the 3rd Charge from four years, to two years and eight months (or 32 months). As regards the 7th Charge, I maintained the sentence of four months. As a result, I imposed an aggregate imprisonment sentence of seven years, or 84 months.

96 In my judgment, a sentence of seven years’ imprisonment was not crushing. Nor did I consider it to be out of the appropriate range for such offences. Additionally, I considered that it was sufficient and proportionate to the Appellant’s overall criminality in all the circumstances.

Whether the quantum of the compensation order was appropriate

97 I turn to the final issue of the compensation order.

98 The DJ observed that the Prosecution had sought a compensation order in a total amount of \$19,500 for pain and suffering and an additional \$2,088 for loss of income. There was no dispute as to the quantification of the Victim’s loss of income; however, there was some dispute as to the compensation for pain and suffering (Decision 1 at [61]–[63]). The DJ accepted that the quantum proposed by the Prosecution for each charge fell within the range stated in the Guidelines. However, because some of the injuries were inflicted at or around the same time, and several of the scars were in close physical proximity to one another, he ultimately ordered compensation in the sum of \$12,000 (including the sum of \$2,088 for lost income) (Decision 1 at [64]–[68]).

99 The Appellant submitted that the amount ordered by the DJ was reasonable, “taking into account all factors including the fact that the Appellant is unemployed and has no income”. However, the Prosecution contended that the DJ erred in adjusting the amount on the basis that the pain and suffering for some of the injuries overlapped. It submitted that each individual amount it had sought “related to a separate and distinct instance in which the [Appellant] inflicted injury on the Victim”. It thus sought my intervention to increase the DJ’s compensation order to \$17,588 (excluding the Appellant’s voluntary compensation).

100 In *Tay Wee Kiat and another v Public Prosecutor and another appeal* [2018] 5 SLR 438 (“*Tay Wee Kiat (Compensation)*”), the High Court set out some principles governing the award of a compensation order. Specifically, it noted that in determining the appropriate quantum, “[s]ince criminal compensation is essentially a proxy for civil damages, the amount of compensation ordered should not exceed what would be reasonably obtainable in civil proceedings” and the order “must not be oppressive, but must be realistic

in that the court must be satisfied that the accused will have the means to pay the compensation within a reasonable time” (at [10]).

101 In my judgment, the Prosecution was right that each distinctive charge, which formed a distinct *instance* and *occasion* of abuse, would warrant a separate award in damages. Additionally, although the Appellant submitted that the DJ’s compensation order should not be enhanced as she was presently unemployed and has no income, she offered no evidence of the assets she had at her disposal or the ability of her family to assist in making the compensation. I therefore did not think any reduction was called for on account of her financial circumstances.

102 I therefore ordered that total compensation of \$19,500 (inclusive of the \$4,000 paid by the Appellant as voluntary compensation) be paid by the Appellant to the Victim for pain and suffering. The Appellant has since made payment of this sum in full.

Conclusion

103 For the foregoing reasons, I dismissed the Appellant’s appeal and allowed the Prosecution’s appeal to the extent I have stated.

Sundaresh Menon
Chief Justice

Sarindar Singh (Singh & Co) for the appellant in
HC/MA 9358/2018/01 and the respondent in HC/MA 9358/2018/02;
Timotheus Koh and Sean Teh (Attorney-General's Chambers) for the
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HC/MA 9358/2018/02.
