

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

[2025] SGHC 231

Criminal Case No 38 of 2025

Between

Public Prosecutor

And

Fok Jin Jin Dhanabalan

EX TEMPORE JUDGMENT

[Criminal Law — Offences — Rape]

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Public Prosecutor
v
Fok Jin Jin Dhanabalan

[2025] SGHC 231

General Division of the High Court — Criminal Case No 38 of 2025
Valerie Thean J
24 November 2025

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Valerie Thean J (delivering the judgment of the court *ex tempore*):

Introduction

1 On 22 September 2025, I convicted the accused, a 42-year-old Singaporean male, on one count of rape, an offence under s 375(1)(a) punishable under s 375(2) of the Penal Code (Cap 224, 2008 Rev Ed) (the “PC”). I deal with his sentence today.

Background

2 The detailed facts may be found in *Public Prosecutor v Fok Jin Jin Dhanabalan* [2025] SGHC 219 (the “*Conviction GD*”), and I adopt the abbreviations therein. A brief overview of the material facts is as follows.

3 On the evening of 30 January 2021, C celebrated her birthday with six friends, first by having dinner and alcoholic beverages at Margarita’s, a

restaurant in Dempsey, followed by having additional alcoholic beverages at The Pit, a bar in Holland Village. As they were leaving The Pit, the group made plans to continue the night at one of their apartments, and most of the group left Holland Village after successfully booking private hire vehicles. C and E were to follow suit, but C was not able to book a vehicle, and E was very intoxicated. C herself became increasingly inebriated. While waiting at a bus stop, C accepted a lift home from two men, the accused and his friend Lee Kit.

4 Unknown to C, the two men had watched and followed them for approximately 40 minutes prior to offering the lift. At the condominium complex, the accused and Lee Kit assisted in bringing E up to C's unit and putting E into C's bed. C herself fell into bed and became unconscious. The two men sexually assaulted C while she was unconscious. The accused penetrated C's vagina with his penis, and Lee Kit digitally penetrated C's vagina.

5 The men then left the condominium complex, only to return after the accused realised that he had left his mobile behind in C's bedroom. Meanwhile, C awoke, realising that she had been sexually assaulted. She called her mother, and then the police. Despite multiple attempts, the accused was unable to retrieve his mobile. Both men were subsequently arrested at the condominium complex when the police arrived.

Legal context

6 It is undisputed that the applicable sentencing framework is that laid down by the Court of Appeal in *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 ("*Terence Ng*"). There are two stages to this framework.

7 In the first stage, the court should identify which sentencing band the offence in question falls under, having regard to offence-specific factors. Once

the sentencing band has been identified, the court should determine precisely where within the applicable range the offence at hand falls into, so as to derive an “indicative starting point” which reflects the intrinsic seriousness of the offending act. (*Terence Ng* at [39(a)]). The applicable sentencing bands are:

- (a) Band 1 (10–13 years’ imprisonment and six strokes of the cane), which applies to cases at the lower end of the spectrum of seriousness, where no offence-specific aggravating factors are present or are only present to a very limited extent (*Terence Ng* at [50]).
- (b) Band 2 (13–17 years’ imprisonment and 12 strokes of the cane), which applies to cases of a higher level of seriousness, where two or more offence-specific aggravating factors are present (*Terence Ng* at [53]).
- (c) Band 3 (17–20 years’ imprisonment and 18 strokes of the cane), which applies to extremely serious cases of rape, often featuring victims with particularly high degrees of vulnerability and/or serious levels of violence attended with perversities (*Terence Ng* at [57]).

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

9 The Prosecution submits that the accused's offence fell within the lower end of Band 3, which warrants an indicative starting point sentence of 17 to 18 years' imprisonment and 18 strokes of the cane.¹

10 Conversely, the Defence submits that the accused's offence fell on "the higher end of Band 1 or lower end of Band 2", and that a sentence of 12 to 14 years' imprisonment and 12 strokes of the cane would be appropriate.²

Application of the *Terence Ng* framework

Offence-specific factors

11 The Prosecution submits that there are seven offence-specific factors. The Defence contends there are two. I am satisfied that the accused's offending discloses six offence-specific aggravating factors. I explain.

Vulnerable victim

12 First, C was vulnerable because of her intoxication.³ C was unconscious and unable to physically resist the accused (see *Conviction GD* at [60]) (*Conviction GD* at [96]). As explained by the Court of Appeal in *Pram Nair v Public Prosecutor* [2017] 2 SLR 1015 ("*Pram Nair*") at [126]–[127], an intoxicated victim is in a position of vulnerability in relation to a sexual offender, and this in turn aggravates the offence: the "essential feature of this aggravating factor is that its existence makes it easier for the offender to commit the rape of the victim" (*Pram Nair* at [126]).

¹ Prosecution's Submissions on Sentence dated 13 October 2025 ("PSS") at para 6.

² Plea in Mitigation and Submissions on Sentence dated 23 October 2025 ("MP") at para 23.

³ PSS at para 8.

Premeditation

13 Second, planning and pre-meditation was involved.⁴ As observed by the Court of Appeal in *Terence Ng* at [44(c)], this constitutes an offence-specific aggravating factor, as “the presence of planning and premeditation evinces a considered commitment towards law-breaking and therefore reflects greater criminality”.

14 In the present case, while there is not a high degree of planning, the offence was not one committed on the spur of the moment. The accused followed C and E around Holland Village for close to 40 minutes with the knowledge that they were drunk, in anticipation of an opportunity to exploit C’s inability to resist (see *Conviction GD* at [83]–[84]). He then waited at the bus stop until just after E had fallen off a bench. He told Lee Kit at that point, “let’s go, can go approach them already” (sic) (see *Conviction GD* at [82]). He also checked that C and E were passed out in his car.

15 There is some similarity to *Ng Jun Xian v Public Prosecutor* [2017] 3 SLR 933, which was highlighted in *Pram Nair* as an example of a premeditated sexual offence at [137(a)]. In that case, the offender sent the victim to a hotel to rest and sexually assaulted her there. See Kee Oon JC (as he then was) found at [42] that there was “some degree of premeditation and planning”.

The accused was not acting alone

16 Third, the accused did not act alone. The accused and Lee Kit encouraged and aided each other’s offending, and greater harm was caused to C as a result of their cooperation. In sexual offences, the actions of men acting

⁴ PSS at para 12.

in cooperation is serious, because the offenders encourage and facilitate each other's offending. Greater harm is caused to the victim and there is greater public disquiet. These factors give rise to a greater need for deterrence.

17 For clarity, in coming to this conclusion, I did not accord any weight to Lee Kit's evidence that he had participated in the sexual assault only because the accused had encouraged him to do so. Both the accused and Lee Kit bore responsibility for the circumstances leading to the commission of their respective offences. It is their joint participation that is aggravating. As observed in *Terence Ng* at [44(a)], when sexual offences are committed by multiple persons acting in concert, the trauma and sense of helplessness visited upon the victim as well as the degree of public disquiet generated increases exponentially. In *Public Prosecutor v CPS* [2024] 2 SLR 749 ("*CPS*") at [36], the Court of Appeal, while acknowledging that a group assault involving two persons would be "on the very edges" of the meaning of the term "group assault", noted that the involvement of the two offenders resulted in a greater likelihood of fear to the victim and had the effect of encouraging as well as facilitating the commission of the offence (at [36]). In this case, while she was unconscious and did not feel fear, their joint cooperation facilitated their offending.

Severe harm

18 Fourth, C was diagnosed with Post-Traumatic Stress Disorder ("PTSD") and Mixed Depressive and Anxiety Disorder ("MDAD").⁵ Dr Soh, who examined C, reported that there was "a clear link" between C's PTSD and her rape.⁶ Dr Soh also reported that he considered the rape as "the major

⁵ Exhibit P7 at paras 102 and 106.

⁶ Exhibit P7 at para 106(a).

precipitating factor in [C's] development" of MDAD.⁷ C also testified and stated in her Victim Impact Statement ("VIS") that till present, she continued to be reliant on anti-anxiety medication and antidepressants, continued to isolate herself in her home because she was too scared to go outside, and continued to resort to self-harm following the offence.⁸ These are adverse mental effects and psychiatric conditions envisaged by *Terence Ng* at [44(h)] as forming an aggravating factor.

Violation of the sanctity of the victim's home

19 Fifth, the offence was committed in C's home.

20 The Defence disputed that this was a factor, distinguishing the cases highlighted by the Prosecution, *Public Prosecutor v CEJ* [2023] SGHC 169 at [30]; *Public Prosecutor v CEP* [2022] SGHC 15 at [8], as involving intra-familial sexual violence. The Defence submitted that in such cases, there existed a trust among family members "that they would not be violated by a family member sharing the home with them", and that this was absent in the present case.⁹

21 In my view, in cases where there is a concomitant abuse of trust, it is the trust that has enabled the access to the home, and the violation of a shared home augments the breach of trust. Notwithstanding, where access to a victim's home has been otherwise obtained, the use of the victim's home remains a serious factor for concern even where there is no abuse of trust present. Harm is amplified where an offence is committed at home as the home is a place of

⁷ Exhibit P7 at para 106(b).

⁸ NE 22 July 2025 at p 33 lines 1–31; PSS at Annex A at p 3.

⁹ MP at paras 13–17.

protection as well as vulnerability. In the present case, C moved apartments within the same condominium complex after she had been sexually assaulted.¹⁰ This factor was also considered aggravating in *Public Prosecutor v CEO* [2024] SGHC 109 at [272], because the victim's personal sense of safety and security is destroyed.

Risk of pregnancy and sexually transmitted diseases

22 Lastly, I noted that the accused did not use a condom while he committed the offence. This constituted an offence-specific aggravating factor, for this exposed C to the risk of pregnancy and sexually transmitted diseases (see *CPS* at [39]).

No deliberate concealment of offending

23 I would mention that I do not in this case consider steps taken by the accused to avoid detection as an aggravating factor. The Prosecution, relying on *Muhammad Alif bin Ab Rahim v Public Prosecutor* [2021] SGCA 106 at [39] (“*Muhammad Alif*”), submitted that there was an additional offence-specific aggravating factor in the accused taking deliberate steps to conceal his offending, lying to the police on two occasions and instigating Lee Kit to lie to the police as well.¹¹

24 While I did find that the accused had lied to the police on two occasions (*Conviction GD* at [110]), the evidence is not so clear whether he instigated Lee Kit to lie. These actions were not sufficiently severe to add another offence-specific aggravating factor in sentencing. The steps taken by the offender in

¹⁰ NE 2 July 2025 at p 39, lines 7–11.

¹¹ PSS at paras 18–19.

Muhammad Alif were many more (see *Public Prosecutor v Muhammad Alif bin Ab Rahim* [2021] SGHC 115 at [6]–[7] and [35]). He:

- (a) threatened the victim not to report the incident;
- (b) changed his clothes before returning to the scene and putting up a show of ignorance;
- (c) threatened the victim’s grandmother after he was identified as the rapist;
- (d) fled the scene when he saw two police officers arriving;
- (e) hid from the police in a cupboard in a locked bedroom; and
- (f) when discovered, claimed that he was wearing different clothes at the material time to frustrate any forensic testing of his clothes.

The relevant band and indicative starting point

25 I therefore find that there are six offence-specific aggravating factors.

26 The Prosecution took the position that this was a Band 3 case because of seven factors present; it did not, however, tender precedents which supported this proposition. Referring to the guidance of *Terence Ng*, I would draw a distinction between this case and the cases highlighted at [57]–[60] of the judgment. This is a Band 2, rather than Band 3 case. In this Band 2 context, I would also draw a distinction between this case and the cases highlighted at [56] of *Terence Ng* as cases at the upper end of Band 2.

27 In its written submissions, the Prosecution relied on various precedents involving penile-vaginal rape where sentences of 12.5 to 14.5 years and 6 to 12 strokes were imposed.¹² I list the reported cases, which have some variability.

(a) For instance, in *Public Prosecutor v Yap Pow Foo* [2023] SGHC 79 (“*Yap Pow Foo*”), a sentence of 13 years’ imprisonment and 12 strokes of the cane was imposed where there were seven offence-specific factors. The term for this sentence was consecutive to a house-breaking charge. The accused, knowing that the victim was unconscious, broke into her home to rape her.

(b) In contrast, 13 and a half years’ imprisonment and 12 strokes were imposed in *Public Prosecutor v Ong Soon Heng* [2018] SGHC 58, where two offence-specific aggravating factors featured. The accused, knowing the victim was intoxicated, drove her to his home and raped her.

(c) In *Pram Nair*, the Court of Appeal held that there was only one offence-specific factor, intoxication, and dismissed the appeal against a sentence of 12 years’ imprisonment and 6 strokes of the cane on that basis. This was a Band 1 case.

(d) In *CEO*, 13 years’ imprisonment and 12 strokes of the cane was the indicative starting point where there were three offence-specific aggravating factors. The victim had been drugged and was vulnerable, she was raped in her own home, and there was planning on the part of the accused.

¹² PSS at para 26.

(e) In *Public Prosecutor v Isnalli David* [2025] SGHC 100, 15 years and 12 strokes was used as an indicative starting point. There were three factors: the victim was vulnerable owing to intoxication, it was a three-man assault, and no condom was used.

(f) In *Public Prosecutor v CPH* [2023] SGHC 272, an indicative starting point of 16 years' imprisonment was used for an offence of statutory rape where a 12-year-old victim was raped by her stepfather. There were five offence-specific aggravating factors and a course of conduct that started when the victim was 11.

28 The circumstances of each offence are different, and sentencing is necessarily a fact-specific exercise. The number of factors is not the only relevant issue, as intensity would vary from case to case. In the present case, the accused planned to exploit, and did exploit, C's vulnerability through intoxication. The most intense factor was the severe harm that C experienced. Other aggravating factors deepened her mental and physical trauma: the use of her bed in her bedroom at home, the two-man assault, and the lack of use of a condom. Not all these factors are of equal intensity. Having regard to all the circumstances and the precedents cited by both sides, I start with an indicative starting point of 15 years' imprisonment and 12 strokes of the cane.

Offender-specific factors

29 In the second stage of the *Terence Ng* framework, the court should have regard to the aggravating and mitigating factors which relate to the offender's particular personal circumstances, in order to calibrate the appropriate sentence for that offender.

30 In my view, there are no offender-specific factors that bear on the sentence to be imposed. While the accused is a first offender, it is well established that little weight should be given to an offender's previous good behaviour where serious offences are concerned: see *Public Prosecutor v UI* [2008] 4 SLR(R) 500 at [69].

Sentence for rape offence

31 The facts of the offending in this case require that the sentence reflect the objectives of retribution and deterrence. In my judgment, a sentence of 15 years' imprisonment and 12 strokes of the cane is condign.

Compensation Order

32 Under s 359(1)(a) of the Criminal Procedure Code 2010 (2020 Rev Ed), the court before which an offender is convicted of any offence must, after the conviction, decide whether to order the payment of compensation. The Prosecution applied for a compensation order in the sum of \$18,524.12 against the accused.¹³ C has spent \$9687.90 on therapy, and \$8,836.22 on antidepressants and medical review from a psychiatrist. The Prosecution's application was accompanied by supporting documents, in the form of invoices and electronic transaction records.¹⁴

33 Neither the legal nor evidential basis for the compensation order was disputed. The Defence submitted that the accused would be unable to pay, and imposing a sum of \$18,524.12 would be punitive, since he "will have to serve a default sentence".¹⁵

¹³ PSS at paras 33–36.

¹⁴ PSS at Annex A, pp 7–44.

¹⁵ MP at para 24.

34 No evidence was tendered in support of the assertion that the accused is unable to pay. In 2024, the accused's average take-home salary approximated \$6,691 a month.¹⁶ At the time of the offence, he owned a Mercedes C180.¹⁷ In his VRI statement, the accused also stated that he had tenants living in his flat, which suggests that an additional stream of income.¹⁸

35 Accordingly, I order the accused to make compensation of \$18,524.12. In default, there will be 4 months' imprisonment.

Conclusion

36 In the result, I impose:

- (a) 15 years' imprisonment and 12 strokes of the cane; and
- (b) a compensation order for the sum of \$18,524.12, with 4 months' imprisonment in default.

Valerie Thean
Judge of the High Court

Ivan Chua Boon Chwee and Ashley Chin Sze-En (Attorney-
General's Chambers) for the Prosecution;
Ramesh Chandr Tiwary (M/s Ramesh Tiwary) for the accused.

¹⁶ Exhibit O (CPF Screening Report dated 17 November 2025) at p 1.

¹⁷ NE 7 July 2025 at p 35 lines 3–8; Exhibit P14 at para 9; Exhibit P15 at para 4.

¹⁸ Prosecution's Bundle of Exhibits at p 4 line 30 to p 5 line 4.