

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

[2026] SGHC 44

Magistrate's Appeal No 9028 of 2025/01

Between

Public Prosecutor

... Appellant

And

Lim Tean

... Respondent

Magistrate's Appeal No 9028 of 2025/02

Between

Lim Tean

... Appellant

And

Public Prosecutor

... Respondent

JUDGMENT

[Legal Profession—Unauthorised person— Failure to renew practising certificate]

[Criminal Procedure and Sentencing—Sentencing—Appeals—Amalgamated charges]

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Public Prosecutor
v
Lim Tean and another appeal

[2026] SGHC 44

General Division of the High Court — Magistrate's Appeal No 9028 of 2025/01 and Magistrate's Appeal No 9028 of 2025/02
Kannan Ramesh JAD
3 December 2025, 15 January 2026

23 February 2026

Judgment reserved.

Kannan Ramesh JAD:

Introduction

1 Mr Lim Tean (“Appellant”) appeals against his conviction and the sentence imposed below in *Public Prosecutor v Lim Tean* [2025] SGMC 33 (“GD”). The Public Prosecutor (“PP”) brings a cross-appeal against the sentence imposed below. The relevant appeals are HC/MA 9028/2025/02 and HC/MA 9028/2025/01, respectively.

2 The Appellant claimed trial to three charges under s 33(1)(a) of the Legal Profession Act (Cap 161, 2009 Rev Ed) (“LPA”). The charges were:

- (a) MAC-903315-2022, a charge under section 33(1)(a)(i) of the LPA: being an unauthorised person, the Appellant did act as an advocate and solicitor for one Jiangsu New Huaming International

Trading Co, Ltd by issuing a writ of summons (HC/S 268/2021) on 1 April 2021 (“Charge 1”).

(b) MAC-903316-2022, a charge under section 33(1)(a)(ii) of the LPA read with section 124(4) of the Criminal Procedure Code (Cap 68, Rev Ed, 2012) (“CPC”): being an unauthorised person, the Appellant did act as an advocate and solicitor by commencing, carrying on and defending court proceedings in the name of various clients on 32 occasions (“Charge 2”).

(c) MAC-903317-2022, a charge under section 33(1)(a)(iii) of the LPA read with section 124(4) of the CPC: being an unauthorised person, the Appellant did act as an advocate and solicitor by preparing documents and instruments relating to court proceedings on 32 occasions (“Charge 3”).

3 The District Judge (“DJ”) convicted the Appellant on all three charges and imposed the following sentences:

Charge	Offence	Sentence
1	s 33(1)(a)(i) of the LPA	\$1,000 fine, in default one week’s imprisonment
2	s 33(1)(a)(ii) LPA read with s 124(4) CPC	Six weeks’ imprisonment
3	s 33(1)(a)(iii) LPA read with s 124(4) CPC	Six weeks’ imprisonment

Aggregate Sentence	Six weeks' imprisonment and a fine of \$1,000, in default one week's imprisonment.
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The DJ ordered the sentences for Charges 2 and 3 to run concurrently, as result imposing an aggregate sentence of six weeks' imprisonment and a fine of \$1,000, in default one week's imprisonment

Facts

Undisputed Facts

4 The Appellant was aware that he had to apply to renew his practising certificate ("PC") on a recurring basis for the next practice year ("PY"), which spanned 1 April to 31 March of the following year. In the present case, in late March 2021, the Appellant realised that he could not apply to renew his PC in time for the new PY, *ie*, PY 2021/2022. On 31 March 2021, the Appellant contacted the Director of the Compliance Department of the Law Society of Singapore, Ms Rejini Raman ("PW1"), by the WhatsApp messaging service. They exchanged several messages. It is apparent from the exchange that the only issue that was discussed was the Appellant's inability to apply for renewal of his PC because of the shortfall in his Continuing Professional Development ("CPD") requirements. The Appellant sought a waiver of the CPD requirements from the Law Society and was told by PW1 that (a) he should apply for waiver to the Singapore Institute of Legal Education as the relevant body for CPD requirements, and (b) if he appeared in court without a PC in the next PY, he should inform the court that he would be submitting the application for renewal once the waiver of the CPD requirements had been granted.

5 However, as it transpired, the Appellant was at that time also facing another issue that prevented him from applying to renew his PC. The Appellant was having difficulty renewing his professional indemnity insurance through Lockton Companies (Singapore) Pte Ltd (“Lockton”), the relevant insurance brokers. The Appellant was unable to apply for his PC until he obtained evidence of professional indemnity insurance coverage from Lockton. The Appellant contacted Lockton on multiple occasions in April 2021 and May 2021 to resolve the issue, but it was only in June 2021 when he was finally able to obtain evidence of his professional indemnity insurance coverage from Lockton. He then applied for renewal of his PC for PY 2021/2022 on 9 June 2021 and the PC was issued on 10 June 2021. In the intervening period between the expiry of his PC for the previous PY and the date of issuance of his PC for PY 2021/2022, it is not disputed that the Appellant carried out the acts that are the subject matter of the charges.

Summary of Arguments Below

PP’s case on conviction

6 The gravamen of the charges was that, between 1 April 2021 and 9 June 2021, the Appellant practised as an advocate and solicitor when he was an unauthorised person, in breach of s 33(1)(a) of the LPA. Section 32(2) of the LPA defines an “unauthorised person” as someone who does not have “in force a [PC]”. On the basis that the Appellant did not have a PC at the relevant time, the PP argued that the elements of the charges were made out and that the Appellant should accordingly be convicted. The following broad points were made.

7 First, s 33(1)(a) of the LPA was a strict liability offence. Accordingly, once the *actus reus* of the offence had been proven, the Appellant’s only defence

was to demonstrate that he had exercised reasonable care in committing the physical elements of the offence: see s 26H (4) of the Penal Code (Cap 224, 2008 Rev Ed) (“Penal Code”). The Appellant had failed to establish this.

8 Second, the Appellant’s PC for PY 2021/2022 took effect from the date of issue, as provided in s 25(3) of the LPA. As his PC was only issued on 10 June 2021 following the Appellant’s application for renewal on 9 June 2021, the Appellant did not have a PC in force between 1 April 2021 and 9 June 2021. He therefore was an “unauthorised person” within the meaning of s 32(2) of the LPA in that period. Having carried out the acts in question at that time, the Appellant committed the offences for which he was charged.

9 The PP’s position was that there was a “soft deadline”, 31 March, and a hard deadline, 30 April, for applications for renewal of a PC for any given PY. It should be pointed out that, for reasons that will be clear later in this judgment, the PP’s position that the hard deadline is for an application for renewal of a PC is not correct. Rather it is for issuance of a PC. The PP’s further position was that where a PC was issued in the month of April, the effective date of that PC would be backdated to the start of the new PY (*ie*, 1 April), as provided in s 25(5) of the LPA. The effective date of a PC that was issued after the hard deadline of 30 April would be the date of its issue by the Supreme Court of Singapore, as provided in s 25(3) of the LPA. The PP relied on the evidence of PW1 in this regard.

Appellant’s case on conviction

10 The Appellant elected to remain silent when his defence was called. He did not dispute that he had failed to meet both the soft and hard deadlines for PY 2021/2022. He also did not dispute that he had carried out the acts alleged in the charges. The Appellant did not challenge the evidence of the Investigative

Officer, who obtained the court documents and court record that showed that the Appellant attended court proceedings and prepared the court documents listed in the annex of charges. Lastly, the Appellant also did not dispute his investigative statement recorded under s 22 of the CPC dated 19 October 2021 (“19 October Statement”) in which he admitted to attending court hearings during the period when he did not have a PC in force.

11 The Appellant argued that he was not an unauthorised person in the relevant period based on the wording of his PC. He also disagreed with the PP’s interpretation of s 25(3) of the LPA.

12 The Appellant also argued that even if he was deemed an “unauthorised person” under the LPA, the Appellant had not breached s 33(1)(a) of the LPA, as the offence was not a strict liability offence, and he did not have the requisite *mens rea*. In the alternative, he argued that even if the offence was a strict liability offence, he had established the defence of reasonable care provided in s 26H(4) of the Penal Code.

PP’s case on sentence

13 On sentence, the PP submitted that the custodial threshold had been crossed. Reliance was placed on the District Court’s decisions in *Public Prosecutor v Bhaskaran Shamkumar* [2005] SGDC 147 (“*Bhaskaran*”) and *Public Prosecutor v Mahadevan Lukshumayeh* [2005] SGDC 129 (“*Mahadevan*”). Various aggravating factors were cited. The PP sought the following sentences:

- (a) Charge 1: between one to two months’ imprisonment;
- (b) Charge 2: between four to six months’ imprisonment; and

(c) Charge 3: between four to six months' imprisonment,

with the sentences for Charges 1 and 2 to run consecutively and the sentence for Charge 3 to run concurrently.

Appellant's case on sentence

14 The Appellant submitted that the custodial threshold had not been crossed in relation to each of the charges, relying on the District Court's decisions in *Public Prosecutor v Jasvendar Kaur D/O Avtar Singh* [2006] SGDC 216 ("*Jasvendar Kaur*") and *Public Prosecutor v Selena Chiong Chin May* [2013] SGDC 268 ("*Selena Chiong*"). He asserted that the offences here did not reach the level of culpability in *Mahadevan* so as to warrant a custodial sentence. He sought a fine for each charge in the following terms:

(a) Charge 1: Fine of \$500.

(b) Charge 2: Fine of \$2,000.

(c) Charge 3: Fine of \$2,000.

Decision Below

15 The DJ concluded that s 33(1)(a) of the LPA was a strict liability offence, relying on the factors stated in *Chng Wei Meng v Public Prosecutor* [2002] 2 SLR(R) 566 ("*Chng Wei Meng*") at [18] (GD at [10]).

16 On *actus reus*, the DJ found that the Appellant did not file an application to renew his PC before either the soft or hard deadlines. The DJ accepted the PP's submission that the effective date of a PC that was issued after the hard deadline was its date of issue. He held that the effect of ss 25(3) and 25(5) of the LPA was that a PC that was issued after 30 April (this should in fact be 1

May) in a given PY would be in force from the date of issue to the end of that PY (*ie*, 31 March of the following year) (GD at [12]). As the Appellant's PC was only issued on 10 June 2021, the Appellant was an unauthorised person when the acts alleged in the charges were committed (GD at [14]). The DJ also found that the Appellant failed to show any reasonable excuse for his non-compliance in applying for his PC by the hard deadline (GD at [13]). Thus, the DJ convicted the Appellant on all charges (GD at [14]).

17 On sentence, the DJ accepted that the Appellant had the intention to renew his PC, like the accused in *Selena Chiong* and unlike the accused persons in *Bhaskaran* and *Mahadevan*. Nonetheless, the Appellant had blatantly breached s 33(1)(a) of the LPA on multiple occasions (GD at [38]). Therefore, *Bhaskaran* and *Mahadevan* were more relevant in determining the appropriate sentence (GD at [42]).

18 The DJ further held that a non-custodial sentence was appropriate only in exceptional cases (GD at [42]). Where the breach was intentional and blatant, and the application for the renewal was made after the hard deadline, a deterrent sentence was warranted to protect the public and to discourage like-minded individuals from acting in the same manner (GD at [42]). However, the DJ was of the view that this case was less egregious than the case of *Mahadevan* and as such, the starting point should be a sentence of one month's imprisonment. The following passage at [43] of the GD is pertinent:

... the starting point should be a sentence of 1 month's imprisonment like *Bhaskaran* for a plead guilty case with multiple clients and parties being deceived over a period by his deliberate omission to inform them that he did not have the requisite licence to practise, and full restitution made by the accused to his clients.

19 Taking those factors into mind, on Charge 1, the DJ was of the view that a non-custodial fine of \$1,000, in default one week's imprisonment, was appropriate. As the offence was committed before the hard deadline of 30 April 2021, the Appellant's culpability was lowered in the DJ's view, warranting a non-custodial sentence (GD at [44]).

20 For Charges 2 and 3, the DJ was of the view that a deterrent sentence of six weeks' imprisonment was warranted in order to send a clear and unequivocal message to the Appellant and like-minded persons that it was incumbent on them to strictly adhere to the legal requirements governing the practice of the law (GD at [45] and [46]).

21 The DJ ordered the sentences for Charges 2 and 3 to run concurrently as the period of offences involved were similar in these two charges (GD at [46]). The resultant aggregate sentence was six weeks' imprisonment and a fine of \$1,000, in default one week's imprisonment.

Parties' Case on Appeal

22 I will briefly outline the parties' respective cases on appeal and, where relevant, set out their arguments in detail in the analysis of the issues.

Appellant's case on appeal

Conviction

23 The Appellant argues that the conviction was unsound because the DJ had erred in finding that:

- (a) the Appellant was an unauthorised person from 1 April 2021 to 9 June 2021;

(b) s 33(1)(a) of the LPA was a strict liability offence; and

(c) the Appellant had failed to exercise reasonable care in committing the physical elements of the offence.

24 He also contends that the DJ was wrong in dismissing his application under s 235 of the CPC for the Attorney-General’s Chambers (“AGC”) to disclose correspondences between the Registrar of the Supreme Court (“RSC”) and the AGC.

Sentence

25 The Appellant argues that the DJ erred in finding that the custodial threshold had been crossed in relation to Charges 2 and 3. He points out that the DJ did not consider the factors that distinguish his case from *Mahadevan* and *Bhaskaran*.

PP’s case on appeal

Conviction

26 The PP urges the court to uphold the Appellant’s conviction on the principal ground that the threshold for appellate intervention as stated by the Court of Appeal in *Haliffie bin Mamat v Public Prosecutor* [2016] 5 SLR 636 (“*Haliffie Bin Mamat*”) at [32] has not been crossed.

27 The PP also submits that the DJ:

- (a) did not err in finding that the Appellant did not have a PC in force at the relevant time;
- (b) did not err in finding that s 33(1)(a) of the LPA was a strict liability offence;
- (c) did not err in finding that the defence of reasonable care was not established; and
- (d) correctly rejected the Appellant’s application for disclosure of correspondences between the AGC and the RSC.

Sentence

28 On the cross-appeal on sentence, the PP submits that the threshold for appellate intervention as stated by the Court of Appeal in *Public Prosecutor v Kwong Kok Hing* [2008] 2 SLR(R) 684 (“*Kwong Kok Hing*”) at [14] has been crossed. The PP argues that the Appellant’s appeal on sentence is wholly without merit.

29 In the written submissions, the PP submitted that the sentences set out below should be imposed:

Charge	Offence	Sentence
1	s 33(1)(a)(i) of the LPA	Between one and two months’ imprisonment (Consecutive)

2	s 33(1)(a)(ii) LPA read with s 124(4) CPC	Between four and six months' imprisonment (Consecutive)
3	s 33(1)(a)(iii) LPA read with s 124(4) CPC	Between four and six months' imprisonment (Concurrent)
Aggregate Sentence	Between five to eight months' imprisonment	

30 However, at the hearing of the appeals, following question posed by the court on whether the PP's position was correct in light of the sentencing precedents which the PP had relied on, specifically the cases of *Bhaskaran* and *Mahadevan*, the PP revised the position on sentence in the following manner:

Charge	Offence	Sentence
1	s 33(1)(a)(i) of the LPA	Between one and two weeks' imprisonment
2	s 33(1)(a)(ii) LPA read with s 124(4) CPC	Between three and four months' imprisonment (Consecutive)
3	s 33(1)(a)(iii) LPA read with s 124(4) CPC	Between three and four months' imprisonment (Concurrent)
Aggregate Sentence	Between three months and one week to four months and two weeks' imprisonment	

31 When queried by the court on whether the PP was seeking a sentencing framework for the offence under s 33(1)(a) of the LPA, the PP replied that a framework was not being sought.

Issues to be determined

32 The issues before the court are:

(a) Did the DJ err on conviction? (“Issue 1”) Issue 1 in turn raises the following sub-issues:

(i) Did the DJ err in finding that the Appellant did not have a PC in force at the material time?

(ii) Did the DJ err in finding that s 33(1)(a) of the LPA was a strict liability offence?

(iii) Did the DJ err in finding that the defence of reasonable care was not established?

(iv) Did the DJ correctly reject the Appellant’s application for disclosure of correspondence between the AGC and the RSC?

(b) Did the DJ err on the appropriate sentence? (“Issue 2”)

Issue 1

33 For reasons that follow, I find the Appellant’s arguments on conviction unmeritorious and dismiss his appeal on conviction. In doing so, I am mindful of the role of the appellate court on an appeal against conviction as stated by the Court of Appeal in *Haliffie Bin Mamat* at [31]–[32].

The DJ did not err in finding that the Appellant did not have a PC in force at the material time

34 In my view, the DJ did not err in finding that the Appellant did not have a PC in force between 1 April 2021 and 9 June 2021, the period covered by the charges. The Appellant argues that he was authorised to practise between 1 April 2021 and 31 March 2022. The argument is based on the wording in his PC which stated that he was authorised to practise “during the [PY] terminating 31 March 2022”. The Appellant contends that because a PY was from 1 April in any calendar year to 31 March in the next calendar year, by virtue of the words referred to above he was authorised to practise between 1 April 2021 and 31 March 2022. In substance, his argument is that by the reason of the said words, the effective date of the PC was backdated to the start of the PY (*ie*, 1 April 2021).

35 I do not accept the Appellant’s argument and make three broad points. First, the argument is inconsistent with s 25(5) of the LPA which addresses the specific issue of backdating of the effective date of a PC. It is clear that backdating is only permissible if the PC is issued by 30 April of the new PY, which was not the case here. Indeed, the Appellant’s argument undermines s 25(5) of the LPA. Second, the argument is also inconsistent with s 25(3) of the LPA which stipulates that the PC is in force from the date of its issue until the end of that PY. This of course is qualified only in the situation provided for by s 25(5) of the LPA. Third, I am not persuaded that the words used in the Appellant’s PC supports the reading that he places on it. The words simply reflect the fact that his PC relates to PY 2021/2022. Notably, the words do not state when the PC came into force. There is good reason for this. This was in fact unnecessary in view of s 25(3) of the LPA. I expand on these points below.

36 As rightly pointed out by the PP, the Appellant’s interpretation flies in the face of ss 25(3) and 25(5) of the LPA, which read:

(3) Every practising certificate must be signed or approved by the Registrar and, subject to sections 26(9) and 27B, *is in force from the date of issue to the end of the year.*

...

(5) Every practising certificate issued in the month of April is deemed to have been in force from the first day of that month.

[emphasis added]

37 The provisions make clear that a PC is in force from its date of issue until the end of that PY, with the sole exception being where the PC is issued in the month of April, in which case, its effective date is backdated to 1 April. As the Appellant’s application for renewal was only made on 9 June 2021, it follows that his PC could not be issued before 30 April 2021. The exception in s 25(5) of the LPA therefore did not apply. Accordingly, given that the Appellant’s PC was issued on 10 June 2021, it was in force from that date until 31 March 2022 (*ie*, the end of that PY). Therefore, the DJ correctly concluded that the Appellant did not have a PC in force between 1 April 2021 and 9 June 2021. That should really be the end of the matter. Faced with this difficulty, the Appellant makes a further argument, which I find to be contrived.

38 The Appellant argues that s 25(3) of the LPA is inconsistent with the words used in his PC. If that was indeed the case, it seems to me that the conclusion is obvious – the statute prevails. The Appellant does not address this point. Instead, he argues that there was no specific wording in his PC to the effect that it took effect only from 10 June 2021. However, this argument has no merit. As noted earlier, the words used in his PC do not bear the construction that the Appellant places on it. The Appellant’s PC did not prescribe a date on which it took effect. It only stated the fact that the Appellant is authorised to

practise for the PY 2021/2022. Importantly, it stipulated the date of issue of the PC – 10 June 2021 bringing into play, s 25(3) of the LPA. It was therefore unnecessary to stipulate the effective date as that would be the date of issue of the PC, by reason of s 25(3) of the LPA. Indeed, it is contrived for the Appellant to suggest that as a result of the words used in his PC, he reasonably believed that the RSC had backdated its effective date to 1 April 2021, notwithstanding s 25(3) of the LPA. The Appellant is presumed to know the law, and as a seasoned practitioner, he must have known that the RSC would not, indeed could not, do so in view of ss 25(3) and 25(5) of the LPA. Accordingly, the Appellant's argument fails.

39 Before I conclude on this issue, I address the Appellant's argument that PW1 was not an appropriate person to lead evidence on s 25 of the LPA. The PP challenges the argument, contending that PW1 was relevant because she was intimately involved in and had operational responsibility for the renewal process. It seems to me that the evidence of PW1, in so far as it relates to the interpretation of s 25 of the LPA, is not relevant or indeed admissible. That is a matter of statutory interpretation and therefore not an issue on which evidence is required. Thus, the relevance of PW1's evidence in so far as it relates to the interpretation of s 25 of the LPA is moot.

The DJ did not err in finding that s 33 (1)(a) of the LPA is a strict liability offence

40 In my view, the DJ correctly found that s 33(1)(a) of the LPA was a strict liability offence. Section 33(1) of the LPA is reproduced below:

Unauthorised person acting as advocate or solicitor

33.—(1) Any unauthorised person who —

(a) acts as an advocate or a solicitor or an agent for any party to proceedings, or, as such advocate, solicitor or agent —

- (i) sues out any writ, summons or process;
- (ii) commences, carries on, solicits or defends any action, suit or other proceeding in the name of any other person, or in his or her own name, in any of the courts in Singapore; or
- (iii) draws or prepares any document or instrument relating to any proceeding in the courts in Singapore; or

(b) wilfully or falsely pretends to be, or takes or uses any name, title, addition or description implying that he or she is duly qualified or authorised to act as an advocate or a solicitor, or that he or she is recognised by law as so qualified or authorised,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

41 The Appellant argues that “it would be incongruous for [s 33(1)(a) of the LPA] to be a strict liability offence when [s 33(1)(b) of the LPA] is clearly not a strict liability offence as it specifically provides for *mens rea*”. At the hearing of the appeals, counsel for the Appellant further argued that as both ss 33(1)(a) and 33(1)(b) of the LPA share a common sentencing provision, the former should also be read as requiring *mens rea*. The Appellant’s argument has no merit. I make three broad points.

42 First, it is not for the court to read *mens rea* into an offence creating provision when it is clear that Parliament did not intend it to be an ingredient of the offence. Unlike s 33(1)(b) of the LPA, there is no *mens rea* provided for in s 33(1)(a) of the LPA. Clearly, Parliament intended to make a distinction between the two offences in this regard. The Appellant’s argument requires the

court to read into s 33(1)(a) of the LPA *mens rea* which is clearly not permissible. The court's duty is to interpret statutes enacted by Parliament and not amend or modify statutes based on its own personal preference or fiat: see *Lim Meng Suang and another v Attorney-General* [2015] 1 SLR 26 at [77]. Therefore, absent any express requirement of *mens rea* in s 33(1)(a) of the LPA, it would not be appropriate to read one into it. Also, the Appellant provides no support for the proposition that different offences under the same section cannot approach culpability on different footings. He also does not adduce any authority to suggest that offences with the same sentencing provision require *mens rea* to be present in each instance. Indeed, the point is a non-stater. The state of the mind of the accused is a relevant factor in calibrating sentence notwithstanding that the same sentencing provision applies to a strict liability offence, as well as one that is not.

43 Secondly, pursuant to ss 26H(1) and 26H(3) of the Penal Code, even if the provision does not expressly specify that it is a strict liability offence, the lack of express *mens rea* in s 33(1)(a) of the LPA is one of the clear indicia that it is a strict liability offence. The provisions are reproduced below:

“Strict liability”

26H.—(1) An offence of strict liability under this Code or any written law is one where, for every physical element of the offence, there is no corresponding fault element.

...

(3) To avoid doubt, an offence may be a strict liability offence even though it is not so expressly described by any written law; and strict liability may apply to a particular physical element of any offence even though it is not so expressly described in any written law.

Section 33(1)(a) of the LPA, as noted earlier, does not expressly provide for *mens rea*, and thus there is no corresponding fault element specified for the physical element. Therefore, it falls within s 26H(1) of the Penal Code. The fact

that it is not described as a strict liability offence does not detract from this conclusion: see 26H(3) of the Penal Code.

44 Thirdly, applying the factors stated in *Chng Wei Meng*, s 33(1)(a) of the LPA displays all the characteristics of a strict liability offence. As stated in *Chng Wei Meng* at [18], the factors relevant to identifying a strict liability offence are: (a) the lack of words indicating the requirement of proof of *mens rea*; (b) the absence of statutory defences to the offence; (c) the fact that the offence was regulatory in nature; (d) the fact that the offence was concerned with the protection and safety of the public; and (e) the fact that observance of the section was very much dependent on personal compliance by the individual.

45 It is evident that s 33(1)(a) of the LPA is a strict liability offence because: (a) there are no words prescribing the *mens rea* in s 33(1)(a) of the LPA; (b) there is an absence of statutory defences specific to s 33(1)(a) of the LPA ; (c) s 33(1)(a) of the LPA is an offence that is regulatory in nature; (d) s 33(1)(a) of the LPA is put in place to “protect the public from claims to legal services by unauthorised persons”: see *Turner (East Asia) Pte Ltd v Builders Federal (Hong Kong) Ltd and another* [1988] 1 SLR(R) 281 at [34]; and (e) compliance with s 33(1)(a) of the LPA is very much dependent on personal compliance by the individual. Accordingly, in my view, s 33(1)(a) of the LPA is a strict liability offence.

The DJ did not err in finding that the defence of reasonable care was not established

46 The DJ did not err in concluding that the defence of reasonable care was not established. The defence of reasonable care is a defence to a strict liability offence: see s 26H(4) of the Penal Code. Section 26H(4) of the Penal Code is reproduced below:

“Strict liability”

26H.— ...

...

(4) It is a defence for any person charged with a strict liability offence to prove that in committing all the acts or omissions that are physical elements of the offence, he exercised reasonable care.

For the defence to be made out, the Appellant must show that he had exercised reasonable care in committing all the acts or omissions that are physical elements of the offence.

47 The insuperable obstacle the Appellant faces in establishing the defence is that when his defence was called, he elected to remain silent (GD at [7]). He raised this defence for the first time at the hearing on sentencing.

48 As the Appellant did not take the stand, there is no evidence on what steps, if any, he took and whether those steps demonstrated reasonable care on his part in committing the physical elements of the offence. This is fatal to his defence because he bears the burden of proving that the steps he took sufficed: *Chng Wei Meng* at [26]. Further, the Appellant’s 19 October Statement may be construed as against the defence as he admitted therein that he knew he had breached the deadline to renew his PC and “was desperate” to renew it as soon as possible.

49 Despite the absence of evidence from the Appellant, I will address the arguments he raised in his written submissions for completeness. *Chng Wei Meng* provides guidance on the approach to be taken in establishing the defence under s 26H of the Penal Code. There, the accused was charged with driving a motor car while under disqualification, an offence under s 43(4) of the Road Traffic Act (Cap 276, 1997 Rev Ed). The court found that it was a strict liability

offence. On the defence of “reasonable care”, the inquiry was whether the accused had made diligent inquiries about the status of his driving licence or had an honest or reasonable belief that he could still drive: *Chng Wei Meng* at [26].

50 In the present case, the Appellant knew that he did not have a PC in force when he committed the acts alleged in the charges, as his PC was only issued on 10 June 2021. Thus, the question of whether he had made diligent inquiries on the status of his PC does not arise. Did the Appellant have an honest or reasonable belief that he could still practise notwithstanding that he did not have a PC in force at the material time? In my view, the answer must be in the negative.

51 In his 19 October Statement, the Appellant admitted that “every lawyer knows we have to apply for PC in March” and admitted to there being a delay. The principal reason for the delay was the renewal of his professional indemnity insurance. The Appellant accepted that he knew from April 2021 that there was an issue with his renewal of his professional indemnity insurance. He said in his 19 October Statement that he made multiple calls to Lockton in April and May without success, leaving “at least 10–15 messages on their phones”. The issue was only resolved in June 2021 when the evidence of professional indemnity insurance coverage and the professional indemnity policy from Lockton were issued, paving the way for the application for renewal to be made on 9 June 2021. Thus, the Appellant knew that until the issue concerning the professional indemnity insurance was resolved, he could not apply for a PC and therefore could not practise. And yet he carried out the acts of an advocate and solicitor for which he is now charged. His conduct was blatant and brazen. The Appellant’s argument that he tried, albeit unsuccessfully, to contact Lockton in April and May 2021 does not change the fact that he knew that he was not

authorised to practise because he did not have a PC in force at the material time. It could not therefore be said that he had any honest or reasonable belief that he was authorised to practise.

52 The Appellant's response is that he was told by PW1 that he could attend court without a PC provided he informed the court. I agree with the PP that the argument is neither factually sustainable nor legally sound. Indeed, it mischaracterises what PW1 actually said.

53 First, the Appellant did not even inform the court that he did not have PC in force. Second, the specific issue that was discussed in his exchange with PW1 was the Appellant's non-compliance with the CPD requirements (see above at [4]). PW1's advice was solely on that issue. He was told to inform the court that he was waiting for waiver of the CPD requirements following which the application for a PC would be made. However, the Appellant could not renew his PC at the time not only because he did not meet the CPD requirements, but more importantly by reason of his difficulty in obtaining professional indemnity insurance cover from Lockton. This was not disclosed by the Appellant to PW1.

54 Indeed, when counsel for the Appellant was pressed at the hearing of the appeals on whether it was put to PW1 that she was told of this fact or whether there was any evidence that she was told of this, he fairly conceded that it was not and there was none, respectively. Therefore, the Appellant well knew that PW1's advice was limited to the CPD requirements. This perhaps explains why he did not notify the court that he did not have a PC in force, for if he did, he would have to disclose the real reasons why.

55 The Appellant's reliance on PW1's purported advice is also legally unsustainable. Section 34 of the LPA (which sets out the situations in which s 33(1) of the LPA does not apply) does not empower the Law Society to excuse anyone from adherence to s 33(1) of the LPA. Therefore, there is no legal basis for the Appellant to have relied on PW1's purported advice.

56 Finally, the Appellant had knowingly deceived the courts by not disclosing that he did not have a PC, and his clients as to his status as an authorised person (see below at [69]). In my view, such conduct cannot satisfy the requirements of the defence of reasonable care. Accordingly, I find that the DJ did not err in finding that the Appellant could not avail himself of the defence of reasonable care.

The DJ correctly rejected the Appellant's application for disclosure of correspondences between the AGC and the RSC

57 The DJ correctly rejected the Appellant's application for disclosure of correspondences between the AGC and the RSC. The alleged correspondences were with regard to other advocates and solicitors who were not charged under s 33(1)(a) of the LPA even though they were in a similar situation to the Appellant. The Appellant contends that the DJ was wrong in rejecting his application and by doing so, his case was prejudiced.

58 The issue is in fact moot as the PP had already informed the DJ and the Appellant that, with the exception of the Appellant, there was no correspondence between the AGC and the RSC of the nature sought by the Appellant.

59 Even if there was such correspondence, it would not be relevant to the charges the Appellant faces. The Appellant asserts that if the information was at hand, he:

... could have called those advocates and solicitors to give evidence on the steps they took to exercise reasonable care. This could have provided the court with a better understanding of what constituted reasonable care and, thereby, placed the court in a better position to assess [the Appellant]’s actions.

This argument has no merit. Even if there were other advocates and solicitors in a similar situation, they were never prosecuted. Thus, there would be no determination that their conduct satisfied the reasonable care defence. Further, whether someone has taken reasonable steps is a fact-sensitive inquiry. The Appellant was in a position to testify as to the steps he took, but his failure to take the stand meant that the issue of reasonable care did not arise. If the issue did not arise, the disclosure the Appellant sought would be moot.

60 Lastly, the correspondence between the AGC and the RSC on matters relating to the prosecution of the Appellant is protected by privilege. As argued by the PP at trial, s 128A of the Evidence Act 1893 (2020 Rev Ed) (“Evidence Act”) applies to communications between the AGC and the RSC. This is because s 128A(1) read with ss 128A(5) and 128A(6) of the Evidence Act states:

Communications with legal counsel in entity

128A.—(1) *A legal counsel in an entity is not at any time permitted, except with the entity’s express consent, to disclose any communication made to him or her in the course and for the purpose of his or her employment as such legal counsel, or to state the contents or condition of any document with which he or she has become acquainted in the course and for the purpose of his or her employment as such legal counsel, or to disclose any legal advice given by him or her to the entity, or to any officer or employee of the entity, in the course and for the purpose of such employment.*

...

(5) Where a legal counsel is employed by a public agency and is required as part of his or her duties of employment or appointment *to provide legal advice or assistance in connection with the application of the law* or any form of resolution of legal dispute to another public agency or agencies, *subsection (1) applies in relation to the legal counsel and the second-mentioned public agency or agencies as if the legal counsel were also employed by the second-mentioned public agency or agencies.*

(6) For the purposes of subsection (5), “*public agency*” includes —

(a) the Government, including any ministry, department, agency, or *Organ of State* or instrumentality of the Government;

(b) any board, commission, committee or similar body, whether corporate or unincorporate, established under a public Act for a public function (called in this subsection a statutory body);

(c) any other board, commission, committee or similar body appointed by the Government, or by a statutory body, for a public purpose.

[emphasis added]

61 In the present case, the RSC wrote to the AGC to request advice on the issue of the Appellant appearing in the High Court proceedings. The communications between the RSC and the AGC are therefore in the nature of legal advice between a public agency and legal counsel. Thus, the communication is protected under s 128A of the Evidence Act. The DJ was correct in rejecting the Appellant’s application for disclosure.

62 For the reasons above, the Appellant’s arguments in his appeal against conviction are without merit. His appeal against conviction is dismissed.

Issue 2

Applicable law for appellate intervention on sentence

63 In *Kwong Kok Hing* at [14], the Court of Appeal held that an appellate court will only interfere with sentence if it is satisfied that:

- (a) The trial judge had made the wrong decision as to the proper factual matrix for sentence;
- (b) The trial judge had erred in appreciating the material before him;
- (c) The sentence was wrong in principle; or
- (d) The sentence imposed was manifestly excessive, or manifestly inadequate.

64 For the reasons that follow, I am of the view that the DJ erred in the sentence for Charge 1 because he applied the incorrect factual matrix and erred in the sentences for Charges 2 and 3 because they were manifestly inadequate.

The Appellant's points of appeal on sentence have no merit

65 Before I turn to the PP's cross-appeal on sentence, I briefly touch on some of the points raised by the Appellant in his appeal on sentence. As a preliminary point, he makes two arguments in his petition of appeal which he did not pursue in argument at the hearing of the appeals. I make some brief observations, nonetheless. First, the Appellant argues that the DJ failed to consider and/or give sufficient weight to the fact that he was a "first-time offender". The point is not relevant as the absence of antecedents is not a mitigating factor where the offender is being charged with multiple offences: *Janardana Jayasankarr v Public Prosecutor* [2016] 4 SLR 1288 at [18].

66 Second, the Appellant argues that the “DJ erred in law and in fact in coming to the conclusion that the fact there is no actual damage caused to the [Appellant’s] clients is a neutral factor and not a mitigating factor”. I agree with the PP that this argument goes against the authorities. The PP cites *Public Prosecutor v Muhammad Nuzaihan bin Kamal Luddin* [1999] 3 SLR(R) at [22] and *Public Prosecutor v Tan Fook Sum* [1999] 1 SLR(R) 1022 (“*Tan Fook Sum*”) at [30], for the proposition that the absence of tangible damage caused to the victim cannot be a mitigating factor in “conduct crimes”. In *Tan Fook Sum* at [30], Yong CJ draws an instructive analogy to drunken driving:

In this connection, an analogy with drunken driving is instructive. In a charge of drunken driving, the fact that no one was injured is not a mitigating factor: *PP v Pet* [1962] MLJ 194 at 194; if someone had been injured the accused could have been charged with another offence. The offence of drunken driving consists of doing a dangerous thing and placing other people in danger; to use the fact that no one was injured in mitigation would be to rob the offence of its essence.

67 In my view, s 33(1)(a) of the LPA is a conduct crime. It criminalises the conduct of an unauthorised person who acts as an advocate and solicitor and serves to “help preserve public confidence in the legal profession”: *Choo Cheng Tong Wilfred v Phua Swee Khiang* [2021] SGHC 154 at [6]. Therefore, the offence in s 33(1)(a) of the LPA addresses the conduct of an unauthorised person acting as an advocate and solicitor which exposes clients to the risk of harm and damages public confidence in the legal profession. Thus, the absence of harm is not a mitigating factor.

68 I turn to the Appellant’s other arguments. He advances two. First, the Appellant argues that the DJ “erred in finding that [the Appellant] was not properly insured” and therefore had exposed his clients to the risk of having no recourse to professional indemnity insurance. He contends that his insurance was on a “claims made” basis, and would have covered any claims made by

clients, “even if the incident giving rise to the claim happened before the current policy start date”. There is no merit to this point. Regardless of whether the professional indemnity insurance in the present case here was of the character claimed by the Appellant, the fact remains that the period of insurance under the policy was for the period 1 June 2021 to 31 March 2022. As the Appellant’s previous professional indemnity policy expired at the end of the previous PY (*ie*, 30 March 2021), the Appellant was not covered for the period 1 April 2021 to 31 May 2021, thereby exposing his clients to the risk of having no recourse to professional indemnity insurance in the event a claim arose and was made in that period. Thus, the DJ was correct in finding that the absence of professional indemnity insurance coverage for the material period was a relevant aggravating factor in calibrating the appropriate sentence.

69 Second, the Appellant argues that the DJ had wrongfully found that he had deceived the courts and his clients. He maintains that there is no evidence that he misled either. The Appellant again relies on PW1’s alleged advice that he could continue to go to court despite not having a PC. However, as explained above at [53], this argument is factually unsound. Further, in his 19 October Statement, when questioned on whether he had informed his clients at the material time that he did not have a PC in force, he simply replied that “[t]here is no need to tell clients about these things. This is a matter between me and the Law Society. I was not prohibited by the Law Society”. This shows that he had deceived his clients. Therefore, I agree with the PP that the finding that the Appellant had deliberately deceived the court, his clients, other lawyers and public officers is sound.

70 Accordingly, the Appellant’s points of appeal do not justify a reduction of the sentence imposed by the DJ. I now turn to the PP’s cross-appeal on sentence.

The DJ's sentences for Charges 1, 2 and 3 warrant appellate intervention***For Charge 1***

71 I agree with the PP that, in imposing a fine of \$1,000, in default one week's imprisonment for Charge 1, the DJ had made the wrong decision as to the proper factual matrix for the sentence. Appellate intervention on sentence is warranted if the judge had made the wrong decision on the proper factual basis for sentence: see *Tan Koon Swan v Public Prosecutor* [1985–1986] SLR(R) 976 at [4].

72 With respect, the DJ's reasoning that the Appellant's culpability for Charge 1 was low because the offence was committed in the "grace period" provided for in s 25(5) of the LPA is erroneous. Indeed, the DJ's reasoning runs counter to his own finding that the Appellant failed to show any reasonable excuse for his non-compliance (GD at [13]). The fundamental question is whether there the Appellant reasonably believed that he would have been able to submit the application for renewal of his PC in sufficient time for it to be issued by 30 April 2021, in order for s 25(5) of the LPA to apply. There is no evidence to that effect – not least because the Appellant declined to testify. The Appellant offered no testimony on whether he reasonably believed that the issue on professional indemnity insurance coverage would be resolved in sufficient time to enable the application for renewal of his PC to be made such that the PC would be issued by 30 April 2021. To find that his culpability is low because the Appellant *could have* avoided Charge 1 if he had renewed his PC by 30 April 2021 is to speculate. In the absence of any explanation, it seems to me that the Appellant took the risk that he could bring himself within the exception in s 25(5) of the LPA. I agree with the PP that to accept the DJ's approach is to encourage lawyers, who have no intention to or a reasonable basis to believe that they could renew their PC by the end of April, to continue acting for their

clients in that month safe in the knowledge that their culpability would be assessed as “low” or at least “lower”. Accordingly, the DJ erred in the proper factual matrix for the sentence.

73 The question then is whether the threshold for a custodial sentence has been crossed which begs the prior question in what situation can it be said that the threshold has been crossed. The DJ observation at [42] of the GD is pertinent:

... it is only in *exceptional cases where non-custodial sentences may be appropriate*. When breaches are *intentional and blatant* and when the end of April application deadline has been crossed, a deterrent sentence would be desirable to protect the public and discourage like-minded individuals from doing the same.

[emphasis added]

74 I agree that a non-custodial sentence is appropriate only in exceptional cases. The primary sentencing consideration is deterrence to ensure that the public is protected and to discourage others from acting in a similar manner. As held by the Court of Three Judges in *Law Society of Singapore v Yeo Yao Hui Charles (Yang Yaohui)* [2025] SGHC 234 at [4], the objective of the regulatory regime over the legal profession is:

... the need to protect the general public from delinquent lawyers, to uphold public confidence within the legal profession, and to safeguard the integrity of the due administration of justice in Singapore ...

75 Where the conduct is intentional and blatant, a deterrent sentence in the form of a custodial sentence is warranted.

76 What then would be regarded as “*exceptional circumstances*”? One situation is where the accused had committed the acts inadvertently and without intent. The facts in *Jasvendar Kaur* illustrate this. In *Jasvendar Kaur*, the

accused was charged with four charges under s 33(1) of the LPA (three under s 33(1)(a) of the LPA, one under s 33(1)(b) of the LPA) and one charge under s 182 of the Penal Code. She was convicted on all charges under s 33(1) of the LPA, but only a fine of \$1,000 was imposed on each charge. The court said as follows:

9 ... The “humane aspect” of the project regarding closure of her firm led her to continue practising *without the full realization that she had continued to practise past the expiry of her practising certificate*. It appears that she had placed the concerns of renewal on the back burner in her mind. ...

[emphasis added]

Therefore, where the failure to renew the PC was an inadvertent mistake or there was inadvertent transgression of s 33(1)(a) of the LPA, that may be an exceptional circumstance that could warrant a non-custodial sentence.

77 The present case is not within that fact pattern. As noted earlier, the Appellant’s act was intentional and carried out without any basis to believe that he would be able to bring himself within s 25(5) of the LPA. While I accept that he intended to procure professional indemnity insurance coverage, the fact of the matter is that he carried out the acts in question without any real understanding that he could have procured the insurance cover and made the application in sufficient time such that his PC would be issued within the “grace period”. Therefore, the sentence for Charge 1 should be a custodial one.

78 The PP initially sought a sentence of between one and two months’ imprisonment for Charge 1. The PP relied on the Appellant’s transgressions in Charges 2 and 3 to support that submission. This is an erroneous approach. The sentence for Charge 1 should be assessed solely on the basis of the act framed in that charge. To take into account the acts in Charges 2 and 3 would be to

double count. In *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 at [91], Menon CJ held that:

... the central concern of the rule against double counting is that a sentencing factor should be given only its due weight in the sentencing analysis and nothing more. If a factor already forms the basis of the charge framed against the offender ... the “due weight” that should be given by the court to that factor in sentencing will generally be “none”.

In fairness to the PP, as noted above (at [30]), he changed his position to a sentence of between one and two weeks’ imprisonment when the point was brought to his attention by the court.

79 In my view, the case of *Bhaskaran* provides a good reference point for assessing the sentence in the present case. In *Bhaskaran*, the court imposed one month’s imprisonment each for two charges under s 33(1)(a) of the LPA, which involved the accused appearing in court and preparing documents relating to court proceedings. In sentencing, the court took into account several mitigating and aggravating factors.

80 In mitigation, the court in *Bhaskaran* recognised the following:

- (a) The accused’s early plea of guilt, lack of antecedents and his surrender and assistance to the police (reflecting remorse). However, only “some weight” was placed on these factors: *Bhaskaran* at [24].
- (b) The accused voluntarily paid back the fees that he or his firm had received in respect of the services provided: *Bhaskaran* at [23].
- (c) The accused’s effort, including the use of his own personal funds, in trying to meet the requirements for obtaining a PC: *Bhaskaran* at [24].

81 The following were taken into account as aggravating factors:

- (a) the long period of offending: *Bhaskaran* at [26].
- (b) The accused's clear intent to totally disregard the law, exemplified by the accused committing multiple acts alleged in each of the proceeded charges: *Bhaskaran* at [27].
- (c) The accused's deception of his clients, other lawyers and the court: *Bhaskaran* at [28].
- (d) the three charges (two under s 33(1)(b) and one under s 33(1)(a) of the LPA) that were to be taken into consideration: *Bhaskaran* at [27].

82 I am of the view that there ought to be a downward adjustment of the one month's imprisonment imposed in *Bhaskaran* in the present case for a variety of reasons. First, unlike Charge 1, the one month's imprisonment that was imposed in *Bhaskaran* was for each of two proceeded charges. Those charges related to a series of acts committed by the accused over period of time. In other words, they were akin to an amalgamated charge under s 124 of the CPC. Charge 1 only addressed a single act. Second, there were the aggravating factors in *Bhaskaran* listed above at [81]. In particular, three other charges were taken into consideration for purpose of sentencing, a factor that is absent here. While I recognise that mitigating factors were taken into account in *Bhaskaran*, I see that as broadly neutral as little weight was placed on some of those factors by the court there. Furthermore, as mentioned above at [65], the "lack of antecedents" is not a mitigating factor. In so far as there are parallels between the refund of fees earned in *Bhaskaran* and the Appellant's failure to charge for services he rendered in relation to the acts in question in the present case, I see that as neutral. If the Appellant had earned fees, that would be an aggravating

factor, but the failure to charge for services would not be a mitigating factor. Overall, therefore, the starting point here should be materially lower than the one month's imprisonment in *Bhaskaran*. With these considerations in mind, in my view, a sentence of one week's imprisonment is an appropriate starting point.

83 There are no aggravating and mitigating factors in the present case to warrant any upward adjustment to the starting point. Although the Appellant did not plead guilty, and surrender himself to the authorities, this is a neutral factor. A sentencing discount is given to those who plead guilty at an appropriate time, but an accused is entitled to defend himself and should not generally be penalised for it. It is well established that the mere fact of claiming trial is not an aggravating circumstance: see *Kuek Ah Lek v Public Prosecutor* [1995] 2 SLR(R) 766 at [65]. As noted above, the fact that he did not charge for his services is also a neutral factor. Accordingly, there are no mitigating or aggravating factors to warrant a reduction or an uplift to the starting point sentence of one week's imprisonment. Accordingly, I sentence the Appellant to one week's imprisonment for Charge 1.

For Charges 2 and 3

84 For Charges 2 and 3, I agree with the PP that the six weeks' imprisonment imposed for each of the charges is manifestly inadequate. A sentence is said to be "manifestly inadequate" or "manifestly excessive" if "the sentence is unjustly lenient or severe... and requires substantial alterations rather than minute corrections to remedy the injustice": see *Public Prosecutor v Siew Boon Loong* [2005] SLR(R) 611 at [22]; cited with approval in *Kwong Kok Hing* at [15].

85 The PP argues that the three-step sentencing approach in the sentencing of an offender convicted of an amalgamated charge under s 124(4) of the CPC set out in *Prakash s/o Mathivanan v Public Prosecutor* [2025] 4 SLR 1386 (“*Prakash*”) at [129] should apply. Although *Prakash* was decided after the DJ’s decision, the PP argues that the principle of prospective overruling does not apply in the present case. The Appellant accepts that the approach in *Prakash* should apply. I accept that it does.

86 In the first step of the framework, the court must identify the punishment for a single incident of the offences committed, under what is termed as the *base offence*: *Prakash* at [129(a)]. To decide what is the appropriate sentence for a single incident of the offence, the court looks at the “offence specific” factors. These include the manner and mode by which the offence was committed as well as the harm caused to the victim: *Prakash* at [42]; citing *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 at [39(a)]. In my view, the base offence for both Charges 2 and 3 is a singular instance of contravention of s 33(1)(a) of the LPA. In my view, the offences under ss 33(1)(a)(i)–33(1)(a)(iii) are different variations of the same species of offences, put in place to protect the public and the legitimacy of the legal profession. Accordingly, it is appropriate that they all possess the same starting point sentence. Thus, as identified above at [82], the starting point for the base offence under both Charges 2 and 3 is one week’s imprisonment.

87 In the second step, the court determines the appropriate starting point sentence for the *amalgamated offence*, based on a holistic assessment of an offender’s culpability over the entire course of conduct. In addition to the culpability-related factors identified at the first stage, the duration and frequency of the offending conduct are relevant to the offender’s culpability. An offender who has repeated the offence multiple times over a sustained period of time

would have demonstrated greater recalcitrance, which is an aggravating factor: *Prakash* at [129(b)].

88 To assist in this analysis, I found that *Mahadevan* serves as an appropriate reference as it too, like the amalgamated charges, involved a series of offending. I agree with both the PP and the Appellant that the facts in *Mahadevan* were more egregious than the present case. However, *Mahadevan* remains a useful benchmark to calibrate the appropriate starting point sentence for the amalgamated charge.

89 In *Mahadevan*, the accused faced four charges under s 33(1)(a) of the LPA. Twenty-nine similar counts under s 33(1)(a) of the LPA were taken into consideration. The court found that the accused in *Mahadevan* had blatantly disregarded the requirement to obtain a PC: *Mahadevan* at [29]. He committed the acts in question over a period of 18 months, misleading a total of 46 different clients, and exposing them to unwarranted risks: *Mahadevan* at [29]. He was also found to have “substantially profited from the offences that he committed” and did not make restitution: *Mahadevan* at [31]. Further, the court also found that the accused “practiced deception not only on his clients and other lawyers whom he dealt with, but also deceived the Prison authorities, the [AGC] and the courts”: *Mahadevan* at [32]. Certain mitigating factors were considered. These included the plea of guilt and early surrender to the authorities, and the accused’s community service. But little weight was placed on these factors: *Mahadevan* at [24] and [27]. The accused was sentenced to four months’ imprisonment for each of the charges under s 33(1)(a) of the LPA.

90 It is clear that the accused in *Mahadevan* was more culpable than the Appellant for various reasons. First, the 18 months offending period in *Mahadevan* is far longer than the two months here. In *Mahadevan*, the accused

had missed two renewal application windows. This fact alone places the culpability of the Appellant lower than the accused in *Mahadevan*. Second, and crucially, the accused in *Mahadevan* had profited from his offences and did not make restitution. As conceded by the PP at the hearing, this is a factor that does not feature in the present case. Third, the transgressions in *Mahadevan* had involved 46 clients. In the case of the Appellant, it was 20 clients. Thus, the culpability of the Appellant is not on the same level as the accused in *Mahadevan*.

91 However, that is not to say that the Appellant's culpability is significantly lower. First, like the accused in *Mahadevan*, the Appellant was found by the DJ to have "deceived his clients, other lawyers, public officers and the judges" (GD at [41]). As discussed above at [69], the Appellant had deceived both the courts and his clients. Second, although the duration of offending was lower, I find the intensity of offending to be not dissimilar. In just two months, the Appellant acted for 20 distinct clients. While in absolute terms this was a lower figure than in *Mahadevan*, it is relevant that the Appellant committed the offences over a much shorter period of two months as opposed to 18 months in *Mahadevan*. The pace at which the Appellant offended was higher.

92 Given the lower culpability of the Appellant when compared to the accused in *Mahadevan*, it is not appropriate to use the four months' imprisonment for each of the offences in *Mahadevan* as a starting point. However, while the adjustment downwards ought to be appreciable, it should not be too far removed for the reasons set out above (see above at [91]). Taking into account the intensity of the offending and the absence of mitigating factors that the court in *Mahadevan* considered (namely, the accused's plea of guilt and community service), I find that the lower starting point of three months' imprisonment for the Charges 2 and 3 is appropriate.

93 In the third step, the court considers the relevant offender-specific aggravating and mitigating factors before deciding on whether adjustments are required to the starting point sentence. These considerations would be no different from those which the court would have regard to in sentencing for non-amalgamated offences, including aggravating factors such as relevant antecedents indicating lack of remorse, and mitigating factors such as a timely plea of guilty saving the court's resources and time: *Prakash* at [129(c)]. Here, I do not find any specific aggravating or mitigating factors that would move the needle. I have already explained why the Appellant's failure to plead guilty is a neutral factor (see above at [83]). Thus, the appropriate sentence remains at three months' imprisonment each for Charges 2 and 3.

94 In coming to his decision, the DJ did not have the guidance of the decision in *Prakash* on the approach to sentencing for amalgamated offences. It is apparent that without the benefit of the *Prakash* framework, the DJ erred in his approach to sentencing for Charges 2 and 3, resulting in the sentences imposed being manifestly inadequate. Applying the *Prakash* framework, I find that the appropriate sentence ought to be three months' imprisonment for each of Charges 2 and 3.

95 Under s 307(1) of the CPC, at least two of the sentences must run consecutively as the Appellant was sentenced to imprisonment for three distinct offences. Both the Appellant and the PP agree that the sentences for Charges 1 and 2 should run consecutively, and the sentence for Charge 3 should run concurrently. Seeing as the period of offending is similar for both Charges 2 and 3, and the clients involved were largely similar with one charge relating generally to preparation of documents for proceedings in court and the other for attendance in court, I find no reason to disagree with the parties' submission that the sentences for Charges 2 and 3 should run concurrently. This position

will be consistent with the one-transaction rule, which considers the proximities in time and place, continuity of action and continuity in purpose or design with respect to the offences: *Public Prosecutor v Loh Cheok San* [2023] 5 SLR 1646 at [24]. Thus, I order that the sentences for Charges 1 and 2 are to run consecutively, with the sentence for Charge 3 to run concurrently. I do not consider the resultant sentence crushing or inconsistent with the totality principle. Accordingly, the total aggregate sentence for the three charges is three months and one week's imprisonment.

96 Therefore, the Appellant's sentence is adjusted as follows:

Charge	Offence	Sentence
1	s 33(1)(a)(i) of the LPA	one week's imprisonment (Consecutive)
2	s 33(1)(a)(ii) LPA read with s 124(4) CPC	Three months' imprisonment (Consecutive)
3	s 33(1)(a)(iii) LPA read with s 124(4) CPC	Three months' imprisonment (Concurrent)
Aggregate Sentence	Three months and one week's imprisonment	

Conclusion

97 In conclusion, the Appellant’s appeal is dismissed in its entirety, and the PP’s cross-appeal on sentence is allowed. Accordingly, the conviction is upheld, and the Appellant’s sentence is enhanced to an aggregate sentence of three months and one week’s imprisonment.

Kannan Ramesh
Judge of the Appellate Division

Ng Yiwen and Bryan Wong (Attorney-General’s Chambers) for the
appellant in HC/MA 9028/2025/01 and the respondent in HC/MA
9028/2025/02;
Patrick Fernandez and Mohamed Arshad Bin Mohamed Tahir
(Fernandez LLC) for the respondent in HC/MA 9028/2025/01 and
the appellant in HC/MA 9028/2025/02.
