

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

**[2026] SGHC 51**

Criminal Case No 41 of 2025

Between

Public Prosecutor

And

Hossain Mohammad Azim

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**GROUND OF DECISION**

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[Criminal Law — Offences — Criminal intimidation]

[Criminal Law — Offences — Sexual offences]

## TABLE OF CONTENTS

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|                                                                                                       |           |
|-------------------------------------------------------------------------------------------------------|-----------|
| <b>INTRODUCTION</b> .....                                                                             | <b>1</b>  |
| <b>BACKGROUND</b> .....                                                                               | <b>3</b>  |
| <b>THE PROSECUTION’S CASE</b> .....                                                                   | <b>4</b>  |
| EVENTS ON 14 DECEMBER 2021, PRIOR TO THE INCIDENT .....                                               | 4         |
| C’S TESTIMONY PERTAINING TO THE INCIDENT .....                                                        | 5         |
| PHANG’S AND TEO’S EVIDENCE PERTAINING TO EVENTS ON 14<br>DECEMBER 2021 .....                          | 8         |
| STATEMENTS RECORDED FROM D .....                                                                      | 9         |
| <i>First statement under s 22 of the Criminal Procedure Code 2010<br/>        (2020 Rev Ed)</i> ..... | 9         |
| <i>First cautioned statement under s 23 CPC</i> .....                                                 | 11        |
| <i>Second statement under s 22 CPC</i> .....                                                          | 11        |
| OTHER EVIDENCE .....                                                                                  | 14        |
| <b>THE DEFENCE’S VERSION OF EVENTS</b> .....                                                          | <b>15</b> |
| <b>APPLICABLE PRINCIPLES</b> .....                                                                    | <b>18</b> |
| <b>MY DECISION ON THE 1ST AND 2ND CHARGES</b> .....                                                   | <b>19</b> |
| <b>C’S TESTIMONY AND CREDIBILITY</b> .....                                                            | <b>20</b> |
| INCONSISTENCIES WITH C’S PRIOR STATEMENTS TO THE POLICE .....                                         | 21        |
| <i>14/12/21 Statement</i> .....                                                                       | 22        |
| <i>17/12/21 Statement</i> .....                                                                       | 25        |
| <i>16/10/23 Statement</i> .....                                                                       | 29        |
| <i>Conclusion on the Impeachment Application</i> .....                                                | 29        |

|                                                                                                        |           |
|--------------------------------------------------------------------------------------------------------|-----------|
| INCONSISTENCIES WITH THE MEDICAL REPORTS.....                                                          | 30        |
| OTHER PURPORTED INCONSISTENCIES AND MOTIVE .....                                                       | 37        |
| <i>Extent of C's encounter with Chew on 14 December 2021</i> .....                                     | 37        |
| <i>C's account of the Alleged Intimidation</i> .....                                                   | 38        |
| <i>What transpired between C and Tan after D left Stairwell 1</i> .....                                | 39        |
| <i>C omitted to mention that D had checked her handphone</i> .....                                     | 40        |
| <i>C's story pertaining to her handphones, and motive to implicate D<br/>    in the Incident</i> ..... | 42        |
| SUMMARY OF C'S TESTIMONY AND CREDIBILITY .....                                                         | 43        |
| <b>CORROBORATION OF C'S ACCOUNT .....</b>                                                              | <b>44</b> |
| INJURIES ON C .....                                                                                    | 45        |
| <i>Injuries on C's body</i> .....                                                                      | 45        |
| <i>Whether injuries on C's body could have been due to other causes</i> .....                          | 47        |
| <i>Injuries to C's vaginal area</i> .....                                                              | 51        |
| <i>Whether injuries in C's vagina could have been due to other<br/>    causes</i> .....                | 54        |
| <i>Conclusion on the injuries</i> .....                                                                | 55        |
| C'S Demeanour in the immediate aftermath of the Incident .....                                         | 55        |
| C'S RECOUNT OF EVENTS TO THE EXAMINING DOCTORS .....                                                   | 56        |
| OTHER EVIDENCE .....                                                                                   | 57        |
| <i>Impressions on C's shirt and shorts</i> .....                                                       | 58        |
| <i>DNA evidence</i> .....                                                                              | 59        |
| <b>THE DEFENCE .....</b>                                                                               | <b>61</b> |
| ABSENCE OF BLOOD DEPOSITED ON VARIOUS OBJECTS AFTER THE<br>INCIDENT.....                               | 62        |
| D'S VERSION OF EVENTS REGARDING THE INCIDENT .....                                                     | 63        |

|                                                        |           |
|--------------------------------------------------------|-----------|
| <b>CONCLUSION.....</b>                                 | <b>70</b> |
| WHETHER THE 1ST CHARGE WAS MADE OUT .....              | 72        |
| WHETHER THE 2ND CHARGE (AS AMENDED) WAS MADE OUT ..... | 73        |
| 3RD CHARGE .....                                       | 73        |
| CONCLUSION.....                                        | 73        |

**This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.**

**Public Prosecutor**  
**v**  
**Hossain Mohammad Azim**

**[2026] SGHC 51**

General Division of the High Court — Criminal Case No 41 of 2025

Audrey Lim J

16, 18, 22–25, 29–30 July, 7 August, 24, 27–30 October, 3 November 2025,  
20 January, 4 March 2026

6 March 2026

**Audrey Lim J:**

**Introduction**

1 The accused, Mr Hossain Mohammad Azim (“D”) faced three charges relating to the complainant (“C”), a foreign domestic worker. C resided with her employer (“Teo”) at a flat (“Unit”), located in a Housing and Development Board block (“Block”). The alleged offences occurred at the Block.

2 The Charges (respectively, the “1st Charge”, “2nd Charge” and “3rd Charge”) were as follows:

**1ST CHARGE (AMENDED)**

[That you, D], on 14 December 2021 sometime between 12 p.m. to 1 p.m., at the staircase landing at [the Block, Level 31] did sexually penetrate the vagina of [C], a 33-year-old female, with your fingers, without her consent, and in order to facilitate the commission of the offence, you voluntarily caused hurt to [C], *to wit*, by slapping her face and kicking her head and body, and

you have thereby committed an offence under section 376(2)(a) punishable under section 376(4)(a)(i) of the Penal Code (Cap 224, 2008 Rev Ed) (“Penal Code”).

## 2ND CHARGE

[That you, D], on 14 December 2021 sometime between 12 p.m. to 1 p.m., at the staircase landing at [the Block, Level 31], did threaten [C] with injury to her person, *to wit*, by telling her that you will throw her down the staircase while physically pulling her, with intent to cause alarm to [C], and you have thereby committed an offence punishable under the first limb of section 506 of the Penal Code.

## 3RD CHARGE

[That you, D], sometime between April and June 2022, at Changi Prison Cluster B2, Singapore, did do an act that has the tendency to pervert the course of justice, *to wit*, you sent e-letters to one Sacchu Mia (“**Sacchu**”), in which you instructed Sacchu to contact [C] and convey the following messages from yourself to [C], at a time when you were facing criminal investigations for an offence of aggravated sexual assault by penetration under section 376(2)(a) punishable under section 376(4)(a)(i) of the Penal Code, alleged to have been committed against [C]:

*a. “The investigation officer charged me of penetration section 376, minimum 8 years and maximum 20 years. Minimum 12 of caning and maximum 24 strokes of caning. If you were to say yes that you allowed me to check whether you were having your period, so that the penetration charge will be removed”; and*

*b. “Hi [C]...., investigation officer, if call you don’t go to further investigation. Tell them I have no interested to continue this case”,*

intending to pervert the course of justice, and you have thereby committed an offence punishable under section 204A(b) of the Penal Code 1871.

3 At the beginning of the trial, D expressed his intention to plead guilty to the 3rd Charge. Hence, the trial proceeded on the 1st and 2nd Charges.<sup>1</sup>

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<sup>1</sup> 16/7/25 Notes of Evidence (“NE”) 2.

4 At the conclusion of the trial, I found the Prosecution had proven the 1st Charge beyond a reasonable doubt. Accordingly, I convicted D on the 1st Charge.

5 In relation to the 2nd Charge, I found on the evidence that D had told C he would throw her “outside” the staircase, instead of “down” the staircase. I thus amended the word “down” in the 2nd Charge to “outside”. D maintained that he would claim trial to the amended 2nd Charge. That said, the Prosecution and Defence agreed that no further evidence needed to be called. I found the Prosecution had proven the amended 2nd Charge beyond a reasonable doubt and I convicted D on the amended 2nd Charge.

6 D subsequently pleaded guilty to the 3rd Charge. Based on the statement of agreed facts for the 3rd Charge, I was satisfied that the Prosecution had proven this charge beyond a reasonable doubt, and I convicted D on the charge.

### **Background**

7 In 2018, D and C began a romantic relationship.<sup>2</sup> Sometime in July 2018, they went to a church to “exchange vows”, although this was not a formal solemnisation of marriage. D and C would meet on C’s rest days where they would talk, kiss and have sex.<sup>3</sup> Problems surfaced in their relationship in 2021, but the relationship continued until the purported incidents pertaining to the 1st and 2nd Charges occurred on 14 December 2021 (“Incident”).<sup>4</sup>

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<sup>2</sup> Statement of Agreed Facts (Amendment No 1) (“SOAF”) dated 17 July 2025 at [2].

<sup>3</sup> 16/7/25 NE 22–24; 18/7/25 NE 9–10, 12; 24/10/25 NE 95–97; 29/10/25 NE 46.

<sup>4</sup> 16/7/25 NE 24; 18/7/25 NE 15–16; 24/10/25 NE 98–100.

8        Around August or September 2021, C met one Mr Chew (“**Chew**”), and they subsequently began a relationship and engaged in sex.<sup>5</sup> On 8 December 2021, D discovered the relationship. He confronted C, and she admitted to her relationship with Chew. C told D that she wanted to continue her relationship with D (although she claimed that this was because D did not wish to break up with her).<sup>6</sup> C continued to keep in touch with Chew and had sex with him on 13 December 2021, a day before the Incident.<sup>7</sup>

### **The Prosecution’s case**

9        The Prosecution’s case largely rested on C’s testimony. The Prosecution also relied on, among other things, the testimony of witnesses immediately after the Incident, medical reports detailing C’s injuries, photographs showing C’s injuries, and D’s statements made to the police.

### ***Events on 14 December 2021, prior to the Incident***

10       On 14 December 2021 at around 10.28am, C and Chew went to a stairwell of the Block.<sup>8</sup> They then kissed and hugged. C stated that Chew used his fingers to touch the outside of her vagina, whereas Chew said that he inserted his finger slightly into her vagina. They both denied having sex on that day.<sup>9</sup>

11       D suspected that C was still in contact with Chew despite claiming to have broken off contact. On 14 December 2021, D went to the Block to check

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<sup>5</sup> 16/7/25 NE 27; 18/7/25 NE 62; 7/8/25 NE 2, 10; Defence Exhibits (Volume 1) dated 14 July 2025 (“1DB”) 3.

<sup>6</sup> 18/7/25 NE 101–103; 22/7/25 NE 84–86.

<sup>7</sup> 16/7/25 NE 93; 18/7/25 NE 105–106; 7/8/25 NE 4, 12.

<sup>8</sup> SOAF at [6]; 16/7/25 NE 31; 7/8/25 NE 3; Agreed Bundle (“AB”) 548–549.

<sup>9</sup> 16/7/25 NE 31–32; 18/7/25 NE 101; 22/7/25 NE 64; 7/8/25 NE 4, 18.

on C and spotted her with Chew at the staircase landing. At around 11.02am, C returned to the Unit and Chew left the Block. D remained at the Block. Throughout this time, C was unaware of D's presence at the Block.<sup>10</sup>

12 At about 12.01pm, C left the Unit to buy lunch. As she exited the Unit, she noticed the door to the staircase landing directly opposite the Unit ("Stairwell 2") was slightly ajar. She peeked through the glass panel of the door and saw D behind the door. D opened the door and led C to another staircase landing located next to the lift lobby ("Stairwell 1").<sup>11</sup>

***C's testimony pertaining to the Incident***

13 In court, C testified as follows.

14 After D led C into Stairwell 1, they stood near the staircase railing facing each other (with C's back close to the railing). D then asked C, "Why you do that again?" C surmised that D was confronting her about meeting with Chew. D appeared to be upset and angry. She did not respond to D's question as she was afraid of him, having wronged D by meeting up with Chew again.<sup>12</sup>

15 When C did not respond to D's query, the following transpired ("Alleged Physical Assault"):

- (a) D slapped both sides of her face with his hands, more than five times. C was shocked, as he had never physically assaulted her before.

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<sup>10</sup> SOAF at [7]–[9]; 16/7/25 NE 33; 18/7/25 NE 100–101; 22/7/25 NE 88.

<sup>11</sup> SOAF at [10]; 16/7/25 NE 34–35; AB 551–552.

<sup>12</sup> 16/7/25 NE 51–52; 18/7/25 NE 51, 116–117.

However, she did not scream when D slapped her, as she knew she was “in the wrong” in meeting up with Chew without D’s knowledge.<sup>13</sup>

(b) When C did not respond to D’s query, he used his right leg to kick her once on the upper exterior section of her left thigh, with “full force”. As a result, C fell to the ground and landed on her buttocks.<sup>14</sup>

(c) D then kicked C once on her lower left back, above her hip. At that time, C was leaning towards her right. D also kicked C on the left side of her face near her eyes, in a downward or stomping motion; and stomped on C’s left wrist, with his right leg. C could not recall where on her body all the kicks landed as there were “a lot of kicks” directed “all over” her body. However, C recalled that when D kicked her face, her head had hit against the railing.<sup>15</sup>

16 It was undisputed that D was wearing his work boots (“D’s Boots”) when the Alleged Physical Assault occurred.

17 The following then transpired (“Alleged Sexual Assault”):

(a) While C was on the floor, D squatted in front of her and tried to pull down her shorts but was unable to do so as C held on to the waist of her shorts. At that time, D was squatting near her legs.<sup>16</sup>

(b) D then reached through the left bottom opening of C’s shorts with his right hand. With the tip of all five fingers touching each other,

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<sup>13</sup> 16/7/25 NE 52, 54; 22/7/25 NE 101–102.

<sup>14</sup> 16/7/25 NE 52–54, 57; 18/7/25 NE 118–120.

<sup>15</sup> 16/7/25 NE 54–57; 18/7/25 NE 67–71, 120, 126–128.

<sup>16</sup> 16/7/25 NE 59–60; 18/7/25 NE 128–129.

D's hand passed through C's underwear and penetrated her vagina. The penetration was "very deep", going up to the knuckles of his five fingers. C felt D twist his fingers inside her. During this time, C was crying and she tried to push D's hand away but failed to overpower him.<sup>17</sup>

(c) After about a minute, D removed his right hand from her vagina, slapped C's face, and reinserted the same hand into her vagina in the same manner as before. The duration from the first penetration until the end of the second penetration was about three minutes. All throughout, C was on the floor and D was squatting in front of her.<sup>18</sup>

18 The Alleged Physical and Sexual Assaults (collectively, "Alleged Assaults") formed the subject of the 1st Charge.

19 Thereafter, D tried to "pull [C] down at the staircase [*sic*]" by pulling on her leg. He told C that he would throw her "outside the staircase", meaning out of the window of the staircase landing, before jumping himself ("Alleged Intimidation"). C held on to the staircase railing tightly to prevent D from pulling her away. When C heard that D wanted to throw her outside the Block, she was scared for her life and shouted for help. D tried to cover her mouth, but C pushed his hand away and continued to shout. D then took C's purse and handphone, which were on the floor, and ran out of the door of Stairwell 1.<sup>19</sup> The Alleged Intimidation formed the subject of the 2nd Charge.

20 After D left Stairwell 1, C ran into the flat of a neighbour ("Phang"). C sat on the sofa and cried. Phang (who recognised her as Teo's domestic helper),

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<sup>17</sup> 16/7/25 NE 60–62; 18/7/25 NE 129–131.

<sup>18</sup> 16/7/25 NE 62–64; 18/7/25 NE 132–133, 135, 137.

<sup>19</sup> 16/7/25 NE 63–68; 18/7/25 NE 138–140.

her husband and her son came to ask C what had happened. However, as C was very terrified and traumatised then, she could not talk. She also did not recall informing them about what had occurred.<sup>20</sup>

***Phang's and Teo's evidence pertaining to events on 14 December 2021***

21 It was undisputed that at about 12.16pm, D appeared at the front gate of Teo's Unit and called out to Teo. He passed C's purse and handphone to Teo, before pointing in the direction of the lift and asking Teo to help C. It was also undisputed that D went and stood outside Phang's flat, and said to C that he had returned her handphone and purse to her employer.<sup>21</sup>

22 Phang attested as follows. She heard a loud scream from the direction of the lift lobby and saw C running into her flat. C sat down in her living room, crying, and did not say anything. Phang did not speak to her, and she went to inform her son. Shortly after, a "dark-skinned man" stood outside her flat and spoke to C. Phang's son shouted at him to leave. Phang's husband went to inform Teo that C was in their flat. Teo went to Phang's flat and called for the police. When the police arrived, Teo and C returned to the Unit with the police.<sup>22</sup>

23 Teo attested as follows. D called out to her from the door of the Unit. She did not know who he was. D passed C's purse and handphone to Teo and pointed towards the direction of the lift lobby and asked Teo to "help" C. D told Teo that he and C were in a relationship. Teo then told him to leave. Phang's husband then came and informed her that C was in his flat. Teo went to Phang's flat, and saw C sitting on the floor covering her face and crying. She noticed

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<sup>20</sup> SOAF at [13]; 16/7/25 NE 68–70; 18/7/25 NE 146; 22/7/25 NE 115.

<sup>21</sup> SOAF at [14]; 22/7/25 NE 115–116.

<sup>22</sup> AB 6 (Phang's Statement at [2]–[4]).

bruises on C's eye and forehead, and asked if D might have hit her, to which C said "yes". Teo did not ask C for more details as C was crying and not in a state to talk. Teo also noticed bruises on C's left arm.<sup>23</sup> She then called the police at about 12.22pm. Thereafter, Teo, C and the police went back to the Unit, where the police took statements from Teo and C.<sup>24</sup>

24 D left the Block at around 12.19pm. At about 1.07pm, paramedics arrived and conveyed C to the Singapore General Hospital ("SGH").<sup>25</sup>

### ***Statements recorded from D***

25 D was arrested on 15 December 2021. The Prosecution tendered eight statements recorded from D, with the assistance of a Bengali interpreter, Mr Hasan. The admissibility of all these statements was not challenged.<sup>26</sup> I set out three of the eight statements here.

### ***First statement under s 22 of the Criminal Procedure Code 2010 (2020 Rev Ed)***

26 On 15 December 2021 at about 6.17pm, a statement was recorded under s 22 of the Criminal Procedure Code 2010 (2020 Rev Ed) ("CPC") by way of a video-recorded interview ("VRI") ("1st VRI").<sup>27</sup> The 1st VRI was recorded in the presence of DSP Liao Chengyu ("DSP Liao"), Inspector Mohamad Noor and Mr Hasan. D stated the following in the 1st VRI:

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<sup>23</sup> AB 4 (Teo's Statement at [5]–[6]); 23/7/25 NE 14.

<sup>24</sup> SOAF at [16]; AB 431 (First Information Report); 23/7/25 NE 24–25.

<sup>25</sup> SOAF at [15], [17]; 22/7/25 NE 119.

<sup>26</sup> SOAF at [47]; 5/6/25 Letter from Defence Counsel to the Court; 25/7/25 NE 36–37; 28/10/25 NE 14.

<sup>27</sup> SOAF at [47(a)]; AB 88–212.

(a) He knew he was arrested for having “committed some offence” and for having “[made] some trouble with [C]”.<sup>28</sup>

(b) On 14 December 2021, he went to the Block and saw C and Chew together. Subsequently, he brought C to the staircase (at Stairwell 1) and confronted her.<sup>29</sup> He was not in the right mind, having seen C and Chew together, and he then slapped C.

(c) Before D slapped C, he asked whether she had sex with Chew. C said “no”, told D that she was having her menstrual period (“period”) and said, “you can see, using your hand, that I’m having my period”. D then checked with his hand and found that there was blood.<sup>30</sup> In the later part of the 1st VRI, D explained that when C denied having sex with Chew, D did not believe her and told her to show him as he “need[ed] to see”; C told him that he could use his hand to check that she was bleeding; D inserted two fingers inside her private part (but “not hard”) and found C was still bleeding.<sup>31</sup>

(d) After that, D asked C whether she had ended her relationship with Chew. C then used “bad language” on D, and that was why D then slapped her twice with one hand, one slap on each side of her face.<sup>32</sup>

(e) C became sad and sat down, and she placed her handphone on the floor. D then asked her many questions. He asked, “[w]hy you are taking this relationship? OK let’s jump together, since I’m not able to

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<sup>28</sup> AB 101–102.

<sup>29</sup> AB 126–128, 137–138, 144–145.

<sup>30</sup> AB 145–148, 170–171.

<sup>31</sup> AB 170–174.

<sup>32</sup> AB 148–151.

leave you, let's jump together", and told C, "If you involve with any other relationship while I ... am having the relationship with you, you can see [one] day you come here, and I jump." C then screamed "help". D told C, "OK don't need scream, I will go, I leave." He quickly took C's handphone and wallet (which were on the floor) and passed it to Teo. D also informed Teo that he was in a relationship with C.<sup>33</sup>

27 After D had narrated all the above, DSP Liao read the 1st Charge to D.<sup>34</sup>

*First cautioned statement under s 23 CPC*

28 Subsequent to the 1st VRI, a cautioned statement was recorded under s 23 of the CPC on the same day (ie, 15 December 2021) at about 7.15pm. The statement was recorded by DSP Liao, with Mr Hasan as the interpreter. The statement pertained to the 1st Charge.<sup>35</sup>

*Second statement under s 22 CPC*

29 On 22 December 2021, a statement was recorded pursuant to s 22 of the CPC by VRI ("2nd VRI") in the presence of ASP Foo Fang Chee ("ASP Foo"), assisted by ASP Sirikanda Chiu, and Mr Hasan.<sup>36</sup>

30 D stated the following in the 2nd VRI. In response to ASP Foo's query on whether D had any amendments to the 1st VRI, D said yes. He then explained that C asked him to put his finger into her private part (which D clarified as C's vagina) and he also asked C to put her finger into her private part; and C then

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<sup>33</sup> AB 151–156, 159–160, 182, 185.

<sup>34</sup> AB 192–197; 25/7/25 NE 46.

<sup>35</sup> SOAF at [47(b)]; AB 381–386.

<sup>36</sup> SOAF at [47(c)]; AB 216–378.

inserted her own finger inside her vagina.<sup>37</sup> D wanted to “get [the] smell from [C’s] finger” and thus pulled her finger near his nose. C inserted her finger “slightly” into D’s nose. D wanted to smell C’s finger because he did not believe she was having her period and he wanted to find out if the blood was “smelly” as there was a smell to menstrual blood. D also saw blood on C’s finger.<sup>38</sup>

31 D then recounted what had happened on 14 December 2021 after he had spotted C and Chew together:

(a) He grabbed C and brought her to the staircase (at Stairwell 1). When he told C that he saw her with Chew, she kept quiet. When asked if she had sex with Chew that morning, she denied this and said she was having her period. D then said that he wanted to see for himself. C then pulled down her pants and inserted her finger inside her private part to show D, he then pulled her hand to smell her finger and she inserted her finger inside his nose.<sup>39</sup>

(b) D then asked C repeatedly, “Why you did such thing? Why you meet up with him.” He then slapped C two to three times because he was angry, as C had previously told him that she “[had closed] the relationship with [Chew]”.<sup>40</sup>

(c) C then sat down, and D repeatedly said to her, “you told me you closed the relationship with [Chew]”. C’s handphone and wallet were on the floor. C replied that she had to leave. D said that she could not do

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<sup>37</sup> AB 219–222.

<sup>38</sup> AB 224–229.

<sup>39</sup> AB 288–293, 359–360.

<sup>40</sup> AB 293–294.

so and had to answer his question. When D did not let C go, she screamed “help”. D then told C that because she screamed, “maybe people will come and create some trouble”. When C screamed, D ran off towards the direction of the Unit.<sup>41</sup>

(d) D passed C’s handphone and wallet to Teo. When Teo asked D what had happened, he told Teo that he had assaulted C. He spoke to Teo in Malay, but she did not understand him. He then left the Block.<sup>42</sup>

(e) Subsequently, D returned to the Block and went to Phang’s flat. Phang told him to wait as the police was coming. When he heard this, he was afraid and left. Initially, when outside Phang’s flat, he also saw C inside the flat, sitting on the floor. D told her that he had passed her handphone and purse to her employer.<sup>43</sup>

32 When asked by ASP Foo whether D had noticed any injuries on C before he slapped her, D said that he did not notice anything. D also denied kicking C on her face, leg and groin area, or stepping on her hand.<sup>44</sup>

33 D denied putting his fingers inside C’s vagina. ASP Foo then asked D why he had stated in the 1st VRI that he put his fingers in C’s vagina, whereupon D replied, “OK, later I remember that her finger insert inside my nose, then I remember that yes, I did not put my finger, insert my finger”, and confirmed that he did not put his finger inside C’s vagina.<sup>45</sup>

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<sup>41</sup> AB 294–299, 362–364.

<sup>42</sup> AB 299–302.

<sup>43</sup> AB 302–306, 368, 370, 372–373.

<sup>44</sup> AB 310–311.

<sup>45</sup> AB 315–318.

34 D stated that, prior to 14 December 2021, he had never assaulted C. In the subsequent part of the 2nd VRI, D then stated that when he and C were standing at the staircase landing, he “slapped her also”. D subsequently admitted that he “did wrong” because he “assault[ed] [C]”.<sup>46</sup>

### ***Other evidence***

35 The Prosecution relied on other evidence to support its case. I set them out briefly and I will deal with them at the appropriate juncture.

36 Whilst at SGH, C was examined by Dr Lim on 14 December 2021 at about 6.51pm, and Dr Woong on 15 December 2021. Dr Lim prepared a medical report dated 17 March 2022 (“Dr Lim’s Report”), and Dr Woong prepared a medical report dated 4 February 2022 (“Dr Woong’s Report”) (collectively, the “Medical Reports”).<sup>47</sup>

37 Additionally, Senior Staff Sergeant Nadarajah (“SSS Nadarajah”), who responded to the call for the police on the day of the Incident, took photographs of C. These photographs showed C with a swollen left eye, a scratch mark on her neck, redness on her cheeks, and a swollen left arm.<sup>48</sup> On 15 December 2021, Ms Rachel Lee (from the Criminal Investigation Department) took photographs of C while at SGH; these photographs showed various injuries on C’s body.<sup>49</sup>

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<sup>46</sup> AB 326, 356, 374.

<sup>47</sup> SOAF at [18]–[20]; AB 31–34 (Dr Lim’s Report); AB 9–28 (Dr Woong’s Report).

<sup>48</sup> AB 585–589; 23/7/25 NE 36, 37, 40, 42.

<sup>49</sup> SOAF at [23]; Exhibits P11A and P11B; AB 78; 16/7/25 NE 104–105; 18/7/25 NE 61, 71, 100; 22/7/25 NE 72.

38 The forensics investigation also showed C’s DNA was found under the fingernails of D’s right hand and on the exterior of the left boot of D’s Boots.<sup>50</sup>

### **The Defence’s version of events**

39 I briefly set out D’s version of events, from 8 December 2021 until 14 December 2021 (the day of the Incident) based on the testimony given during his evidence-in-chief (“EIC”) in court.

40 On 8 December 2021, D went to the Block with the intention of paying a surprise visit on C to check C’s handphone. He then discovered that C was having a relationship with Chew. C confessed and asked for D’s forgiveness, and he forgave her.<sup>51</sup> However, D’s suspicions regarding C and Chew continued. On 13 December 2021, when D sent various WhatsApp messages to C from around 11am, she did not respond. D became worried. He suspected that something was amiss, although he did not know that C and Chew had sex again. Hence, he was determined to go to the Block the next day, unannounced, to check C’s handphone again.<sup>52</sup>

41 On 14 December 2021, D went to the Block. He took the lift to level 35, walked into Stairwell 1, and headed down the staircase towards level 31. When he reached level 33, he saw C and Chew seated at the staircase at level 32. Chew sensed there was somebody present and he left.<sup>53</sup> Upon seeing C and Chew together, D was angry and “boiling inside”.<sup>54</sup> After Chew left, C walked down

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<sup>50</sup> AB 58; AB 71.

<sup>51</sup> 24/10/25 NE 102–103, 118.

<sup>52</sup> 24/10/25 NE 110–112, 116–118, 120.

<sup>53</sup> 24/10/25 NE 121–122; AB 549.

<sup>54</sup> 27/10/25 NE 30.

to level 31. She went back to the Unit at around 11.02am. D then went down to level 31 and waited in Stairwell 2, behind the door directly opposite the Unit.<sup>55</sup>

42 At around 12.02pm, C left the Unit intending to buy lunch. As she approached Stairwell 2, she saw D through the glass window of the door of the stairwell and was surprised. D emerged from behind the door, grabbed C with both hands, then put his right hand over her shoulder to guide her towards Stairwell 1. D asserted that he did not use any force in doing so.<sup>56</sup>

43 Inside Stairwell 1, D and C stood facing each other, with C standing closer to the staircase railing. D proceeded to ask her repeatedly, for about five to six minutes, why she was communicating with Chew again (and cheating on D), but C kept quiet. D then asked C if she had sex with Chew on that same day, and she replied that she did not as she was having her period.<sup>57</sup> D did not believe C. He questioned her again by asking why she had cheated on him. C then used her two thumbs to stretch open her shorts and underwear, and told him to put his hand into her vagina to confirm that she was having her period. D inserted two fingers of his right hand inside C's underwear and slid his two fingers in an upwards motion on the outside of her vagina. He did not put his fingers inside or penetrate C's vagina.<sup>58</sup>

44 When D took his fingers out from C's underwear and pants, he saw blood on his fingers. He was angry and repeatedly asked C why she continued to meet Chew. C then became angry and swore at D, whereupon he slapped her right cheek and ear with his right hand once. He then attempted to slap her left

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<sup>55</sup> 24/10/25 NE 122–124; 28/10/25 NE 70–71; AB 550.

<sup>56</sup> 24/10/25 NE 125; 27/10/25 NE 2–4.

<sup>57</sup> 27/10/25 NE 8–10.

<sup>58</sup> 27/10/25 NE 11–16.

cheek thrice, with his right hand. Of the three times, he managed to hit her left cheek on the first time. C tried to block the subsequent two slaps with her left hand and forearm, and D's blows landed on C's left cheek, and left hand/forearm.<sup>59</sup>

45 D then told C that it was not right to cheat on him. C proceeded to squat down for a while, before sitting on the second step of the staircase and putting her handphone and purse down on the step. She put her left arm into the gap in between the staircase railing and held onto a railing bar with her fingers.<sup>60</sup> D was still angry and "boiling inside". He continued confronting C about her relationship with Chew. He then squatted in front of her and asked her to show him her handphone. C replied that she did not bring the handphone that she normally used to converse with D, but had instead brought a phone given to her by Teo ("work phone"), which she then handed over to D.<sup>61</sup>

46 D asked for the password to access the work phone, and she gave it to him. However, he could not access the phone using the said password. He then slapped C on the left side of her forehead and left eye area with his right hand. C gave him a different password on two occasions. On both occasions, D could not access the phone and slapped C again in the same manner.<sup>62</sup>

47 On the fourth attempt, D managed to access the work phone and started to check the WhatsApp messages. C told D that she needed to go and buy food and asked D to let her go. D refused to do so until she answered his question as to why she had met Chew again. C then screamed "help" – but not loudly. D

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<sup>59</sup> 27/10/25 NE 17–24.

<sup>60</sup> 27/10/25 NE 24–30.

<sup>61</sup> 27/10/25 NE 30–31.

<sup>62</sup> 27/10/25 NE 30–35.

then placed three fingers lightly over her lips and told her, “don’t do this”. He then continued to check the work phone. About 10 to 15 seconds later, C screamed “help”, loudly. D was afraid that someone would come to the stairwell, so he picked up his handphone which was on the floor together with C’s purse (which was placed beneath his handphone) and, together with the work phone, he ran out the door of Stairwell 1. When D left Stairwell 1, C was still seated on the steps of the stairs.<sup>63</sup>

48 As D realised that he had C’s purse and the work phone with him, he went to the Unit to return them to Teo.<sup>64</sup>

49 Apart from slapping C’s face and touching the outside of C’s vagina as described by D above, D denied assaulting C in any other way. He also denied threatening to throw her down from level 31 of the Block.<sup>65</sup> Essentially, D’s case was that he had touched the outside of C’s vagina with her consent.

### **Applicable principles**

50 In essence, the ultimate rule is that the Prosecution must prove its case beyond a reasonable doubt. This is assessed with reference to the totality of the evidence (*XP v Public Prosecutor* [2008] 4 SLR(R) 686 at [30]–[31], cited with approval by the Court of Appeal in *Public Prosecutor v GCK* [2020] 1 SLR 486 (“*GCK*”) at [89], [143]–[144]).

51 Where a complainant’s uncorroborated testimony forms the sole basis of a conviction, it must be “unusually convincing” (*GCK* at [87]–[88]). The

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<sup>63</sup> 27/10/25 NE 35–40; 28/10/25 NE 4.

<sup>64</sup> 27/10/25 NE 40–41.

<sup>65</sup> 28/10/25 NE 2; 29/10/25 NE 12–13.

issue of whether a complainant's testimony is unusually convincing is approached from two angles. First, there must be proof beyond a reasonable doubt within the Prosecution's case (*ie*, its case must be internally and externally consistent, such that there is sufficient evidence to establish the accused's guilt beyond a reasonable doubt at least on a *prima facie* basis). Second, there must be proof beyond a reasonable doubt on the totality of the evidence. This includes a consideration of the Defence's case, comprising assertions put forth by the accused and the evidence he has adduced (*GII v Public Prosecutor* [2025] 3 SLR 578 (“*GII*”) at [27]–[28]).

52 Where the complainant's evidence is not unusually convincing, an accused person's conviction is unsafe unless there is some corroboration of the complainant's story. In assessing what constitutes corroborative evidence, what is important is the substance and relevance of the evidence, and whether it is supportive of the weak evidence which it is meant to corroborate (*Public Prosecutor v Mohammed Liton Mohammed Syeed Mallik* [2008] 1 SLR(R) 601 (“*Mohammed Liton*”) at [43]).

### **My decision on the 1st and 2nd Charges**

53 I was satisfied that the Prosecution had proved its case beyond a reasonable doubt in relation to the 1st and 2nd Charges. I found C's account of the Incident (and of the Alleged Assaults) to be internally and externally consistent. C gave a clear and detailed account of the material facts surrounding the commission of the offences. Additionally, her testimony was supported by corroborative evidence, such as the injuries on her body. On the other hand, I found that D's defence was not credible and he had failed to raise a reasonable doubt on the totality of the evidence. I elaborate below.

**C's testimony and credibility**

54 I found that C had given a clear and consistent account of the events on 14 December 2021, in the material aspects, including on the Alleged Assaults and Intimidation in her EIC and in cross-examination (see [14]–[19] above). I agreed with the Prosecution that despite being rigorously cross-examined by D's counsel ("Mr Asoka"), C's testimony remained materially unchanged.<sup>66</sup> I also found that C did not seek to embellish her evidence. For instance, she readily admitted that she could not recall how many times D hit her face or kicked her or which part of the body his kicks landed on as she was kicked many times; and she could not see which part of D's Boots was used to kick her.<sup>67</sup>

55 I deal here with C's reaction when confronted by D. When D first emerged from the door of Stairwell 2 and grabbed C to move her to Stairwell 1, C followed along and did not attempt to run away. I accepted C's explanation that this was because she was surprised and scared when D appeared unannounced and looked angry, but had no reason to believe that he would hurt her.<sup>68</sup> This cohered with D's testimony that C did not know of his presence until then; that he had waited to surprise and confront her; and that he was very angry and "boiling" as he had seen her with Chew earlier.<sup>69</sup>

56 Further, I did not find it unusual that C did not scream for help when D first slapped her, as she knew that she was in the wrong for cheating on D.<sup>70</sup> Mr Asoka submitted that it was incredulous that C did not scream for help during

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<sup>66</sup> Prosecution's Closing Submissions dated 22 December 2025 ("PCS") at [24].

<sup>67</sup> 16/7/25 NE 52, 55, 57; 18/7/25 NE 69, 71, 126.

<sup>68</sup> 16/7/25 NE 43; 18/7/25 NE 114.

<sup>69</sup> 24/10/25 NE 124, 147; 27/10/25 NE 3, 30.

<sup>70</sup> 22/7/25 NE 102.

the Alleged Sexual Assault (which C claimed lasted for about three minutes) and only did so when D purportedly threatened to throw her off the Block.<sup>71</sup> I did not find this to be unusual. I found C’s explanation to be reasonable – she screamed only when D threatened to throw her off the Block as she then feared for her life.<sup>72</sup> Victims of sexual crimes cannot be straitjacketed in the expectation that they must act or react in a certain manner, and it is widely accepted that there is no one typical emotional or behavioural reaction that is expected to be exhibited by such victims (*GBR v Public Prosecutor* [2018] 3 SLR 1048 at [20]; *Thangarajan Elanchezhian v Public Prosecutor* [2024] 6 SLR 507 (“*Thangarajan*”) at [72(b)]). Notably, this was not a case where C did not react at all. She attested that she was crying when physically and sexually assaulted by D, and she tried to push D’s hand away when he put it into her vagina.<sup>73</sup>

### ***Inconsistencies with C’s prior statements to the police***

57 In trial and in his closing submissions, Mr Asoka pointed out various inconsistencies between C’s testimony in court, and statements she had given to the Police (“C’s Statements”), namely, a statement recorded on 14 December 2021 at SGH (“14/12/21 Statement”), a statement recorded on 17 December 2021 (“17/12/21 Statement”), and a statement recorded on 16 October 2023 (“16/10/23 Statement”).<sup>74</sup> Mr Asoka sought to impeach C’s credibility (“Impeachment Application”). I allowed the application to proceed.

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<sup>71</sup> Defence’s Closing Submissions dated 22 December 2025 (“DCS”) at [40].

<sup>72</sup> 16/7/25 NE 65–66.

<sup>73</sup> 16/7/25 NE 54, 61–63.

<sup>74</sup> Defence Exhibits (Volume 3) (“3DB”) 4–7, 8–13, 14–16.

*14/12/21 Statement*

58 First, Mr Asoka pointed to inconsistencies in C’s recount of the Alleged Assaults. In particular, C recounted in the 14/12/21 Statement that:<sup>75</sup> (a) D said he wanted to “kill” C, before she fell to the ground; (b) D had kicked her left upper “buttock” causing her to fall onto the floor; and (c) D then used the right sole of his boots to kick her “vagina area”.

59 I found that any alleged inconsistencies were insufficient to impeach C’s credit. In court, C readily admitted that certain descriptions in the 14/12/21 Statement were not consistent with her description in court. I was satisfied that C gave reasonable explanations for them.

(a) C explained that D never told her that he wanted to “kill” her; and that what she meant to say was that D wanted to throw her outside the window.<sup>76</sup> I did not find this to be a material inconsistency; but merely C’s manner of expressing to the police D’s threat to her life.

(b) As for C’s statement that D had kicked her on the left upper “buttock” (when she claimed in court that it was on her left upper thigh”), C explained that at the time of giving the statement, she was unable to elaborate on where D had kicked her, but she was certain it was her left upper thigh. Again, I did not find this to be a material inconsistency, as the left upper thigh is near the left buttock. Notably, Dr Woong (who examined C) had observed “superficial abrasion over [C’s] left *buttock*” measuring 9cm [emphasis added].<sup>77</sup>

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<sup>75</sup> DCS at [37] and p 19.

<sup>76</sup> 22/7/25 NE 33–35.

<sup>77</sup> AB 8, 10 (Dr Woong’s Report).

(c) Next, C agreed that she did not mention in court that D had kicked her in the *vagina area* or *groin area*.<sup>78</sup> But this was not inconsistent with her account in the 14/12/21 Statement that she was kicked in her “vagina area”. C attested that she could not recall where all the kicks landed as there were “a lot of kicks” directed “all over” her body (see [15(c)] above). Furthermore, Dr Lim had observed two bruises on C’s medial (*ie*, inner) and lateral upper left thigh and a bruise on the medial aspect of her right thigh, and Dr Woong had observed a bruise over C’s right anteromedial thigh.<sup>79</sup> The doctors’ observations supported that there were injuries to the groin area.

60 That victims of sexual offence may not remember every aspect of their traumatic experience does not in and of itself undermine the credibility of their testimony (*Loh Siang Piow v Public Prosecutor* [2023] SGHC 74 (“*Loh Siang Piow*”) at [79]). They may remember some aspects of the experience in “exquisitely painful detail” and remember other aspects “not at all, or only in jumbled and confused fragments” (*GCK* at [113]). Also, a victim of sexual assault cannot always be expected to provide a completely similar and full account each time he or she discloses the offence to another person. Disclosures of abuse “are often tentative, may involve some telling and then retracting, may be partial or full, and may occur over time” (*Public Prosecutor v Mohd Ariffan bin Mohd Hassan* [2019] 2 SLR 490 (“*Mohd Ariffan*”) at [78]–[79]).

61 A perusal of the 14/12/21 Statement showed that C had recounted the Alleged Assaults in a manner broadly consistent with her testimony in court. It must be remembered that the 14/12/21 Statement was not only recorded on the

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<sup>78</sup> 22/7/25 NE 37–38.

<sup>79</sup> AB 33 (Dr Lim’s Report at [14]); AB 10; 24/10/25 NE 11.

same day as C's admission to SGH following her traumatic experience, but also recorded late at night, at 11.37pm.<sup>80</sup> In the circumstances, I accepted that C could not be expected to recount details of the Incident with absolute precision. That there were minor inconsistencies amidst C's largely consistent and coherent account of the Incident did not adversely affect her credibility.

62 Second, Mr Asoka took issue with C's recount in the 14/12/21 Statement that she had first informed the doctors that D had used his fingers to "dig" her vagina, but this was not mentioned in the Medical Reports. I did not consider this to be a material inconsistency, and I disallowed the cross-examination of C on this inconsistency in the Impeachment Application.<sup>81</sup> I agreed with the Prosecution that C's description was not materially inconsistent with what had been recorded in Dr Lim's Report, that "[the assailant] forced his hand into her vagina" and "managed to penetrate her vagina with his hands". There was no material distinction in the use of the term "fingers", as opposed to "hand".<sup>82</sup>

63 Third, Mr Asoka pointed to inconsistencies in C's recount of what transpired after the Alleged Assaults. I did not find that these inconsistencies affected C's credibility or were sufficient to cast doubt on her testimony.

(a) C stated in the 14/12/21 Statement that when she realised that D was not going to stop assaulting her, she then shouted, "help". This differed from her account in court, that she only shouted for help when D threatened to throw her off the building. C agreed that her recount in the statement was inconsistent, but maintained in court that she shouted

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<sup>80</sup> 22/7/25 NE 32–33.

<sup>81</sup> 22/7/25 NE 9, 11–13, 42–45; DCS at [65(d)].

<sup>82</sup> 22/7/25 NE 11–13; AB 32 (Dr Lim's Report at [7]–[8]).

for help only after he tried to pull her and threatened to throw her outside.<sup>83</sup> I reiterate my observations at [60] above.

(b) C also recounted in the 14/12/21 Statement that, at the neighbour's home, she "told [her] neighbour what happened". In court, C said she did not talk to the neighbour. C agreed this was inconsistent and explained that after making the 14/12/21 Statement, she recalled she did not tell the neighbour anything; instead, it was the neighbour who had asked her what had happened.<sup>84</sup> I did not find this inconsistency to be material. I repeat [60] above. Further, that C subsequently remembered this fact was clearly recounted in her 17/12/21 Statement (made shortly after the 14/12/21 Statement), wherein she stated that the neighbours "kept asking [her] what happened but [she] did not say anything".<sup>85</sup> Importantly, whether C told the neighbour anything about the Alleged Assaults did not detract from the fact that D himself admitted to assaulting C by slapping her numerous times.

#### *17/12/21 Statement*

64 In relation to the 17/12/21 Statement, Mr Asoka pointed to C's account to the police that: (a) she had severed her relationship with Chew after D found out about it; (b) she was kicked in the lower back and twice on the left side of her head, and had a bump on her head after her head knocked against the railing; and (c) she shouted for help when she realised that D was not going to stop

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<sup>83</sup> 22/7/25 NE 38–39.

<sup>84</sup> 22/7/25 NE 39–41.

<sup>85</sup> 3DB 11 (17/12/21 Statement at A22).

assaulting her.<sup>86</sup> I found these points were inconsequential and did not affect C's credibility in relation to the Alleged Assaults.

(a) In relation to point (c) above, I reiterate [63(a)].

(b) As for C's relationship with Chew, it was undisputed that she lied in the 17/12/21 Statement that their relationship had ceased (after 8 December 2021).<sup>87</sup> However, this was not a material inconsistency relating to the facts surrounding the commission of the offence (*GII* at [38]), and the discrepancy did not affect a material part of C's testimony (*Jagatheesan s/o Krishnasamy v Public Prosecutor* [2006] 4 SLR(R) 45 ("*Jagatheesan*") at [83]). That C had lied about this issue did not therefore mean that she also lied about the Alleged Assaults. C was likely ashamed. She had attested that she did not inform Dr Lim about her last sexual activity with Chew on 13 December 2021 (before the Incident) because she was ashamed.<sup>88</sup> In such circumstances, the court was not obliged, as a matter of course, to dismiss C's credibility and reject her entire testimony out of hand (*Mohamed Affandi bin Rosli v Public Prosecutor* [2019] 1 SLR 440 ("*Mohamed Affandi*") at [147]).

(c) As for C's recount in the 17/12/21 Statement that D had kicked her on her left lower back and twice on the left side of her head, and that D kicked her groin (when she did not report to the doctors any injuries to her groin area),<sup>89</sup> I repeat my observations at [59] and [60] above.

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<sup>86</sup> 22/7/25 NE 55–59; 3DB 8, 10 (17/12/21 Statement at A8 and A18); DCS at pp 23–24.

<sup>87</sup> 22/7/25 NE 55.

<sup>88</sup> 16/7/25 NE 93–94; 18/7/25 NE 59.

<sup>89</sup> 22/7/25 NE 57–60; 3DB 10 (17/12/21 Statement at A18).

(d) Mr Asoka took issue with the fact that C had not informed the doctors of the bump to her head.<sup>90</sup> I found that this did not amount to an inconsistency with her testimony in court. C had attested in court (prior to being shown the 17/12/21 Statement) that when D kicked her on her face, her head hit the railing.<sup>91</sup> C also did not state in the 17/12/21 Statement that she had informed any doctor about this bump. It was important to appreciate that C could not be expected to provide an identical or complete account of the Alleged Assaults *every time* she disclosed the offence to another person, and I reiterate [60] above.

65 Next, C had recounted, in the 17/12/21 Statement that, while she was lying on the floor in Stairwell 1 (after the Alleged Assaults), a neighbour (“Tan”) walked past the door of Stairwell 1. The door had been left ajar after D ran out through it. C asked Tan for help, but Tan merely walked away. In court, C attested that when Tan saw her at Stairwell 1, they did not say anything to each other. C accepted there was an inconsistency.<sup>92</sup> Again, I did not find this inconsistency to be material in determining whether C had been assaulted (as D had admitted to slapping her numerous times on 14 December 2021). Further, I considered that it was not unusual for C to misremember the details of her encounter with Tan. The encounter occurred immediately after the Incident, and Tan had observed C to be “crying” and “obviously in distress”. Tan was unsure whether C had heard his offer of assistance. He accepted it was possible that C had not heard him. Tan also described the encounter as “only a short moment”.<sup>93</sup>

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<sup>90</sup> 22/7/25 NE 57–58.

<sup>91</sup> 18/7/25 NE 128; 22/7/25 NE 58.

<sup>92</sup> 16/7/25 NE 67; 18/7/25 NE 143–144; 22/7/25 NE 61; 3DB 10 (17/12/21 Statement at A21).

<sup>93</sup> 3/11/25 NE 9, 14–15.

66 Finally, I deal with C’s account in the 17/12/21 Statement, wherein, when asked whether she had any chat records with D on her handphone, she replied that she had discarded her old handphone (“Old Phone”) and obtained a new handphone (“New Phone”) on 13 December 2021; that she had changed the handphone number; and that D was unaware about the new number.<sup>94</sup> In court, C had (prior to the Impeachment Application) testified that she was able to communicate with D on 14 December 2021 on the New Phone, using her previous handphone number, because she continued to use the same SIM card in the New Phone to do so.<sup>95</sup> Mr Asoka claimed that C had lied, by first stating that the New Phone had two slots (to insert two SIM cards), before later stating that the New Phone only had one slot and she would insert the different SIM cards depending on whether she was communicating with D or Chew.<sup>96</sup>

67 Even if C initially claimed (in court) that the New Phone had two slots to insert two SIM cards and then later said that there was only one slot, I failed to see how her testimony in court contradicted her evidence in the 17/12/21 Statement that she had thrown the Old Phone away, obtained a new phone number (given that she had two SIM cards) and that D did not know of that new number. I add that the inconsistency in C’s testimony in court as such, did not relate to a material issue. I reiterate [64(b)] above.

68 Mr Asoka also submitted that if C’s testimony was true, in that she had communicated with D on 14 December 2021 by swapping SIM cards in her New Phone, the WhatsApp conversations between C and D would have been

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<sup>94</sup> DCS at pp 22–23; 3DB 8 (Q5 and A5).

<sup>95</sup> 18/7/25 NE 93, 99; 22/7/25 NE 46.

<sup>96</sup> DCS at pp 22–23; 22/7/25 NE 47–49.

retrieved from the New Phone, but there was none.<sup>97</sup> Mr Asoka submitted that this proved that C had lied. Again, the issue of whether C had swapped SIM cards to communicate with D did not contradict her account in the 17/12/21 Statement. In any case, I rejected Mr Asoka’s submission. ASP Foo had attested that the software used by the investigators could not extract WhatsApp conversations from the New Phone, due to software limitations related to the handphone model.<sup>98</sup>

#### *16/10/23 Statement*

69 Mr Asoka pointed out to C that in her 16/10/23 Statement, C again stated that D had kicked her on her “back” and she fell down; and that he also kicked her “groin area”.<sup>99</sup> I reiterate [59] and [60] above.

#### *Conclusion on the Impeachment Application*

70 Having considered C’s Statements, I did not find the inconsistencies to affect C’s credibility in relation to her account of events in court pertaining to the Alleged Assaults. The Impeachment Application thus failed.

71 In this regard, I reiterate the court’s observations in *Loh Siang Piow*, *GCK* and *Mohd Ariffan* at [60] above. It is trite law that minor discrepancies in a witness’s testimony should not be held against the witness in assessing his or her credibility, because human fallibility in observation, retention and recollection is both common and understandable (*Mohamed Affandi* at [147], citing *Chean Siong Guat v Public Prosecutor* [1969] 2 MLJ 63 at [63]–[64]). This was also not a case in which inconsistencies in C’s Statements showed a

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<sup>97</sup> DCS at p 23.

<sup>98</sup> 30/7/25 NE 41–42, 61.

<sup>99</sup> 22/7/25 NE 64–66; DCS at pp 24–25.

“systematic and widespread pattern of many inconsistencies coming together” such as to destroy C’s credibility (*Jagatheesan* at [83]).

72 Even where inconsistencies in a witness’s testimony appear to be material, “a flawed witness does not equate to an untruthful witness”; innocent discrepancies must be distinguished from deliberate lies (*Govindaraj Perumalsamy v Public Prosecutor* [2004] SGHC 16 at [30]). The question for the court is “whether the totality of the evidence suggests that the witnesses’ evidence, in respect of material elements of the charge, is untrue or unreliable” (*Tan Hui Meng v Public Prosecutor* [2025] SGHC 2 at [35], citing *Tay Wee Kiat v Public Prosecutor* [2018] 4 SLR 1315 at [21]). On the totality of the evidence, I did not find this to be the case.

### ***Inconsistencies with the Medical Reports***

73 Mr Asoka also took issue with inconsistencies between C’s testimony in court and the contents of the Medical Reports, to show that C was not credible.

74 Mr Asoka pointed out that Dr Lim’s Report recorded the following:<sup>100</sup>

(a) C had broken up with the assailant “[five] months ago before the assault took place”. C stated in court that she was still in a relationship with D in December 2021.<sup>101</sup>

(b) C did “not have any easy bruising tendencies”. In court, C admitted that she bruised easily if a part of her body hit something.<sup>102</sup>

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<sup>100</sup> DCS at pp 16–18.

<sup>101</sup> 18/7/25 NE 37, 41.

<sup>102</sup> 18/7/25 NE 46, 48.

(c) C's menses were "regular". In court, C admitted her period cycle would be disrupted when she consumed sour mangoes or took contraceptives, and her period would sometimes occur twice in a month.<sup>103</sup>

(d) C's last coitus prior to the Incident was on 28 November 2021. C admitted in court that she had sex with Chew on 13 December 2021.

(e) D hit C at the staircase with his *fists*, and slapped C and threatened to throw her down the *stairs*; C subsequently held on to the railings of the staircase as she was worried that she would be *pushed down the stairs*. In court, C attested that D had *slapped* her and threatened to throw her *out* of the *building*.<sup>104</sup>

(f) D managed to penetrate C's vagina with his hands; no other form of sexual assault happened during this incident; and once C started shouting for help, he ran away. This suggested that C shouted for help during the sexual assault. But at trial, C said that she shouted only when D pulled her leg and wanted to throw her off the Block.<sup>105</sup>

75 Mr Asoka pointed out that Dr Woong's Report recorded the following:<sup>106</sup>

(a) C fell on the left side after D kicked her. In court, C agreed there was no evidence of any bruising on her buttocks after she had allegedly fallen to the floor.<sup>107</sup>

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<sup>103</sup> 18/7/25 NE 49, 52.

<sup>104</sup> 18/7/25 NE 159.

<sup>105</sup> 22/7/25 NE 68.

<sup>106</sup> DCS at pp 18–19.

<sup>107</sup> 22/7/25 NE 76.

- (b) D put his “fist” into C’s vagina. C did not say “fist” in court.<sup>108</sup>
- (c) Dr Woong’s Report did not identify any injuries caused to C’s head, although C had stated in the 17/12/21 Statement that D had kicked her head and that her head had knocked against the railing.<sup>109</sup>
- (d) Dr Woong noted stale blood on C’s pantyliner. In court, C attested that she had a pantyliner attached to her panties and that she wore the same pantyliner all the way to the hospital. Mr Asoka submitted that C’s evidence was incredulous.

76 I begin by observing that discrepancies between a victim’s testimony and that of other witnesses are inevitable. As noted in *Public Prosecutor v BNO* [2018] SGHC 243 (at [95]–[96]):

95 ... there would almost inevitably be discrepancies when the Victim’s accounts and the reports of other persons who had obtained information from him are compared and examined. *He had after all been asked to provide detailed information on numerous different occasions to different persons, and at times, he had to repeat his story as well. There would invariably be differences in the details each time the incident was described.*

96 Moreover, the accounts of the other Prosecution witnesses ... were *second-hand information*, and could have been shaped by their own perception and understanding as to what had happened. As the court in *Chean Siong Guat v Public Prosecutor* [1969] 2 MLJ 63 explained, ‘[s]ometimes *what appears to be discrepancies are in reality different ways of describing the same thing*, or it may happen that the witnesses who are describing the same thing might have seen it in different ways and at different times’. *Those witnesses might also differ in how they chose to record or digest the Victim’s account as narrated to them.* ...

[emphasis added]

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<sup>108</sup> 16/7/25 NE 96; 22/7/25 NE 76.

<sup>109</sup> 22/7/25 NE 76–77.

77 In the present case, I was satisfied that the inconsistencies were insufficient to detract from the reliability of C’s testimony.

78 The Medical Reports may not have accurately reflected the precise words used by C, as they were second-hand accounts recorded by the doctors, whose focus was on treating C and not on obtaining a precise record of her account of events.

(a) Dr Lim explained that the purpose of obtaining an account of events from C (such as how C was assaulted) was to understand where to direct her examination, and not to find out in detail what had happened, as the doctor was not a police officer. The time spent on obtaining this account would be “a lot less” than the actual physical examination.<sup>110</sup>

(b) Dr Woong testified that the part of her medical report pertaining to C’s recount of the Incident was drafted with reference to notes recorded by other doctors in the Accident and Emergency Department of SGH who had previously examined C; Dr Woong did not further question C. Dr Woong stated that her report was a “summary of events” and it was not read back to C.<sup>111</sup> Thus, it was not clear whether the inconsistencies could even be attributed to C.

79 Next, I did not consider that C’s recount of her relationship with D and Chew (at [74(a)] and [74(d)] above), even if untrue, affected C’s credibility and testimony pertaining to the Incident. It did not relate to the material issues of the Alleged Assaults or Intimidation. I make a few observations.

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<sup>110</sup> 24/7/25 NE 18–19, 55.

<sup>111</sup> 24/10/25 NE 6, 55–58, 84–86, 88.

(a) Dr Lim’s Report stated that C had broken up with D five months before the Incident. This cohered with C’s testimony in court that she had initiated a break-up with D in July 2021; that their relationship then was already fragile; and that they were quarrelling.<sup>112</sup> Indeed, Dr Lim’s Report also recorded C as having stated that her relationship with D was “on and off” as D refused to “let her go”.<sup>113</sup>

(b) As for C having stated that her last coitus was on 28 November 2021 (which C stated in court as the date she had sex with D), C explained that she did not wish to inform Dr Lim about having had sex with Chew on 13 December 2021 because she was ashamed of revealing that she had sex with another person.<sup>114</sup> I found her explanation reasonable.

80 As for C’s inconsistent evidence pertaining to having “easy bruising tendencies” and the question of whether her period was “regular” (see [74(b)]–[74(c)] above), I did not consider these to be material inconsistencies, much less inconsistencies which reflected an intent on C’s part to deceive Dr Lim. In the context of the medical examination, C was asked to answer general questions regarding her general and medical history<sup>115</sup> following a traumatic event. I accepted C’s explanation that she told Dr Lim her period was regular because it was indeed regular in December, around the time of the medical examination.<sup>116</sup>

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<sup>112</sup> 16/7/25 NE 24–26; 18/7/25 NE 15.

<sup>113</sup> AB 31 (Dr Lim’s Report at [5]).

<sup>114</sup> 16/7/25 NE 93–94; 18/7/25 NE 59.

<sup>115</sup> 24/7/25 NE 3.

<sup>116</sup> 23/7/25 NE 3–4.

81 Next, Mr Asoka took issue with the fact that Dr Lim’s Report recorded C as having been hit with D’s “fists” (inconsistent with C’s testimony in court that D had *slapped* her),<sup>117</sup> and that C was “worried that she would be pushed down the stairs” (in contrast with her evidence in court that D had threatened to throw her down from the 31st floor) (see [74(e)] above). Again, I did not find these to be material discrepancies. I reiterate that a victim of sexual assault cannot always be expected to provide a completely similar and full account every time he or she discloses the offence to another person. Notably, in the 14/12/21 Statement (recorded on the same day and after Dr Lim’s medical examination), and again in the 17/12/21 Statement, C had recounted that D had slapped her with his hands, consistent with her testimony in court. In court, C also explained she meant to convey to Dr Lim that D had threatened to throw her “outside” the staircase (meaning out of the window) rather than “down” the stairs.<sup>118</sup> In my view, it was inappropriate to put a literal interpretation to, and nitpick on, every word that C used, in the way that Mr Asoka had done. Mr Asoka was essentially quibbling over semantics.

82 As for Mr Asoka’s assertion at [74(f)] above, I disagreed with Mr Asoka that C had conveyed to Dr Lim that she shouted for help *during* the sexual assault. Dr Lim’s Report did not bear this out. Dr Lim’s record that “[o]nce [C] started shouting for help, assailant ran away” follows *after* her record that C was sexually assaulted and threatened. Dr Lim’s record that D *ran away after C shouted* for help was consistent with C’s testimony in court.

83 Turning to Dr Woong’s Report, Mr Asoka pointed out that it did not record any bruising on C’s buttocks (although C claimed to have fallen on her

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<sup>117</sup> 18/7/25 NE 159; 22/7/25 NE 67.

<sup>118</sup> 16/7/25 NE 65; 18/7/25 NE 159.

left side after D kicked her), or to C's head (although C claimed D had kicked her head and her head had knocked against the railing). I noted, however, that Dr Lim and Dr Woong had recorded bruises or scratches to C's left thigh and buttocks, and on the left side of her face (*ie*, forehead and eye area).<sup>119</sup> Furthermore, the absence of apparent injuries did not mean that no assault could have taken place. Whether there were injuries which were apparent depended on many factors, such as the bruising tendency of the person, and the area and degree of contact with and impact on the body.<sup>120</sup>

84 Next, even if C had informed Dr Woong that D put his "fist" into her vagina, I did not find this to be materially inconsistent with C's testimony in court, where she said that D inserted all five fingers up to his knuckles, into her vagina.<sup>121</sup> Whether C had used the word "fist", "hand" or "five fingers" (all the way to the knuckles), what she intended to convey was that D had inserted his whole hand (with five fingers) into her vagina.

85 Finally, Mr Asoka took issue with the fact that Dr Woong's Report recorded that stale blood was found on C's pantyliner. He asserted that C's evidence regarding her pantyliner (at [75(d)] above) was "incredulous": (a) given the "nature of the 'prolonged' sexual assault, it should have dislodged"; and (b) C would have changed her pantyliner by the time Dr Woong examined her on 15 December 2021, as C's clothes were seized by the police the day before.<sup>122</sup> I rejected Mr Asoka's submission in relation to point (a) as it was pure conjecture. In relation to point (b), Dr Woong stated that her report was based

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<sup>119</sup> AB 10 (Dr Woong's Report); AB 33 (Dr Lim's Report at [14]).

<sup>120</sup> 24/7/25 NE 20–21, 47.

<sup>121</sup> 16/7/25 NE 61; 18/7/25 NE 130.

<sup>122</sup> DCS at p 19.

on reports by other doctors (see [78(b)] above). Hence, it was unclear *when* the stale blood on C's pantyliner was observed. In any event, whether C had changed her pantyliner (as Mr Asoka alleged), was not a material point which related to the commission of the offences.

86 In sum, where there were inconsistencies between C's testimony in court and what was recorded in the Medical Reports, I did not find them to affect C's credibility pertaining to her account of the Alleged Assaults and Intimidation. C's description of the Incident in the Medical Reports was materially consistent with her testimony in court. In some instances, the difference in terminology in C's account to the doctors (and, I add, in C's Statements) and her court testimony could be attributed to the fact that she was imprecise in her language when repeating her account to difference persons. Moreover, the notetaking by the doctors, pertaining to the Incident and C's background, was not detailed and precise, but for purposes of conducting the medical examination. In this regard, Dr Woong's Report had only one paragraph on the Alleged Assaults and Intimidation, and Dr Lim's Report had just two paragraphs.

***Other purported inconsistencies and motive***

87 Mr Asoka pointed to other inconsistencies in C's testimony, to show that C was not a credible witness and that she had a motive to frame D.

***Extent of C's encounter with Chew on 14 December 2021***

88 Mr Asoka asserted that C's testimony in court regarding the nature and extent of her sexual encounter with Chew on the day of the Incident was inconsistent with Chew's evidence.<sup>123</sup> C claimed that while she and Chew were

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<sup>123</sup> DCS at p 20.

sitting at the stairwell, he put his hand inside her shorts and panties and touched the outside of her vagina. Chew's evidence was that, on 14 December 2021, he inserted only the "first section of [his] middle finger" into her vagina, but not the "whole finger"; and that the last time he had penile sex with C was on 13 December 2021.<sup>124</sup>

89 I did not consider this to be a material inconsistency. C and Chew's testimony were consistent in that, on 14 December 2021, Chew had touched C's vagina. Whether Chew inserted his finger slightly into C's vagina (as he claimed) or that he merely touched the outside of C's vagina (as C claimed) was immaterial. I saw no reason for Chew to lie, including that he last had penile sex with C a day before the Incident (which was consistent with C's testimony). Chew's relationship with C ended in December 2021,<sup>125</sup> and there was no evidence to suggest that he and C had colluded in their testimony.

*C's account of the Alleged Intimidation*

90 In relation to the Alleged Intimidation, Mr Asoka asserted as follows:<sup>126</sup>

(a) C did not mention in her 14/12/21 and 17/12/21 Statements that D grabbed her legs and threatened to pull her down the staircase and throw her from the 31<sup>st</sup> floor. This was first mentioned in her 16/10/23 Statement.

(b) In her 16/10/23 Statement, C claimed that D had said that he would "throw [her] off the staircase". In court, C testified that D had

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<sup>124</sup> 18/7/25 NE 63; 7/8/25 NE 4–5, 11.

<sup>125</sup> 1DB 3 (Chew's 19 July 2022 statement to the police at [5]); 7/8/25 NE 2, 3, 6–7, 28.

<sup>126</sup> DCS at [38].

threatened to throw her down from the 31st floor to the 1st floor. There was thus a “material difference in the substance of the threat”.

(c) The absence of the particulars (that D had threatened to throw C down *from the 31st floor to the 1st floor*) from the wording of the original 2nd Charge (see [2] above) “strongly suggest[ed] that [C] either changed or exaggerated her evidence when she testified in court”.

91 I found Mr Asoka’s argument in respect of the above to be without merit. In relation to [90(a)] above, C had stated in the 14/12/21 Statement that D had wanted to “throw [C] down the staircase” and this was while “pulling [C]”. Also on 14 December 2021, Dr Lim had recorded C as having informed her that D had “threatened to throw [C] down the stairs”.<sup>127</sup> As for [90(b)] and [90(c)] above, C’s description of D threatening to throw her “down” the staircase was merely an imprecise manner of describing what she *meant* to convey (*ie*, that D would throw her from the 31st floor to the ground floor or throw her out the window).<sup>128</sup> I found the substance of C’s account pertaining to the Alleged Intimidation was consistent throughout the trial. C explained, on numerous occasions, that she meant to convey that D had threatened to throw her out the window of the staircase.<sup>129</sup> I repeat [81] above.

*What transpired between C and Tan after D left Stairwell 1*

92 In relation to what occurred after D left Stairwell 1 (on 14 December 2021), C’s evidence was that she was lying on the floor when Tan walked past, and they did not say anything to each other. Tan, however, attested that he: (a)

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<sup>127</sup> AB 32 (Dr Lim’s Report at [7]); 3DB 5 (14/12/21 Statement at [5]).

<sup>128</sup> 16/7/25 NE 64.

<sup>129</sup> 16/7/25 NE 65; 18/7/25 NE 138, 159; 22/7/25 NE 34.

saw C seated on the staircase; (b) asked if she needed help; and (c) walked off when she gestured at him (which he took to mean that she rejected his help). Mr Asoka thus submitted that C had lied to falsely implicate D.<sup>130</sup>

93 Even if I were to accept Tan’s testimony, I did not find C’s inaccurate account of what transpired when she saw Tan to undermine her credibility in relation to the Alleged Assaults and Intimidation, much less to support that C had deliberately lied to falsely implicate D. What transpired between C and Tan at Stairwell 1 was a peripheral matter that occurred after the Incident. I reiterate my observations at [60] and [65] above. Furthermore, Tan attested that he was unsure if C had heard him (when he offered help) or had gestured with her hand. Importantly, Tan had observed C to be crying and in distress; her hair was dishevelled; and (when Tan went to the lift) she walked past Tan in a “very fast pace”, “almost running” into Phang’s flat.<sup>131</sup> C’s demeanour at that time was at odds with Mr Asoka’s suggestion that she deliberately lied about D having assaulted or intimidated her.

*C omitted to mention that D had checked her handphone*

94 Next, in cross-examination, C agreed with Mr Asoka that, whilst in Stairwell 1, D wanted to check her work phone and had slapped her after he failed to unlock the phone. C testified that on three occasions, she could not unlock the phone and D slapped her (“Handphone Incident”). Mr Asoka submitted that C’s failure to mention the Handphone Incident in her EIC put her credibility in doubt.<sup>132</sup>

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<sup>130</sup> 18/7/25 NE 143–144; 22/7/25 NE 60–61; 3/11/25 NE 10–11, 16, 25–26; DCS at [42]–[46].

<sup>131</sup> 3/11/25 NE 9, 12, 14–17, 27.

<sup>132</sup> 22/7/25 NE 102, 105, 109, 114.

95 I did not find C’s omission to mention the Handphone Incident in her EIC to affect her testimony in relation to the Alleged Assaults and Intimidation. I reiterate that victims of sexual offence may not remember every aspect of their traumatic experience, and that this does not in and of itself undermine the credibility of their testimony. In any event, that C then recounted that she had attempted to unlock the work phone unsuccessfully three times and was slapped on each occasion, was also largely consistent with D’s subsequent testimony in court.<sup>133</sup>

96 Mr Asoka also submitted that C was initially unable to recall at which point of the Alleged Assaults D sought to check her work phone; and that she only *later* stated that it was after she was kicked to the ground that D sought to do so. Thus, C’s response was an “afterthought” and showed that she had lied to “[cover] up for the slip-up she had made during cross-examination”.<sup>134</sup>

97 I disagreed with Mr Asoka that C’s response was an afterthought or a cover-up. A perusal of C’s answers in re-examination (*ie*, the evidence Mr Asoka relied on to assert this “afterthought” and “cover-up”)<sup>135</sup> and her testimony in cross-examination, did not bear this out. When Mr Asoka first put to C that D had wanted to check her phone, C did not hesitate to admit that this occurred; C even added that D could not unlock the phone when it was handed to him. She was forthright in elaborating on the Handphone Incident when cross-examined.<sup>136</sup> Furthermore, while C agreed that the event occurred, she

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<sup>133</sup> 27/10/25 NE 31–32, 34–35.

<sup>134</sup> 23/7/25 NE 2–3; DCS at [47]–[55].

<sup>135</sup> 23/7/25 NE 2–3.

<sup>136</sup> 22/7/25 NE 102–105.

consistently maintained that she never sat on the steps of the staircase (contrary to D's version of events).<sup>137</sup>

*C's story pertaining to her handphones, and motive to implicate D in the Incident*

98 Mr Asoka submitted that C had lied about discarding her Old Phone on 13 December 2021 (see also [66] above). Instead, she withheld it from the police because she “had something to hide”. In particular, C handed only her New Phone (together with the new SIM card) to the police on 15 December 2021; she claimed that, at that time, the old SIM card was at home, and that she subsequently discarded it.<sup>138</sup>

99 Mr Asoka argued that if C had in fact communicated with D by switching out the new SIM card on her New Phone for her old SIM card, the extraction software should have found evidence of her WhatsApp conversations with D on the New Phone, even if the conversations were subsequently deleted – but there were none.<sup>139</sup> I had rejected this argument earlier (see [68] above).

100 In so far as Mr Asoka relied on C's conduct in relation to the handphones and SIM cards, to demonstrate that C had “something to hide” (*ie*, a motive to falsely implicate D), the arguments pertaining to the handphones were at best conjecture, and clearly did not amount to “sufficient evidence” of a motive to falsely implicate D. The burden of proof *first* falls with D to adduce *sufficient evidence* of the said motive, to raise a reasonable doubt in the Prosecution's case (*AOF v Public Prosecutor* [2012] 3 SLR 34 (“*AOF*”) at [215], citing *Goh Han*

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<sup>137</sup> 22/7/25 NE 103–108.

<sup>138</sup> DCS at [72]; 22/7/25 NE 50–52.

<sup>139</sup> DCS at [69].

*Heng v Public Prosecutor* [2003] 4 SLR(R) 374 at [33]). This was accepted by Mr Asoka; he also accepted that he had adduced no such evidence.<sup>140</sup>

101 Related to the above, I did not accept Mr Asoka’s suggestion to both C and Chew that they had colluded with the intention of sending D to jail, which they denied. Mr Asoka accepted that D had no basis for making the assertion and that it was merely a “suggestion”. D himself admitted that it was only a “guess”.<sup>141</sup> There was also no reason for Chew to lie in court, as his relationship with C ended in December 2021.

102 In closing submissions, Mr Asoka then suggested that C had formulated a plan to falsely implicate D *after* the Incident, with the intention of breaking up with D. But this was not put to C in cross-examination.<sup>142</sup> It was again pure speculation. This new suggestion was also inconsistent with the case Mr Asoka ran at trial – he had suggested to C that D was willing to end the relationship, and that it was C who refused to break up.<sup>143</sup>

### ***Summary of C’s testimony and credibility***

103 In summary, I was satisfied that C was a credible witness in attesting to the Alleged Assaults and Intimidation. Even if her testimony was flawed in some areas, these flaws did not relate to the material aspects of the 1st and 2nd Charges, nor were they sufficient to cast doubt on her testimony on the same.

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<sup>140</sup> 20/1/26 NE 27.

<sup>141</sup> 18/7/25 NE 97–98; 28/10/25 NE 94.

<sup>142</sup> 20/1/26 NE 21–22.

<sup>143</sup> 18/7/25 NE 28–31, 34–36; 22/7/25 NE 81–87.

104 In particular, I observed C was forthcoming in giving evidence and did not attempt to embellish her account of events.

(a) C was forthright in admitting that she had cheated on D. In court, she admitted that she had met Chew a few months before the Incident and started a sexual relationship with him; that D found out about the affair on 8 December 2021; and that she continued to cheat on D even after asking for his forgiveness. She also admitted that she had sex with Chew a day before the Incident.<sup>144</sup>

(b) C also readily admitted that, prior to the Alleged Assaults and Intimidation, D had never physically or sexually assaulted her, even when he first discovered her relationship with Chew.<sup>145</sup>

(c) At trial, when inconsistencies between her testimony and her previous statements were pointed out, C readily accepted there were inconsistencies. She proffered explanations which I considered to be reasonable and believable.

### **Corroboration of C's account**

105 Further, I found C's testimony was corroborated by: (a) the injuries found on her; (b) her demeanour in the immediate aftermath of the Incident, as observed by other witnesses; and (c) her recount of events to her examining doctors, as recorded in the Medical Reports (albeit to a limited extent).

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<sup>144</sup> 16/7/25 NE 93–94; 18/7/25 NE 105–106; 22/7/25 NE 88–92.

<sup>145</sup> 18/7/25 NE 65, 105, 106.

***Injuries on C****Injuries on C's body*

106 The Medical Reports documented various injuries on C's body, which included the following:<sup>146</sup>

- (a) bruising around C's left eye measuring 3cm by 1.5cm (a CT scan showed left frontal to periorbital mild haematoma, *ie*, a collection of blood);<sup>147</sup>
- (b) two scratches on C's left forehead;
- (c) bilateral tinnitus (*ie*, sound in both ears) and bleeding behind the right eardrum;
- (d) fresh scratches on both front sides of C's neck;
- (e) swelling of C's left chest, with bruises above C's left nipple;
- (f) two bruises on C's left upper arm – one bruise over the back of C's upper arm (closer to her shoulder) measuring 4cm x 4cm, and one bruise nearer the elbow, measuring 2cm x 2cm;<sup>148</sup>
- (g) a bruise on C's left proximal forearm measuring 2cm x 2cm;
- (h) swelling of and fresh scratch on C's left wrist, in particular, swelling near C's left wrist (distal forearm) measuring 2cm by 3cm;<sup>149</sup>

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<sup>146</sup> AB 10 (Dr Woong's Report); AB 32 (Dr Lim's Report at [11]); 24/10/25 NE 7–11, 73–74.

<sup>147</sup> 24/10/25 NE 13.

<sup>148</sup> 24/10/25 NE 10, 18, 73–75.

<sup>149</sup> 24/10/25 NE 9–10.

- (i) two bruises on the lateral/outer aspect of C's left thigh, measuring 4.5cm x 3cm and 1cm x 1cm;
- (j) a bruise over the front and inner aspects of the right thigh (*ie*, near the groin) measuring 3cm x 1cm; and
- (k) a fresh scratch or superficial abrasion on C's left butt cheek, measuring 9cm.

107 The photographs (taken by the police or investigating officer shortly after the Incident) were cogent evidence of injuries found all over C's body. They included bruise marks just above the left breast, the left upper arm (which Mr Asoka observed to be "quite a significant injury")<sup>150</sup>, wrist, thigh and knee; and scratches over the left buttock and the neck.

108 The extent and location of the injuries on C's body were consistent with C's version of events, that she was slapped and kicked/stomped on her face, and kicked on her left wrist and body *repeatedly*. The doctors had also observed injuries to C's groin area (see [59(c)] above). In my view, some of the injuries showed that significant force must have been used. Dr Woong also attested that the injuries observed on C were consistent with C's account.<sup>151</sup>

109 In contrast, D's version of events in the police statements was inconsistent with the injuries found on C. In the 1st VRI, D claimed he slapped C twice on the face (one slap on each side of the face) before she sat down on the stairs. In the 2nd VRI, D stated that he slapped C two to three times before she sat down, but denied kicking C on her face, leg and groin area, or stepping on her hand. If D claimed to have only slapped C on her face, this did not explain

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<sup>150</sup> 18/7/25 NE 67–68, 71.

<sup>151</sup> 24/10/25 NE 22.

the injuries found on other parts of C's body, such as the swelling of C's left chest, the bruise over the back of C's upper arm and on the thigh and groin area. This is particularly when D stated (both in the 2nd VRI and in court) that he did not notice any injuries on C prior to his encounter with her at Stairwell 1, or even before he slapped her, on 14 December 2021,<sup>152</sup> an observation similarly made by Chew.<sup>153</sup> I deal with D's version of events given in court, later.

*Whether injuries on C's body could have been due to other causes*

110 I turn to the assertions made by Mr Asoka to cast doubt on the cause of C's injuries, or to explain how the injuries could have been caused in D's version of events. I deal with the more material ones.

111 First, in relation to the injuries on C's forearm and wrist, D attested that when he tried to slap C on the left cheek, C raised her forearm to block D's slaps; he slapped C's forearm; and C's forearm then hit her own cheek area.<sup>154</sup> I found D's story to be a mere afterthought in an attempt to explain the injuries found on C's forearm and wrist. D's account above was never mentioned in any of his statements to the police and was also not put to C (in her cross-examination).<sup>155</sup>

112 Second, in relation to the injuries to C's eye and forehead, D attested in court that when C was seated on the staircase (in Stairwell 1), he slapped her (*with his palm facing the front*), on the left side of her forehead and eye area. He claimed that he could not slap her from the side of her face as she was seated

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<sup>152</sup> AB 310–311; 28/10/25 NE 64, 72.

<sup>153</sup> 7/8/25 NE 5.

<sup>154</sup> 27/10/25 NE 18–24; DCS at [102].

<sup>155</sup> 28/10/25 NE 79–80; PCS at [123(b)].

very close to the staircase railing.<sup>156</sup> Again, I found this to be an afterthought, conjured to explain the injuries to C's eye and forehead. That C was slapped after she was purportedly *seated*, and the unusual manner of the slap (*ie*, D using his palm and slapping C on the front of her face) was never mentioned in D's statements. The manner of his purported slaps was also not put to C in her cross-examination.

113 Third, in relation to the bruises (on C's upper left arm and near her elbow), D claimed that C was seated close to the staircase railing, leaning against it, with her left arm wrapped around the railing and gripping the railing with her left hand. This was disputed by C.<sup>157</sup> I also found this to be an afterthought, and a belated attempt to explain the large bruises to C's left wrist and upper arm. D agreed that his claim (that C's alleged position had caused the injuries to C's left arm) was merely a guess.<sup>158</sup> Furthermore, if C had wrapped her arm around the railing, one would have thought that the *front* of her arm would have come into greater contact and impact with the railing; rather than the *back* of her upper arm where the large bruise was found.<sup>159</sup>

114 Fourth, with respect to the bruises on C's thigh area, Mr Asoka submitted that if D had kicked C with his construction boots, this would likely have caused a greater injury, which did not seem to be borne out from the colour of the bruises on C's thighs.<sup>160</sup> I found this to be pure speculation. Furthermore, the extent of an injury would be dependent on various factors, such as the

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<sup>156</sup> 27/10/25 NE 31, 32, 35; DCS at [104(e)].

<sup>157</sup> 22/7/25 NE 111–115, 119; DCS at [103]; PCS at [123].

<sup>158</sup> 28/10/25 NE 10–11.

<sup>159</sup> Exhibit P11A (photo 16).

<sup>160</sup> DCS at [106(a)].

frequency of impact, the degree of the kicks, the individual's propensity to bruise, and the part of the body on which the bruises might be formed.

115 Fifth, Mr Asoka submitted, relying on C's testimony that she would find blue-black marks on her body before her period (usually on her thighs and legs), that the bruises over C's thighs might not necessarily be caused by the Alleged Physical Assault.<sup>161</sup> Again, I found Mr Asoka's submission to be pure speculation. C attested that her period started on the 7th or 8th day in December 2021 and had ended before 14 December; that was why she had sex with Chew on 13 December.<sup>162</sup> Importantly, D attested that whenever C had blue-black marks on her body, *she would inform him*; that he saw such marks on C's body on 28 November 2021; that C did not inform him about such marks after 28 November 2021; and that C did not mention any blue-black marks on her body when they met on 14 December 2021.<sup>163</sup> Notably, neither D nor Chew noticed any injuries on C even before the Incident (see [109] above).

116 Sixth, Mr Asoka pointed out alleged discrepancies in the location and appearance of the bruise on C's left upper arm, relying on a comparison between a photograph taken by C at the hospital, the photographs taken by the police, and the description of the injuries in the Medical Reports. He asserted that there was no explanation as to how the colour of the bruise had changed from light blue to dark red in just a few hours, or how the location of the bruise shifted.<sup>164</sup>

117 I did not place weight on Mr Asoka's submission. Dr Woong attested that her findings matched the injury shown in the photographs, and that her

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<sup>161</sup> DCS at [106]; 18/7/25 NE 42–43.

<sup>162</sup> 16/7/25 NE 80–81; 18/7/25 NE 49–50.

<sup>163</sup> 28/10/25 NE 8–9; 7/8/25 NE 5.

<sup>164</sup> 3DB 1; DCS at [107]–[113].

description of the injury was consistent with her observations of the photographs.<sup>165</sup> As for the colour and size of a bruise, Dr Lim and Dr Woong had explained that a bruise can appear later (and not always immediately after the impact); that its colour may appear light and small at first but become larger and darker later on; that its appearance changes with the passage of time; and that a bruise “can look worse before it gets better”. They further explained that the manner and appearance of bruising is dependent on various factors such as the part of the body that is impacted, the extent of impact, and the bruising tendency of the individual.<sup>166</sup> Dr Woong also testified that the location of the bruise can change depending on the movement of the blood, and “may spread to look wider” depending on how a person moves the arm.<sup>167</sup> Whilst Mr Asoka spent a significant amount of time cross-examining Dr Lim and Dr Woong on the nature of bruises, I found the doctors’ testimony to be credible.

118 If Mr Asoka was implying that the injuries on C’s body were *self-inflicted* after she met D on 14 December 2021, relying on, among others, the fact that the police officer who attended to C immediately after the Incident did not photograph any injury to C’s left upper arm,<sup>168</sup> this implication was pure conjecture.

119 Finally, I noted that Mr Asoka initially denied that the photographs taken by the police of C’s body showed “bruise(s)” on C, despite the description of the photographs (of various injuries as a “bruise”) having initially been an

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<sup>165</sup> 24/10/25 NE 18–20, 63.

<sup>166</sup> 24/7/25 NE 20–21, 47–50; 24/10/25 NE 18–20, 66, 70.

<sup>167</sup> 24/10/25 NE 19, 66, 70.

<sup>168</sup> DCS at [112(c)]; 18/7/25 NE 164–165.

agreed fact between the Prosecution and Defence.<sup>169</sup> Mr Asoka sought to draw a distinction between “bruises” and “blue-black marks”, in a futile attempt to show that the former were caused by impact and the latter being spontaneously occurring marks.<sup>170</sup> Such a distinction was unconvincing. The photographs clearly depicted the nature of the injury on C’s body, and the two doctors who examined C *both* described various marks on her body as bruises. Indeed, when cross-examined regarding the bruising around C’s left eye, D did not refute the injury, but instead claimed that it could have been caused by him slapping her face. When cross-examined regarding the bruise on C’s left arm, D claimed that the “blue-black” mark might have been the result of C’s arm coming into contact with D’s hand when he attempted to slap her. D thus accepted that the “blue-black” mark on C’s left arm was caused by impact.<sup>171</sup>

120 To raise a reasonable doubt in the Prosecution’s case, it was insufficient for the Defence to simply make bare assertions or rely on speculation, as they had done above. The “paramount consideration of the courts is not the elimination of all doubts, but whether such doubts are real or reasonable or merely a fanciful possibility ... even *if* there is some doubt, it remains an ‘untested hypothesis’ unless counsel for the Defence is able to point to some evidence supporting the hypothesis he seeks to canvass” (*Mohammed Ali bin Johari v Public Prosecutor* [2008] 4 SLR 1058 (“*Mohammed Ali*”) at [86]).

#### *Injuries to C’s vaginal area*

121 Dr Lim observed the following injuries, on examination of C’s vaginal area: (a) two small fresh scratches on the left *labia minora*; (b) old annular tears

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<sup>169</sup> Exhibits P11A and P11B; AB 413–414; 16/7/25 NE 100–103.

<sup>170</sup> 16/7/25 NE 100–103; 24/7/25 NE 51–52.

<sup>171</sup> 28/10/25 NE 10.

of the hymen; (c) fresh tears measuring 0.5cm at the six and eight o'clock positions of the hymen, which were not actively bleeding; and (d) per vagina bleeding (*ie*, bleeding in the vagina) coming from a cut on the anterior lip of the cervix. Dr Lim observed, during her examination, that there was no active bleeding, but old blood was seen in the vagina.<sup>172</sup>

122 Dr Lim gave evidence on possible causes of the injuries to V's vaginal area. Three scenarios were posited: (a) the gentle insertion of two fingers up to the first finger joint (*ie*, based on D's version that he put two fingers, up to the first joint, into C's vagina)<sup>173</sup> ("First Scenario"); (b) the insertion of five fingers with fingertips together, penetrating up to the knuckles with a twisting motion (*ie*, C's version) ("Second Scenario"); and (c) normal penile-vaginal penetration ("Third Scenario").<sup>174</sup>

123 Dr Lim attested that the scratch on C's *labia minora* (*ie*, the external genitalia) could be caused by the First and Second Scenarios. Thus, I found this injury to be neutral (as it supported both D's and C's version of events). Dr Lim also opined that the Third Scenario was unlikely to have caused a *scratch* on C's *labia minora*, given that the penis was a smooth organ.<sup>175</sup>

124 As for the hymenal tears, Dr Lim opined that an insertion of any object into the vagina could potentially cause such tears. However, a gentle insertion of a finger (such as when a doctor conducts a digital examination of a patient's vagina) would not be expected to cause a hymenal tear. She further opined that

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<sup>172</sup> AB 33 (Dr Lim's Report at [15]); 24/7/25 NE 14, 43.

<sup>173</sup> 24/10/25 NE 25.

<sup>174</sup> 24/7/25 NE 7.

<sup>175</sup> 24/7/25 NE 8–9.

the Second and Third Scenarios could have caused such tears.<sup>176</sup> I thus found the presence of hymenal tears to be neutral, as it could have been caused by C having had sex with Chew the day before the Incident.<sup>177</sup> For completeness, I accepted C’s testimony that she did not have penile sex with Chew on 14 December 2021, as corroborated by Chew (see [89] above).

125 However, I was satisfied that the existence of the cut on the anterior lip of C’s cervix supported C’s account (that D had put all five fingers up to his knuckles into her vagina) but not D’s version of events. Dr Lim attested that: (a) in the First Scenario, the fingers were unlikely to have reached the cervix, such as to cause the cut; (b) the Second Scenario could have led to such a cut; (c) if a finger was put into the vagina, it is very possible to scratch or cut something therein; and (d) in the Third Scenario, while it was possible that a penis could reach the cervix, it would likely have caused bruising rather than a cut, given that the penis is a blunt object. Dr Lim also observed that there was blood in the vagina and the cut appeared *fresh*, that there was a clot formed over the cut, and that it appeared there was bleeding from the cut before she conducted her examination.<sup>178</sup>

126 Notably, in cross-examination, D claimed he only inserted a “little part” of his finger into C’s vagina; he was unsure if his finger *even entered* C’s vagina.<sup>179</sup> D’s claim suggested that he inserted at most a small part of his fingers, not even reaching the first joint, into C’s vagina. If D were to be believed, this act of insertion would have been even less likely to have caused a cut to C’s

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<sup>176</sup> 24/7/25 NE 10.

<sup>177</sup> 24/7/25 NE 47.

<sup>178</sup> 24/7/25 NE 14–16, 38–39.

<sup>179</sup> 29/10/25 NE 15.

cervix. Dr Lim had explained that the distance from the opening of the vagina to the anterior lip of the cervix would typically be around two inches or the length of an index or middle finger (from the tip of the finger *to the knuckle*).<sup>180</sup> Following from Dr Lim's testimony, Chew's act of inserting his finger slightly into C's vagina on 14 December 2021 would have been unlikely to cause the cut, contrary to Mr Asoka's submissions.<sup>181</sup>

*Whether injuries in C's vagina could have been due to other causes*

127 Mr Asoka asserted that, as C was diagnosed with chlamydia during her stay at SGH, she would have an inflamed cervix which could result in a tear in the cervix.<sup>182</sup> I rejected this assertion.

128 First, Dr Lim did not observe any inflammation of C's cervix. This was accepted by the Defence.<sup>183</sup> Next, Dr Lim explained that a person with chlamydia would not necessarily have an inflamed cervix. Moreover, any inflammation of the cervix would occur on the entire cervix, akin to a "general traumatic like bruising"; and if there was any trauma to an inflamed cervix, the bleeding would appear as a general oozing throughout the cervix (and not a cut *per se*). In C's case, there was also no such oozing. As such, Dr Lim disagreed with Mr Asoka that the chlamydia had caused the inflammation and the inflammation led to a cut in the cervix. As she explained, a cut would imply that there was some object that caused it.<sup>184</sup> I saw no reason to disagree with Dr Lim.

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<sup>180</sup> 24/10/25 NE 12–13.

<sup>181</sup> 20/1/26 NE 12–13.

<sup>182</sup> 24/7/25 NE 33–35.

<sup>183</sup> 24/7/25 NE 35–37, 62; 20/1/26 NE 7–9.

<sup>184</sup> 24/7/25 NE 34–37.

129 Mr Asoka also asserted that, as C was diagnosed with chlamydia, C's per vagina bleeding could have been caused by C having had sex with Chew on 13 December 2021. Dr Lim agreed that chlamydia could result in bleeding after sexual activity.<sup>185</sup> However, I did not find this to assist Mr Asoka's case, as his assertion would still not explain the *cut* on the anterior lip of C's cervix. Mr Asoka accepted that chlamydia would not cause the cut to the cervix.<sup>186</sup>

#### *Conclusion on the injuries*

130 On the totality of the evidence, I was satisfied that various injuries found on C (as I had pointed out above) supported her testimony on the Alleged Assaults.

#### ***C's demeanour in the immediate aftermath of the Incident***

131 A complainant's distress in the immediate aftermath of an incident can amount to corroborative evidence (*Haliffie bin Mamat v Public Prosecutor* [2016] 5 SLR 636 at [64]–[66]; *GDC v Public Prosecutor* [2020] 5 SLR 1130 (“*GDC*”) at [14]; *Public Prosecutor v Mustapah bin Abdullah* [2022] SGHC 262 at [91]). The evidence of various witnesses on C's demeanour immediately after the Incident gave weight to C's testimony that she had been assaulted.

- (a) Teo described C as “trembling very badly”, “crying very badly”, “crying nonstop” and “not in a very good state to talk”. Teo attested that C was still crying until the paramedics arrived. Teo also noticed bruises on C's eye, forehead and hand.<sup>187</sup>

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<sup>185</sup> 24/7/25 NE 41.

<sup>186</sup> 20/1/26 NE 7, 9.

<sup>187</sup> 23/7/25 NE 14, 26.

(b) Phang testified that she had heard a loud scream; that moments later, C ran into her living room; and that C was “bent down crying” and she looked scared.<sup>188</sup>

(c) Tan saw that C was crying and in distress at Stairwell 1, and that her hair was dishevelled or messy.<sup>189</sup>

(d) SSS Nadarajah (the responding officer) observed C to be in shock, and testified that as a result, he could not record a statement from her at that time.<sup>190</sup>

***C’s recount of events to the examining doctors***

132 Contemporaneous complaints can amount to corroboration pursuant to s 159 of the Evidence Act 1893 (2020 Rev Ed), where it was made “at the first reasonable opportunity after the commission of the offence” (*AOF* at [173], [175]–[177]).

133 I found that C’s evidence regarding the Alleged Assaults and Intimidation was supported by her account of the Incident to Dr Lim. In Dr Lim’s Report, she recorded that whilst at the staircase, D started hitting C on her face and body, threatened to throw her down the stairs, and put his hand up the bottom of her shorts on the left side and into her vagina. Dr Lim also recorded that C struggled and tried to push D away while holding onto the staircase railing as she was worried that she would be pushed down the stairs, and that D ran away once C started shouting for help.<sup>191</sup>

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<sup>188</sup> AB 6 (Phang’s statement at [3]); 25/7/25 NE 2–3.

<sup>189</sup> 3/11/25 NE 14.

<sup>190</sup> 23/7/25 NE 37.

<sup>191</sup> AB 32 (Dr Lim’s Report at [7]–[8]).

134 C's account to Dr Lim was a contemporaneous account. The Incident occurred shortly after noon on 14 December 2021, C was conveyed to SGH at about 1.27pm, and she was examined by Dr Lim at about 6.51pm that day.<sup>192</sup> There was no material delay between the Incident and C's account to Dr Lim. However, I bore in mind that C's account to Dr Lim was not wholly independent (*AOF* at [177]; *Khoo Kwoon Hain v Public Prosecutor* [1995] 2 SLR(R) 591 at [49]) and the weight to be attached to such evidence, *per se*, should be reduced. However, coupled with my assessment of C's demeanour and credibility, and the injuries found on her, the corroborative account to Dr Lim added weight to the veracity of C's account of the Incident.

135 For completeness, I add that whilst C did not inform Teo, Phang or SSS Nadarajah about the Alleged Assaults or Intimidation immediately after the Incident, this did not undermine her credibility. I accepted that C was traumatised and terrified at that time, and she felt a little calmer at the hospital such that she was then able to slowly recount what had happened.<sup>193</sup> In *Thangarajan* at [72], the court cautioned against harmful stereotypes such as that a victim of a sexual offence will always inform someone or report the attack immediately. I also noted that C's demeanour in the aftermath of the Incident was witnessed and attested by these individuals (see [131] above).

### ***Other evidence***

136 The Prosecution pointed also to various trace evidence, which I found to be of limited or no corroborative value.

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<sup>192</sup> SOAF at [17]; AB 30 (Dr Lim's Statement at [2]).

<sup>193</sup> 16/7/25 NE 78–80.

*Impressions on C's shirt and shorts*

137 The shirt and shorts that C wore during the Incident and D's Boots were sent to the Health Sciences Authority ("HSA") where they were analysed by Senior Forensic Scientist Koh Wei Ming ("Koh"). The purpose of the analysis was to determine if footwear impressions were present on the shirt and shorts, and if so, whether the impressions could have been made by D's Boots.<sup>194</sup>

138 Koh identified two "indistinct grey impressions" on the front of the shirt. He noted both impressions were "fragmentary" and one of them had the "appearance of approximate rectangular/trapezoidal margins". Koh observed that the outsole of D's Boots consisted mainly of "approximately rectangular/trapezoidal, and crescent design elements". However, when Koh compared the impressions on the shirt with test impressions made from D's Boots, he found that they "lacked sufficient detail for a meaningful comparison". Koh also examined the shorts and found no impressions.<sup>195</sup>

139 As the results were inconclusive, I found the impressions on C's clothes provided no support for C's case. That said, the absence of a clear footwear impression caused by D's Boots on C's clothes did not therefore mean that D could not have kicked C.

140 Koh attested that whilst no meaningful association of the impressions on the shirt could be made to D's Boots, this did not mean that D's Boots could not have come into contact with the shirt.<sup>196</sup> Koh explained there were various

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<sup>194</sup> SOAF at [74]; AB 565 (Koh's Report dated 10 May 2022 ("Koh's Report") at [2]); 25/7/25 NE 13.

<sup>195</sup> AB 566–567 (Koh's Report at [4]–[11]).

<sup>196</sup> 25/7/25 NE 13–14, 19–20.

factors that affected the quality of, and limited, the analysis. This included that the shirt was not on a flat surface when the impressions were made (as it was worn) and was subjected to dynamic activity (*eg*, movement of C’s body whilst wearing the shirt or when C was assaulted); the movement of D’s Boots when (allegedly) kicking C; and the passage of time (which could cause the impressions to be altered or rubbed away if they came into contact with other matter). Notably, C’s clothes were only seized some seven hours after the Incident.<sup>197</sup>

141 Likewise, Senior Forensic Scientist, Soong Wan Yee, who conducted a similar analysis of the shirt, shorts and D’s Boots, concluded that there was no presence of transferred materials from D’s Boots to the shirt and shorts, and vice versa. He also attested that his findings were neutral – it did not support or disprove C’s or D’s version of events.<sup>198</sup>

#### *DNA evidence*

142 On 15 December 2021, six swabs were taken from C’s vaginal area (a “vulva swab”, “low vaginal swab”, “high vaginal swab”, “endocervical swab”, “pubic (wet) hair” swab and “pubic (dry) hair” swab). The swabs were analysed by an HSA analyst with the DNA Profiling Laboratory (“Ping”).<sup>199</sup> As D’s DNA was not detected on all six swabs, this evidence did not assist the Prosecution.

143 Mr Asoka submitted that the absence of D’s DNA on all the tested areas (inside and outside of C’s vagina) was probative of D’s case that no Alleged Sexual Assault had occurred. This is particularly when C claimed that D had

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<sup>197</sup> 25/7/25 NE 11–12, 17–18.

<sup>198</sup> AB 562 (Soong’s Report dated 10 May 2022 at [12]); 24/7/25 NE 81.

<sup>199</sup> AB 49–54.

put his fingers into her vagina and the duration of the assault lasted about three minutes.<sup>200</sup> I did not accept this submission. Ping attested that the absence of D's DNA did not mean that D could not have digitally penetrated C's vagina; there are multiple factors that affect whether sufficient DNA can be detected, such as the limited deposition of DNA from the start, degradation of the DNA material due to exposure to environmental factors, the individual's shedding status, and the intensity of the contact.<sup>201</sup>

144 Ping also analysed swabs taken from under D's fingernails of both hands, and D's Boots; and examined C's shirt, shorts and panties for DNA material. Ping prepared a report of the analysis.<sup>202</sup>

145 It was undisputed that C's DNA was found on two swabs taken from D's right hand (under the fingernails) and on the exterior of the left boot (excluding the outsole).<sup>203</sup> The Prosecution submitted that the presence of C's DNA on D's fingers and boot was consistent with C's claim that D had used his right hand to sexually penetrate her vagina and that D had kicked her.<sup>204</sup> I found this DNA evidence to be neutral and of little corroborative value to C's claim of the Alleged Assaults. While C's DNA found on D's fingers supported C's version of events, Ping agreed that it could equally support D's version of events that he had slapped C (see [44] above). Ping also agreed that it was possible for C's DNA to have been transferred to D's Boots if the boots had touched C's feet (as she was wearing open-toed slippers during the Incident).<sup>205</sup>

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<sup>200</sup> DCS at [83]–[84]; 16/7/25 NE 63–64; 18/7/25 NE 135–136.

<sup>201</sup> 29/7/25 NE 8, 10, 41–42.

<sup>202</sup> SOAF at [34]; AB 55–62; AB 71.

<sup>203</sup> 29/7/25 NE 3.

<sup>204</sup> PCS at [83].

<sup>205</sup> 29/7/25 NE 19–21.

146 On the other hand, Mr Asoka submitted that if C's story of the Alleged Sexual Assault was true (that D tried to pull down C's shorts, and used his hand to enter C's vagina through her shorts and panties), D's DNA should have been found on these items, but it was not. Again, I was unable to accept Mr Asoka's submission. Ping explained that multiple factors affect whether sufficient DNA can be detected such as the shedding ability of the individual, amount of force used in the contact, and environmental factors that could cause degradation of DNA material (see also [143] above).<sup>206</sup>

147 The significance of DNA evidence in every case is fact-sensitive (*GII* at [54]). A positive finding of DNA will generally be probative in establishing that the party in question did come into contact with the item. However, the inability to find DNA of the accused will often be a neutral fact in and of itself. It is not necessarily probative in establishing that the party did not come into contact with the item, because such inability may arise from any of several possible causes (*GII* at [55]–[56]). I found the DNA evidence was of little support to C's case, but was also insufficient to raise a reasonable doubt in D's favour.

### The Defence

148 I turn to D's defence and version of events, and whether he had raised a reasonable doubt on the totality of the evidence. The Defence's case was premised on D having consistently maintained that he only slapped C's face and touched C's vagina with her consent (and denying any other form of assault); and raising a reasonable doubt on the totality of the evidence. In so far as the Defence attempted to raise a reasonable doubt in C's version of events or to

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<sup>206</sup> 29/7/25 NE 35–37.

demolish C's credibility by raising various matters, these have been dealt with, save for one issue below.

***Absence of blood deposited on various objects after the Incident***

149 It is undisputed that after D left Stairwell 1, he took C's work phone and purse and returned them to Teo. D stated that he touched the outer gate of the Unit. Mr Asoka submitted that the absence of blood on the work phone, purse and gate cast doubt on C's credibility on the Alleged Sexual Assault, as there would have been blood on D's fingers if he had put them into C's vagina.<sup>207</sup>

150 I disagreed with Mr Asoka. The *absence of evidence* of blood at the scene does not equate to *the absence of blood* at the scene. First, it was unclear whether forensic evidence (for traces of blood) was collected from the Block on the day of the Incident. ASP Foo attested that he was not paying attention to whether there were bloodstains at the scene.<sup>208</sup> Teo could not recall if she saw any bloodstains on the gate, or on C's purse and the phone.<sup>209</sup> Second, whether there were traces of blood deposited on various objects, and which remained thereafter, would have been dependent on various factors. Logically, this would include the amount of blood on D's fingers to begin with, whether the blood had been "washed away" (eg, when D grabbed C's leg with both his hands whilst C clung onto the staircase railing<sup>210</sup>), and whether the blood on D's fingers had dried up before D picked up the purse and phone. Third, it was *also* D's case that he saw blood on his fingers after he checked C's vagina.

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<sup>207</sup> DCS at [59]–[61].

<sup>208</sup> 30/7/25 NE 54–55.

<sup>209</sup> 23/7/25 NE 24.

<sup>210</sup> 18/7/25 NE 138–139.

***D's version of events regarding the Incident***

151 I turn to D's version of events regarding the Incident. I found D was not a credible witness.

152 In relation to the physical assault on C, D claimed he only slapped her face and, in the process, accidentally hit her hand and forearm when she attempted to block his slaps. I disbelieved D. I had earlier found that the extent and location of injuries observed by the doctors on C's body were more consistent with her account that she had also been kicked or stomped on other parts of her body (see [108]–[109] above). Importantly, D's story of two attempted slaps on C's face being blocked by C's forearm (whilst C was standing), was raised for the first time in D's EIC. I had found this story, together with other claims he made regarding what transpired at their meeting in Stairwell 1, to be afterthoughts put forth to explain the injuries found on other parts of C's head and body (see [111]–[113] above) that could not be explained by him merely having slapped C on her face. I agreed with the Prosecution that D had altered his narrative to fit the objective evidence of C's injuries.<sup>211</sup>

153 As for D's testimony regarding the penetration of C's vagina with his fingers, I found this to be materially inconsistent. D could not maintain a consistent story as to *whether* he had penetrated C's vagina, and *how* and *to what extent* he had touched C's vagina with his fingers.

154 I found that D had, quite early on, given inconsistent accounts of whether he had penetrated C's vagina. In his 1st VRI, recorded just a day after the Incident, D said that he had "insert[ed]" two fingers into C's private part, to check whether C was having her period on 14 December 2021. In the 2nd VRI

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<sup>211</sup> PCS at [124].

(recorded a week later), D volunteered a different story to ASP Foo and claimed that C inserted *her* finger into her vagina, then took it out to show him that there was blood. By this, D denied he had touched (let alone penetrated) C's vagina.

155 In court, D admitted that what he told ASP Foo in the 2nd VRI (at [154] above) was a lie. He claimed to have done so because an unidentified cellmate in prison had “influenced” and “brainwashed” him into lying. He further claimed that he lied because he thought that an act of sexual penetration *with consent* was nevertheless an offence in Singapore and that he would have committed an offence for every previous occasion on which he had consensual sex with C. He was afraid, and that led to the lie.<sup>212</sup>

156 I found D's explanation above to be preposterous, and I disbelieved that he had been brainwashed by his cellmate to lie in this manner. In court, D admitted that having lived in Singapore for many years and engaged in consensual sex with C on numerous occasions, he knew it was lawful to have sex with a woman's consent. D also admitted that he believed it was lawful to insert his fingers into C's vagina if she gave him permission.<sup>213</sup> Hence, there was no reasonable basis for him to have lied in the 2nd VRI.

157 D then claimed that he thought it was an offence to touch C's vagina although she had given him permission to do so, because “[C] complained to the police”. D also claimed that if C were to reveal to the police all the previous occasions on which they had consensual sex, he might be charged with offences for all those instances as well.<sup>214</sup>

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<sup>212</sup> 28/10/25 NE 42–45; 30/10/25 NE 18.

<sup>213</sup> 30/10/25 NE 16.

<sup>214</sup> 30/10/25 NE 18.

158 D’s explanation above was wholly absurd. It was clear that D was aware of this, as he went on to claim that he was afraid that C might inform the police that the sex on previous occasions was *non-consensual*.<sup>215</sup> This was illogical and without basis. It was undisputed that the 1st Charge regarding the Alleged Sexual Assault (including the words “without her consent”) was read out and interpreted to D during the 1st VRI.<sup>216</sup> D would have known then that he was being charged with an offence of penetration of C’s vagina *without her consent*. There was no reason for him to believe that an act of sexual penetration *with consent* was nevertheless an offence, such that he would lie in the 2nd VRI out of fear of being charged with more offences. Indeed, D clearly knew it was *not* an offence to put his fingers into C’s vagina with her consent. He subsequently sent a message to C in May 2022, asking C to tell the police that she had allowed him to check whether she was having her period, “so that the penetration charge [would] be removed”.<sup>217</sup>

159 D’s ridiculous explanations as to what caused him to lie in the 2nd VRI demonstrated that he was prepared to lie to escape from trouble.<sup>218</sup> Indeed, D was initially evasive when asked in court whether the words “without her consent” in the 1st Charge were interpreted to him in the 1st VRI. He claimed that it was not explained to him, and that he did not know what those words meant. This was unbelievable, and he subsequently admitted that he *knew* the meaning of “consent” and “without consent”. He then claimed he could not recall if the Bengali interpreter had interpreted those words to him.<sup>219</sup> It was

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<sup>215</sup> 30/10/25 NE 18.

<sup>216</sup> 29/10/25 NE 6–7; 30/10/25 NE 19–20.

<sup>217</sup> AB 454; 30/10/25 NE 1–2.

<sup>218</sup> 29/10/25 NE 19.

<sup>219</sup> 28/10/25 NE 31–32; 30/10/25 NE 33.

clear that he was attempting to bolster his explanation for the lie in the 2nd VRI. When the footage of the 1st VRI was played in court, D had no choice but to concede that those words had been interpreted to him, accurately.<sup>220</sup>

160 It is incumbent on the court to carefully consider an accused's lies and omissions, and their explanations (or lack thereof) for those lies and omissions, in determining his creditworthiness (*Public Prosecutor v Ilechukwu Uchechukwu Chukwudi* [2015] SGCA 33 ("*Ilechukwu*") at [63]). Having found D had deliberately made a false statement in the 2nd VRI, for no valid reason, I found that this cast serious doubts on his credibility in relation to the Incident.

161 D's propensity to lie could further be seen in his inconsistent account of how and to what extent he had touched C's vagina with his fingers.

162 In the 1st VRI, D stated that he had "insert[ed] [his] hand inside [C's] private part", with two fingers. During the Prosecution's case, D's position was that he had penetrated C's vagina with the "tip" of two fingers (on his right hand) that "went inside" C's vagina.<sup>221</sup> In cross-examination of Dr Lim, Mr Asoka also made clear that D's case was that D had put "two fingers going up to the first joint of [the] fingers" into C's vagina (emphasis added).<sup>222</sup>

163 However, during his EIC, D claimed that he *did not penetrate* C's vagina but "just touch only", and that he *did not put his finger inside* her vagina. When asked to clarify whether he put his fingers inside C's vagina, D maintained that he *did not*.<sup>223</sup> He then claimed repeatedly that he merely *slid* his fingers on the

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<sup>220</sup> 29/10/25 NE 6–7.

<sup>221</sup> AB 173–174; 22/7/25 NE 98–99.

<sup>222</sup> 24/7/25 NE 25.

<sup>223</sup> 27/10/25 NE 14–15.

*outside* of C’s vagina, demonstrating (to the court) an upwards sliding motion (“Sliding Action”); and he repeated once more that he did not penetrate or put his fingers inside C’s vagina.<sup>224</sup> D’s testimony in court was inconsistent with his version put to C and Dr Lim, as well as in his 1st VRI. D’s claim of the Sliding Action was also contrary to his demonstration to DSP Liao during the 1st VRI, where he had put his palm with his fingers outstretched in explaining how he had inserted his fingers into C’s vagina. D accepted that he did not demonstrate the Sliding Action in the 1st VRI.<sup>225</sup>

164 Indeed, D sought to backpedal on his earlier version (that he inserted his fingers inside C’s vagina) by claiming in cross-examination that the word “insert” (in the 1st VRI) was wrongly attributed to him, and that he merely told DSP Liao that he “just touched” C’s vagina.<sup>226</sup> However, he admitted, *after the 1st VRI was played in court*, that Mr Hasan had interpreted the word correctly.<sup>227</sup>

165 When further cross-examined, D accepted that he told DSP Liao (during the 1st VRI) that he *did* put his finger into C’s vagina. D explained that what he *meant to convey* was that only a “very little part of” his finger entered C’s vagina, as he was *not sure* whether his finger entered C’s vagina (or how much of the finger entered) when he did the Sliding Action. When asked again (in court) to clarify whether he had inserted his finger(s) into C’s vagina, D then said that a “little part of” his finger “might” have entered her vagina when he did the Sliding Action.<sup>228</sup> In effect, D attempted to portray that the insertion of

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<sup>224</sup> 27/10/25 NE 15–16.

<sup>225</sup> 29/10/25 NE 10–11.

<sup>226</sup> 26/10/25 NE 26.

<sup>227</sup> 29/10/25 NE 4, 13.

<sup>228</sup> 29/10/25 NE 14–15, 31.

his fingers into C's vagina, by the Sliding Action, was *accidental*. But this was also unbelievable, as he subsequently admitted that he *would have known* whether he had put his fingers into C's vagina.<sup>229</sup> I reiterate, D's case in Dr Lim's cross-examination was that he had inserted two fingers into C's vagina, *up to the first joint of the fingers*.

166 In sum, I found D was making a futile attempt to reconcile his Sliding Action story (where he claimed he did not penetrate C's vagina) with his 1st VRI (*ie*, of having "inserted" his hand into C's vagina). D's inability to articulate a consistent position, *ie*, whether he had inserted his fingers into C's vagina, or only touched the outside of the vagina, or that the insertion of his fingers into C's vagina was accidental, cast serious doubts on his credibility. Even when these inconsistent accounts were pointed out to him, D was adamant that his evidence was consistent throughout and he did not change his story.<sup>230</sup> For completeness, I disbelieved D that C had invited him to check her vagina to prove that she was having her period.

167 D's testimony demonstrated his willingness to change his account of events on a whim to suit the objective evidence presented or to explain away glaring inconsistencies in his evidence. This included falsely claiming that he never informed DSP Liao (in the 1st VRI) that he had "inserted" his hand into C's vagina and unjustly blaming Mr Hasan for not interpreting or explaining the words "without consent" to him. D even claimed that DSP Liao had prevented him from elaborating on what had occurred at Stairwell 1 (on 14 December

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<sup>229</sup> 29/10/25 NE 16.

<sup>230</sup> 29/10/25 NE 30–31.

2021) during the 1st VRI, but later conceded that his claim was untrue when he was given the opportunity to view the VRI footage.<sup>231</sup>

168 It was also clear that D had lied in the 2nd VRI when he claimed that it was C who penetrated her own vagina. D also changed his story in court pertaining to the extent of his penetration of C’s vagina, claiming initially that it was two fingers up to the first joint, later claiming that there was no penetration (*ie*, the Sliding Action), and *then* claiming he was unsure and that only a “very little part” of his fingers entered C’s vagina. These lies related to the question of whether and to what extent D had penetrated C’s vagina – material issues pertaining to whether the Alleged Sexual Assault occurred. I had found there was no good reason for D to have lied or change this story. D’s conduct in this regard showed him to be uncreditworthy (*Ilechukwu* at [62]).

169 In so far as D had lied in the 2nd VRI about a material issue (that C had penetrated her own vagina), I found this amounted to corroborative evidence in support of the Prosecution’s case. An accused’s lies may amount to corroboration of evidence of guilt, if they meet the requirements in *Regina v Lucas (Ruth)* [1981] QB 720 at 724, namely: (a) the lie told out of court is deliberate; (b) it relates to a material issue; (c) the motive for the lie is a realisation of guilt and a fear of the truth; and (d) the statement must clearly be shown to be a lie by independent evidence (*Ilechukwu* at [60]). D admitted in court that the statement in his 2nd VRI was untrue. The question thus was whether he had lied for innocent reasons or because he knew that telling the truth would link him to the crime (*Ilechukwu* at [61]). As there was no acceptable reason for D to lie in the 2nd VRI, the only acceptable explanation

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<sup>231</sup> 28/10/25 NE 80–84, 89–92.

for his lie was his realisation of guilt, that he had penetrated C's vagina in the manner that she had described.

170 In the above regard, Mr Asoka submitted that D's action after he left Stairwell 1 did not reflect the actions of a person who had committed a heinous crime. He had proceeded to return C's purse and work phone to Teo, he was not afraid to go to Phang's flat to speak to C, and he subsequently showed up at the police station when called by the police.<sup>232</sup> I rejected D's submissions. It could equally be said that D attempted to cover his tracks and minimise his acts of assault. For instance, he could have handed C's purse and work phone to Teo because he would have been hard pressed to explain why he held on to them. Strangely, *even without Teo's prompting*, he told Teo that he had hit C because he saw her with another man. It could also be said that D went to the police station after being called up, because if he had decided otherwise or to flee, this might suggest that he knew he was guilty of the crime and was trying to avoid apprehension. Indeed, when C was inside Phang's flat and he was informed that the police had been called, D said that he had *told C not to call the police*.<sup>233</sup>

## Conclusion

171 In conclusion, I accepted C's version of events regarding the Alleged Assaults and Intimidation. I found that C was a credible witness, whose testimony was consistent in the material aspects and corroborated by extraneous evidence such as the documented injuries and testimony of witnesses. I did not consider that the arguments raised by the Defence, regarding various purported inconsistencies and discrepancies in the evidence, sufficient to undermine C's

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<sup>232</sup> DCS at [136]; 20/1/26 NE 16–17.

<sup>233</sup> 27/10/25 NE 44.

credibility or to raise a reasonable doubt in the Prosecution's overall case. I make the following points.

172 First, the Defence's overly granular analysis of the evidence, attempting to pick at every *minor* inconsistency without due regard to how such inconsistency went towards disproving the Prosecution's case, was not only excessive but ultimately futile. As the court observed in *Public Prosecutor v Tan Kheng Seng* [1997] SGHC 248 at [44], the court need not consider "every minute difference or inconsistency and determine if a particular version is true or even possible"; its duty is to "examine the evidence in its entirety and consider those which form the major pieces in the respective cases for the prosecution and defence", with "all other evidence [forming] the basis for an overall impression of the respective cases".

173 Second, it bears reiterating that the court considers evidence in its totality. Even where a piece of circumstantial evidence may be insufficient of itself, "the various strands of evidence considered together in totality may be strong enough to prove the guilt of the accused beyond a reasonable doubt" (*Kamrul Hasan Abdul Quddus v Public Prosecutor* [2011] SGCA 52 at [20]). In the present case, I was satisfied that the evidence, viewed in its totality, was corroborative of C's testimony.

174 Finally, "not all doubts about the Prosecution's case are reasonable doubts" (*Jagatheesan* at [51] and reiterated in *Mohammed Ali* at [84]). The Defence's speculations and reliance on conjecture did not suffice to raise a reasonable doubt in the Prosecution's case. Without evidence supporting the same, they were, at most, "untested hypotheses" (*Mohammed Ali* at [86]).

175 In contrast, I found D to be an unreliable witness, whose account of events was not only inconsistent but also contradicted by the objective evidence.

***Whether the 1st Charge was made out***

176 Turning to the 1st Charge, an offence under s 376(2)(a) read with s 376(4)(a)(i) of the Penal Code, the Prosecution must prove that D had sexually penetrated C’s vagina with a part of his body without C’s consent; and in order to facilitate the commission of the offence, he voluntarily caused hurt to C.

177 Having accepted C’s version of events, I found that D had sexually penetrated C’s vagina with his fingers, without her consent, and that hurt was caused to C in the form of the Alleged Physical Assault. I turned to consider whether the Alleged Physical Assault was carried out to facilitate the commission of the sexual assault.<sup>234</sup> In this regard, there must be a “sufficient nexus” between the hurt caused to C and the sexual assault; and D must have carried out the act of causing hurt *with the intention* that it would facilitate the commission of the sexual assault (*Mohammed Liton* at [51]–[52]; *GDC* at [22]).

178 The occurrence of the Alleged Physical Assault before the Alleged Sexual Assault, and the severity of the former and its proximity to the latter, led me to draw the inference that the former was carried out to facilitate the latter. I agreed with the Prosecution that D’s acts of slapping and kicking C all over her body was intended to subdue her and put her in a vulnerable position, so that D could sexually penetrate her with his fingers. Indeed, I accepted that after the first sexual penetration, D slapped C’s face again before he sexually penetrated her a second time. The slapping was, in my view, intended to subdue C and facilitate his act of sexually penetrating C’s vagina for a second time. C had

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<sup>234</sup> 30/10/25 NE 21–22.

attested that after the first sexual penetration, she tried to push D's hand away but failed to do so. I also agreed with the Prosecution that D's intent to sexually assault C was not done in the spur of the moment.<sup>235</sup> D's own evidence was that he was "boiling inside" after having seen C and Chew together; he then waited at the Block for about *an hour* (after Chew had left) in order to confront C; and when C appeared from the Unit at around noon, D grabbed C with both hands and led her towards Stairwell 1 (see [41]–[42] above).

179 Thus, I was satisfied that the elements of the 1st Charge were made out.

***Whether the 2nd Charge (as amended) was made out***

180 Having accepted C's version of events on the Alleged Intimidation (*ie*, that D had pulled on C's leg and told C that he would throw her outside or out of the window of the staircase landing), I was satisfied that the elements of the 2nd Charge (as amended) were made out. D's acts were essentially a threat to cause injury to C. C also attested that, as a result of the Alleged Intimidation, she was scared for her life.

***3rd Charge***

181 D admitted to the 3rd Charge. Based on the statement of agreed facts for the 3rd Charge, I was satisfied that the elements of this charge were made out.

***Conclusion***

182 In view of the above, I found the Prosecution had proven the 1st, 2nd and 3rd Charges beyond a reasonable doubt, and I convicted D on the charges.

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<sup>235</sup> PCS at [138]–[140].

Audrey Lim  
Judge of the High Court

Sunil Nair and Alexandria Shamini Joseph (Attorney-General's  
Chambers) for the Prosecution;  
Asoka s/o Markandu (Anitha & Asoka LLC) and Lee Shen Han  
(Bonsai Law Corporation) for the accused.

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