

Public Prosecutor v Ang Johnny  
[2002] SGHC 305

**Case Number** : CC 54/2002  
**Decision Date** : 13 December 2002  
**Tribunal/Court** : High Court  
**Coram** : Woo Bih Li JC  
**Counsel Name(s)** : Janet Wang and Aaron Lee (Attorney-General's Chambers) for the prosecution;  
Ang Sin Teck (Ang Sin Teck & Co) [assigned] and Lee Yih Gia (Ramdas & Wong)  
[assigned] for the accused  
**Parties** : Public Prosecutor — Ang Johnny

## Judgment

### GROUND OF DECISION

#### *Introduction*

1. The accused is one Ang Johnny ('the Accused'). He faces one charge of aggravated rape under s 376(2)(a) of the Penal code and one charge of wrongful restraint in the use of criminal force with intent to outrage modesty under s 354A(1) of the Penal Code. The alleged victim is one A ('the Victim'). The offences are said to be committed on or about 25 February 2002 in the evening in Room 119 of Sing Hoe Hotel at 759 Mountbatten Road, Singapore. The Accused was 33 years old and the Victim was 16 years old at the time of the alleged offences.

2. The medical evidence showed that the Victim had had sexual intercourse. The prosecution relied primarily on the evidence of the Victim and one B who was the Victim's friend. The defence relied primarily on the evidence of the Accused. At the outset, I should say that the Accused's position at trial was that he had had sexual intercourse with the Victim but not on the day in question nor at Sing Hoe Hotel but at a staircase at the NTUC Club at Singapore Shopping Centre some days earlier and, at that time, she had consented to having sexual intercourse with him. He claimed that on the date of the alleged offences, he was at home and he had not gone out with the Victim.

3. For clarification, I should also mention that, from the telephone directory, the NTUC Club at Singapore Shopping Centre is known as Planet Paradigm and the club is not at Paradigm Shopping Centre, as wrongly alluded to by the Victim's mother, C.

#### *Evidence of the Victim (PW 19)*

4. The Victim and B had been schoolmates and good friends in primary school. The Victim then went to [school] but stopped schooling in 2001 or thereabouts. She said she has a problem with her right knee and a steel wire had to be inserted into it but, in my view, that was not the real reason for her dropping out of school. She claimed that there was some misunderstanding between her and the school.

5. On the first day of Chinese New Year, i.e 12 February 2002, the Victim had gone to the NTUC Club with her godbrother Jason Chua and B. Her godbrother's friend Derek had also come along. When they left in the early hours of the next morning, B shared a taxi with Derek. In the afternoon, B told the Victim that her boyfriend (meaning the Accused) had seen her with Derek, became jealous and slapped her. On hearing this, the Victim asked for the phone number of B's boyfriend. She called him and questioned him as to why he had hit B. At that time, she did not know that B's boyfriend and the Accused were one and the same person. The Accused did not say anything about hitting B. After this conversation, B told the Victim that her boyfriend had asked the Victim to call him whereupon the Accused told the Victim that he had not hit B.

6. On 15 February 2002, B and the Victim arranged to meet at Toa Payoh MRT Station at about 7pm. B told the Victim that she wanted to hand some items to a friend and she and the Victim then walked to a nearby HDB flat. There they met a man who was the Accused. B introduced the Accused as her friend, but not as her boyfriend, and said his name was 'Alvin' or 'Wu Ming'. The three of them then went to a hawker centre for drinks. Subsequently the Victim left to join her parents at the NTUC Club. There she called B to join her and B agreed. However B went to the NTUC Club with the Accused. There they met the Victim and her parents. During the night, the Victim danced with

the Accused and B and at other times with the Accused only. At times she went off with the Accused.

7. On 16 February 2002, B and the Accused again joined the Victim and her parents at the NTUC Club, although again the Victim did not expect the Accused to be present. She said B referred to the Accused as her brother, although they were not related. Again, the Victim did dance with the Accused and go off with him at times although she said she did not do so frequently. She said that there was an occasion during the night when the Accused grabbed her arm and pulled her to a staircase when B and her were walking back from the toilet. B was walking ahead of her. The Victim said the Accused started to say bad things about B. The Victim said that the Accused told her that he was treating the Victim like a younger sister and he also said this to her parents. The Victim denied that during the second night at the NTUC Club she had had sexual intercourse with the Accused.

8. On 18 February 2002, the Victim agreed to meet B at the Lavender MRT station at about 7pm. Again, B turned up with the Accused. They went to a nearby coffeeshop. A girlfriend of B's was also with them. While they were there, the Accused and the Victim left the others. According to the Victim, this was for about ten minutes when they went to buy sweets (NE 202). She denied that she and the Accused had gone up a block of flats and had hugged and kissed each other. Later that night, the Victim's parents arrived to fetch her.

9. On or about 21 February 2002, B arranged to meet the Victim at Toa Payoh MRT station at about 7pm. When the Victim arrived at about 7.15pm, she was surprised to see the Accused there alone. The Victim called B who said that she was at her boyfriend's place and was having a stomach pain. B told her to go shopping with the Accused. The Victim and the Accused then walked around the neighbourhood shops in Toa Payoh. At about 8pm, the Victim called B who said she would not be meeting the Victim as she was not feeling well. However, the Accused told B to meet them behind Blk 60 in Toa Payoh. After B eventually arrived, the Victim's mother phoned and asked the Victim for her whereabouts. The Victim said she was with B who then spoke to the Victim's mother. The Victim's mother then asked the Victim to return home. The Accused accompanied her to the MRT station. The Accused said he was going to meet a friend and asked the Victim if she would like to accompany him. She declined. They both boarded the same train and the Victim alighted at her destination, Redhill, while the Accused carried on with his journey purportedly to meet his friend.

10. On 25 February 2002 (the day of the alleged offences), the Victim received a call from B who asked the Victim if she would like to accompany her to see a monk as B had been having a stomach pain. The Victim agreed and they arranged to meet at between 2.30 to 3pm at Lavender MRT station. However, about ten minutes later, B called claiming that she was having problems with her boyfriend and changed the meeting time to 7pm. At about 7pm, the Victim arrived at Lavender MRT station to see only the Accused there. The Accused told the Victim that he wanted to meet a friend at Lorong 23 Geylang and the Victim said she would not accompany him as she wanted to wait for B. The Accused then changed his mind immediately and said he would bring the Victim to see the monk first and B would meet them whereupon the Victim called B. B told the Victim to follow the Accused to see the monk as the Victim could ask the monk to help her with her knee problem. The Victim agreed.

11. From the Lavender MRT station, the Victim and the Accused took a taxi. The Victim heard the Accused telling the driver to go to Mountbatten. Both of them were sitting at the rear and, during the journey, the Accused was telling the Victim about the monk's healing prowess. The Accused also offered the Victim a packet drink of Chrysanthemum tea. She took a few sips, felt giddy and returned the packet to the Accused. She also said that when the Accused gave her the packet drink, the straw had not already been poked into the foil opening (NE 223). The taxi arrived at a building which looked like a two-storey house.

12. The Victim said she was still feeling giddy. She sat down inside the building. In her statement (paragraph 29), she said that she saw the Accused handing over something to a woman behind a table and in return, the woman handed something to him. In cross-examination, she said she did not see the Accused take anything (NE 226). The Victim said the Accused opened the door next to where she was sitting and called her to follow him which she did. From photographs, she identified the room as Room 119 in Sing Hoe Hotel. She also said she could recognise the inside of the room and the toilet (NE 157). She said the bed in the room was not made up and she saw rosary beads on a dressing table but she did not see any robe (NE 232 and 234). The Accused left the room, came back with a can of beer and went to the toilet attached to the room. She began to feel giddy again and went to the door and opened it when the Accused came out from the toilet clad only in his underwear. He then grabbed her arm, she struggled, he pushed the door shut and carried her. He then dropped her on a bed. She was stunned and did not realise that the Accused was going to do something bad to her (NE 166 and 244). The Victim said she did not shout for help because she did not realise what was happening until the Accused started to strip her (NE 166). She was frightened and shocked (NE 167). When the Accused was removing her clothing and she struggled and bit him on the right shoulder, he slapped her hard once on her left cheek.

The Accused was having difficulty in penetration as the Victim was struggling but she stopped struggling when he pressed his leg on her right knee and she felt pain. As he was penetrating her, he kissed her breasts and sucked her nipples. She said she did not scream because she felt giddy (NE 238 line 1 and 22, NE 251 line 11 and 22). However, she also said that she was not sure whether she had screamed (NE 252 line 21, NE 253 line 6). She said that the situation was complex and she was unable to describe it very clearly (NE 252). She found the penetration painful and she was crying. She did not consent to the Accused having sexual intercourse with her.

13. After the rape, the Accused carried her into the bathroom/toilet. She was still crying. She turned on the shower to wash herself. The Accused told her that she now belonged to him and that he owed someone money. If he were in trouble, she should help him. The Accused also told her that if she were to make a report, nobody would believe her as he had a lot of friends in CID. He added that if he were to go to jail, he would not let the Victim or her parents off. The Victim said she believed him as she was afraid of him. They left the building between 8.45pm and 9pm, walked for a while and got into a taxi. They went to Bugis Junction and alighted. Before the Accused walked away, he warned her about what he had said in the room. He also told her she could stay with him when her parents found out about the incident and scolded her. He claimed to have other girls of her age staying at his place and B used to stay there. He told the Victim that if she went to the police, he would tell B to lie against her.

14. Paragraphs 42 and 43 of the Victim's statement stated:

'42. In the train, on the way back home, I called B and asked her why she did not turn up to meet me at the place. She told me that she was having stomach pain. She then asked me what we had done at the place. I did not say anything to her. She then asked me if the accused had done anything to me. I kept quiet. A short while later, I asked her if she had planned this with the accused. Initially, she did not say anything but she then started to cry and asked me to forgive her. She told me that the accused had forced her to follow his instructions. I asked her why she had to listen to him and she told me that she did not have any choice as he had done the same thing to her before.

43. I told her that I wanted to make a Police report but B told me not to do so. She told me that the accused would never let me go if I make a Police report. She also told me that she would be in trouble with the accused.'

15. The Victim also said that on the same night after the incident, the Accused had asked her to call him at about 11pm as his mobile phone battery was running low. She said she did as directed as she was afraid of him. She called him and he warned her against reporting the matter to the police. He also asked her to call him everyday to tell him about her daily activities which she agreed.

16. Some days later, on the night of 3 March 2002, the Victim told her mother what had happened as her mother had questioned her about her change in behaviour. Her mother then confronted the Accused on the telephone and the Victim claimed she could hear the Accused extorting \$50,000 from her mother.

17. On 4 March 2002, the Victim made a police report about the rape. The report stated that she was raped by a male Chinese aged about 25 years at an unknown hotel along Mountbatten Road.

18. The Victim also wrote down several messages she received on her handphone between 1 to 6 March 2002 (Exhibit P24). The messages were from the following numbers:

- (a) 94888987 (the Accused's handphone number)
- (b) 90172562 (B's handphone number)
- (c) 90843032 (a number which the Victim was not familiar with)
- (d) 98765305 (a number which the Victim was not familiar with)

94888987 was the number that B had provided to the Victim when the Victim first called B's boyfriend to question him as to why he had slapped B. B had also told the Victim to call her at this number when the Victim wanted to reach B.

19. Most of the messages were threatening, abusive and/or vulgar. One was from B stating that she wanted to 'chap' the case, meaning she wanted to get involved in the matter. The message also stated that she would be 'his witness'.

20. It was after the alleged offences that the Victim learned from the Investigating Officer that B's boyfriend was actually the Accused (NE 344). The Victim had never regarded the Accused as her boyfriend but an elder brother (NE 184 and 181, 295).

#### ***Evidence of B (PW 20)***

21. B had been staying with her grandmother and uncle since Secondary One. Her mother had passed away and her father was often in Thailand. When her father is back in Singapore, he stays alone and refuses to let her stay with him. She has one elder brother but he is not staying with her and is staying with a cousin.

22. B had known the Victim in primary school. She said that the Accused was her boyfriend in 2002. B had gotten to know the Accused by talking to him on a phone chat line in January 2002. He had asked her who she was living with and about her parents and she had told him. On the following occasion, she asked the Accused to go out with her. She met him at his home. When they were out together, the Accused said he would take care of her and asked her to be his girlfriend. The Accused also asked B to stay with him and, initially, she declined as she was schooling. However, as the Accused kept pressing her, she agreed. She stopped going to school thereafter.

23. B said that the Accused had one handphone but many SIM cards. He liked to use different SIM cards to make fun of people. What she meant was that he would send SMS messages of a vulgar or abusive nature to others or make phone calls and ending the calls. She knew this as he had done so in her presence and showed her the SIM cards (NE 390 and 391).

24. B corroborated the Victim's evidence that she (B) had gone out with the Victim and her two male friends on the night of the first day of Chinese New Year i.e 12 February 2002 and that the Accused had seen her with one of the male friends, became angry with her and slapped her five times. That was the first time he had beaten her.

25. She called the Victim on the third day of Chinese New Year i.e 14 February 2002 and told her what her boyfriend had done. The Victim then asked for the boyfriend's phone number. B gave the Victim the Accused's mobile phone number and the Victim called the Accused.

26. After the Victim had spoken to the Accused, the Accused called and questioned B as to why she had given his mobile phone number to the Victim and why she had told the Victim that he had slapped her. The Accused was not happy and warned B not to tell anyone about the incident otherwise he would beat her again. However, the Accused also told B that he wanted to get to know the Victim.

27. On the next day, i.e 15 February 2002, the Victim called B to ask B to go out with her. The Accused learned that B was making plans to go out with the Victim. In paragraph 5 of her statement, B said:

'... After that phone call, the accused asked me whom I had called and I told him that it was the victim. I also told him that I wanted to go out with the victim. The accused then reminded me of his intention to bring a girl to work in a KTV lounge, he then said that he wanted to meet the victim. I knew that he wanted to get the victim. Prior to this, the accused had told me of his intention to get girls to work in KTV Lounge in order to earn some money. He also told me he had used the phone chat line to get to know girls so that he could sweet talk them into working at the KTV Lounge.'

28. The Accused also told B to arrange to meet the Victim. He would come along but she was not to tell the Victim. B was also not to tell the Victim his real name but to introduce him as Alvin or Wu Ming. B agreed because she was afraid of the Accused. Eventually B met the Victim at Toa Payoh MRT station and then brought her to meet the Accused at a nearby flat. They then went for drinks at a hawker centre. Subsequently that night, the Victim asked B to go to the NTUC Club as her mother wanted to meet B. B reluctantly agreed as the Accused

wanted to meet the Victim again. B and the Accused then went to the NTUC Club and met the Victim and her parents. The Victim and the Accused left the table from time to time and were at times dancing together.

29. On the following morning, i.e 16 February 2002, the Accused told B that he had chosen the Victim to work in a KTV lounge. He wanted her to 'date' the Victim on his behalf. She agreed because the Accused threatened to beat her if she refused. That night, the Accused told B to call the Victim as he wanted to meet her. Eventually B arranged to meet the Victim at the NTUC Club again where the Victim would be with her parents.

30. Again, the Accused and the Victim left the group from time to time and at times were dancing together. However, B said that on one occasion, the Accused had asked the Victim's mother for permission to go out with the Victim but the mother told him he could not unless B was around. The Victim remained silent.

31. In paragraph 21 of B's statement, she gave an account as to what happened after the Accused and her left the NTUC Club that night. She said:

'21. Both the accused and I took a taxi for his house. In the taxi, the accused told me that the victim's mother was a 'smart' woman who could talk very well. When we reached his house, the accused told me of a plan where he wanted me to call the victim and arrange a meeting at a certain place. I was also told to tell the victim that I would be meeting her with the accused but in actual fact, I was not supposed to go and meet the victim at all. The accused would be there to meet her on his own. He then told me that he would get the victim to work in a KTV Lounge so that he could make some money. He also mentioned that he would try to get the victim to have sex with him, so that she would love and be with him and since the victim was very attached to her mother, he would try to make her run away from home. I would like to say that I began to hate the accused for what he wanted to do but I dared not tell him that I would not help him. I was afraid that he would beat me and at that time, I dared not leave him due to the same reasons. He also added that once he got the victim to work in the KTV Lounge, he would get the money where he would bring me with him to Thailand. He claimed that he had a friend who had done the same thing before, his friend became successful and now his friend was in Thailand with his girlfriend. He then told me that he had already told someone to make passports for both of us. I did not ask him why he got someone to make passports for us. After the conversation, both of us went to sleep.'

32. On another occasion, B arranged to meet the Victim at Lavender MRT station. The Accused was also present. They then went to a coffeeshop and talked. Another girlfriend was with B. B said that the Accused and the Victim went off on their own for about an hour before joining B and her friend. Later in the night, the Victim's parents came to fetch her to the NTUC Club. B said that the Accused had told her that when he was alone with the Victim, he had put his finger into her vagina.

33. On another occasion, the Accused told B to arrange to meet the Victim at Toa Payoh at about 7pm but he would meet the Victim alone and B was to stay in the Accused's flat. At about 8pm, the Victim called B and asked why she did not turn up. B said she had a stomach upset and would meet them later. Later, the Accused called and told B to go to Blk 60 Toa Payoh. B said when she met the Victim, the Victim was a bit angry. The Victim's mother had called the Victim and the Victim had to lie that she was with B (as B had not arrived yet but the Accused had). The Victim asked B to call her mother and lie to her that B had gone to a toilet.

34. Paragraph 29 of B's statement stated that the Accused told her to go back while he sent the Victim to the MRT station. Paragraph 30 stated:

'30. Later the accused returned home and told me that he might not be successful in getting the victim to work in KTV because her mother was very strict, always keeping an eye on her daughter. He then told me that if he managed to get the victim to work in the KTV, he suspected that her mother would make a police report and the Police would arrest him. He told me that he would mention my name to the Police and I must be on his side to lie to them. He told me that he would mention my name to the Police because the victim was introduced to him by me.'

35. B could not remember the date of the alleged rape. However she said that the Accused had asked her to call the Victim. She then called the Victim to say that she was having a stomach pain and wanted to seek treatment from a monk at a temple. She told the Victim that she should come along because of her knee problem (NE 474). As directed by the Accused, she told the Victim to meet her at Lavender MRT station. The Accused had also told B not to turn up as he wanted to meet the Victim alone. If the Victim should call B, she was to lie to say that her boyfriend was not well and she had to take care of him and the Victim was to follow the Accused. The Accused left his flat at about 5 or 6pm.

36. B said that the Victim did call her subsequently on the same day to ask why she had not turned up. She told the Victim that her boyfriend was not well and she had to take care of him. She told the Victim to follow the Accused.

37. Later in the same night, the Victim called B again. In paragraph 33 of her statement, B said the Victim asked her whether she had planned 'it' with the Accused but the Victim did not specifically say she had been raped. According to B, the 'it' meant that the Accused wanted to cheat B (NE 564 and 565). B said she cried and told the Victim that she had been forced by the Accused to do it. During the trial, B elaborated that she cried because she knew something had gone wrong (NE 565).

38. In the rest of paragraph 33, B said she told the Victim not to make a report as the Accused would not let B go and B would get into trouble with the police and the Accused. The Accused would take revenge on B.

39. When the Accused returned home that night, B asked him what he had done with the Victim but he did not tell her. He looked fierce and stared at B who decided not to ask him further (paragraph 36 of B's statement).

40. B said that about two days later, the Accused told her that he wanted to make a police report about an attempt to extort money from him (NE 493). However she was not sure about the date. The Accused told her that the Victim's mother was trying to extort money from him because of 'that matter' meaning the day when the Accused had purportedly brought the Victim to a hotel (NE 495). B also said that the Victim's mother had told her that the Accused had brought the Victim to a hotel (NE 499).

41. B said that when she accompanied the Accused to make a report to the police, the Accused told her to lie to the police and say he was drunk and did not know what he was doing. He also told her to lie that he had been wrongly accused of bringing the Victim to a hotel (paragraph 37 of B's statement). However, in cross-examination, she said that up till then she did not know that the Accused had had sexual intercourse with the Victim. All he had told her was that he had put his finger into the Victim's vagina (NE 502) at the time when they met in a coffeeshop with B's girlfriend.

42. B also said that she and the Accused had sent the various abusive and threatening SMS messages which the Victim had mentioned. One was from the Accused's mobile phone number 94888987, one from her mobile phone number 90172562 and most were with the use of the Accused's Hi card with telephone number 90843032 (NE 423 and 539). However, she did not recognise the fourth number 98765305.

43. One of the messages sent by B was the one I have mentioned i.e that she wanted to 'chap' the matter and be 'his witness'. According to paragraph 38 of B's statement, she said that on that day, the Accused kept on telling her to be the Accused's witness and that she was not to change her statements, otherwise he would go to jail. He warned B that if her statement was the same as the Victim's, he would go to jail but upon his release, he would look for them.

#### ***Evidence of Ms Ong Siew Hong (PW17)***

44. The prosecution adduced evidence from Ms Ong Siew Hong (PW 17) who had worked as a chambermaid and front office clerk at Sing Hoe Hotel. She performed front office clerk duties every Monday, such as registration of guests. 25 February 2002 was a Monday. She resigned from the hotel in or about May 2002. She was unable to recognise or remember the Accused or the Victim (NE 113, 114 and 122 to 124). She said that on that day, she did not notice any lady who had come into the hotel and was giddy (NE 118). Neither did she remember any shouting. She said she did not see a lady and a man coming out from Room 119 at about 9pm. She confirmed that there was a refrigerator in front of the registration desk and it would have soft drinks and beer (NE 115 and 116).

#### ***Evidence of Ong Kum Fatt (PW 19)***

45. The prosecution adduced evidence from Mr Ong Kum Fatt, the manager of Sing Hoe Hotel. Mr Ong's evidence was that the hotel had a Guest Room Record (like P22) and a Registration Book (P23). The Guest Room Record was a booklet of chits of paper in which the name, identity card number and nationality, room number, number of hours, cash, time IN and OUT would be recorded. These chits of paper are used when guests intend to occupy a room for less than two hours. There are two copies, an original and a duplicate for each chit. The hotel would keep one copy and perhaps the other as well if the guest did not want the other copy. Whatever the hotel kept would be from one to a maximum of two months. Once the accounts had been checked, the chits of paper would be thrown away.

46. The guests who booked rooms for less than two hours would usually be allowed to use a room on the first level (where Room 119 was) unless all the rooms on the first level were occupied in which case they would be allowed to use a room on the second level.

47. The particulars of guests who booked rooms for more than two hours would be recorded in the Guest Registration Book. The Accused's name was not recorded in the Book.

48. Mr Ong also said that there were eight Closed Circuit Colour Television cameras installed in the hotel at the material time. One was directed at the front of the reception. However, the tapes would be kept for about 30 days, as one would be used for each day of the month, and then reused.

49. It is common ground that the Victim's report to the police was made about seven days after the alleged offences. Thereafter the police did not commence investigations until later. Subsequently, they brought the Victim to hotels in Geylang first and then to Mountbatten Road when she identified the hotel in question. By that time, the hotel no longer had the tape recordings for 25 February 2002.

#### ***Evidence of C (PW 21)***

50. C is the mother of the Victim. In paragraph 9 of her statement, she claimed that from the day after the Victim was supposed to see the monk, she noticed the Victim taking showers frequently and she kept changing her panties. She asked the Victim and the Victim said her vagina kept bleeding. In oral testimony, C said that it was more like spotting.

51. C also said in her statement that the Victim kept on looking at her mobile phone and was not herself. In oral testimony, she also said the Victim became very worried and hot tempered (NE 586).

52. On 3 March 2002, she and her husband had brought the Victim to her favourite restaurant for dinner. The Victim did not have any appetite. When questioned, the Victim began to cry. That night, she asked the Victim what had happened and she broke down and told C that the Accused had raped her on the day she was supposed to see the monk i.e 25 February 2002. She then confronted the Accused over the phone but she claimed that the Accused said that the Victim had sex with him willingly and that he had threatened to expose all the pictures he had taken, when he was having sex with the Victim, if C went to the police. The Accused then sought \$50,000 from C if she wanted to settle the matter. She denied attempting to extort \$50,000 from the Accused.

#### ***Evidence of Loy See Mua (PW 22)***

53. The prosecution adduced evidence from Loy See Mua (PW 22). He said he had known the younger brother of the Accused for about five to six years. The younger brother was known to him as 'Or Lang' and he and 'Or Lang' were staying in Toa Payoh. He had been to 'Or Lang's' residence twice when 'Or Lang' was staying at Blk 58 Toa Payoh Lorong 4 and once when 'Or Lang' was staying at Blk 64 Toa Payoh Lorong 4. He knew the Accused as 'Johnny Boy'. Loy said that in September 2001, he had bought a Hi card from Singtel with the telephone number 90843032 as he did not have any SIM card for his mobile phone. He used the name Loy Pitt to purchase the Hi card. In December 2001, he was at the Accused's flat at Blk 58 Toa Payoh to talk to Or Lang. When he was about to leave, the Accused asked him to apply for an SIM card as the Accused was still owing a service provider some money. Loy did not want to do so as he was afraid that he might end up footing the bills for the Accused's use of the SIM card. Instead, he let the Accused have the Hi card because by then his friend Kelvin Lim had subscribed for two SIM cards for him (Loy) and he did not have any more use for the Hi card.

54. Although Loy was able to identify the Accused, he was not able to recognise B. Neither was B able to recognise him. Loy denied that the Hi card was actually given to B. He also said he did not know Victim.

#### ***Evidence of Dr Yong Tze Tein (PW 4)***

55. Dr Yong Tze Tein (PW4) was attached to the Department of Obstetrician & Gynaecology of Singapore General Hospital. She examined the Victim on 4 April 2002 (NE 45) and her report was dated 25 April 2002. Her examination of the Victim revealed that there were old hymenal tears at 4 and 8 o'clock. She was not able to say how recent they were or whether force had been used. She also could not say whether the Victim had had intercourse more than once. She did not find any injury on the genital area. She did not recall noticing any teeth marks on the Victim's breasts. She also noticed a visible scar on the Victim's right knee. The Victim had told her this was from a knee operation.

#### ***Evidence of Dr Andre Leong (PW 3)***

56. Dr Andre Leong (PW 3) was a Medical Officer at Changi Prison Hospital. He examined the Accused on 17 April 2002. He was asked to do a Penile Erectile Test on the Accused. He concluded that clinically, there was no indication of impotence. He did not notice any bite mark or bruise mark on the Accused's shoulder. His case notes stated that the Accused was 'Aggressive, uncooperative'. The Accused was asked to ejaculate but he did not.

#### ***Evidence of Staff Sergeant Chia Beng Ho Bernard (PW 16)***

57. Staff Sergeant Chia Beng Ho Bernard (PW 16) was attached to Toa Payoh Neighbourhood Police Centre. On 4 March 2002 at about 11.55am, he was doing desk duty at Toa Payoh NPP. The Accused and B had walked up to him then and the Accused informed him that he wanted to make a report about a case of extortion. S/Sgt Chia said he asked the Accused how this had come about and the Accused said that he had been to a pub with his girlfriend who was introduced by B. After a couple of drinks, they were both drunk i.e the Accused and his girlfriend (meaning the Victim). Both of them went to a place and they stayed together until the next morning. The Accused did not say exactly which place. When the Accused woke up, the Victim was still with him and he asked her to leave. A few days later, he received a call from B who told him that the Victim's mother had called her (B) and asked for \$50,000 as the Victim was pregnant and underage (NE 81 to 82).

58. S/Sgt Chia also informed the Accused that if he was making a false police report, he would be liable for the consequences (NE 86). The Accused appeared frustrated (NE 88). Eventually, he did not make a police report.

59. However, S/Sgt Chia had made some notes in the Station Diary (Exhibit P21) regarding the Accused's complaint. The material part reads:

'Ang Johnny, 6905439-J, blk 58, Lor 4, Toa Payoh, #01-49, m/31 yrs in post to inform that a girl named Victim, mother have allege that he have rape (*sic*) his daughter on 25.2.02 at S'pore Shopping Centre at Orchard Rd pub. Moreover, her mother have requested for \$50,000/- in order to settle the case. However, complt claims that he did not have any sex with her daughter who is believe to be underage.'

[Emphasis added.]

#### ***Evidence of Inspector Adam Gazari (PW 23)***

60. Inspector Adam Gazari was the Investigating Officer.

61. He said the Accused was arrested on 11 April 2002 at about 12.15am on the ground floor of Blk 58 Lorong 4 Toa Payoh. The Accused was seen using a mobile phone prior to his arrest. After the police identified themselves, the Accused immediately kept that mobile phone in a pocket of his trousers. During the arrest, the Accused created a scene, shouting and calling out for his mother. The Accused and his mother spoke quickly to each other in Chinese and she reached into a pocket of his and took out a black Nokia mobile phone (P27). Inspector Gazari asked an officer Senior Staff Sergeant Png Chen Chen to ask the mother for the mobile phone she had taken. Senior Staff Sergeant Png told him that when she asked the mother for that mobile phone, the mother created a scene. That black mobile phone was found and handed to Insp Gazari. Another white or beige Nokia mobile phone (P26) was found in another pocket of the Accused's trousers (NE 694 and 695).



However, as the service on these two phones had been terminated, Insp Gazari was not able to obtain information from the service providers as to who the owners thereof were (NE 694).

62. Of the four telephones in P24 i.e from which the threatening, abusive and vulgar messages had been sent to the Victim, Insp Gazari had obtained the following information:

(a) 94888987 belonged to the Accused (NE 667)

(b) 90172562 belonged to B (NE 667)

(c) 98765305 belonged to one Ms Lau Chee Teng who claimed that the phone had been stolen from her (NE 667 and 668)

(d) 90843032 (the Hi-card) was registered to Loy Pitt (NE 685). This was the name that Loy See Mua said he had used to subscribe to this number.

63. Insp Gazari only learned that the hotel in question was Sing Hoe Hotel on 12 April 2002 (NE 680) after he brought the Victim to various hotels in Geylang and then to Mountbatten Road. By then, the hotel had reused the tapes for their closed circuit cameras and the chits from the Guest Room Record for February 2002 were no longer available. Insp Gazari said that although he had interviewed the Victim on 6 March 2002, he did not immediately take her around to try and locate the hotel in question. He was engaged in another case and while investigating the Victim's case, he was assigned to investigate other cases as well (NE 682).

64. He also said that the Victim had identified the chair in Sing Hoe Hotel where she had sat on the day in question and the room on her left i.e Room 119. She was brought into the room and she told him that the toilet was very small and the shower head was just behind the toilet door. He told her to check and she did so and confirmed this fact (NE 687).

#### ***The arrest of the Accused***

65. The Accused was arrested on 11 April 2002. At that time, the intended charge was that he had raped Victim on or about 25 February 2002 in the evening at an unknown hotel in Mountbatten road. As I have said, the hotel was identified as Sing Hoe Hotel only on 12 April 2002.

#### ***Accused's statement on 11 April 2002***

66. The Accused's statement then i.e on 11 April 2002 was that he did not go to the hotel with the Victim. He did not beat her up. B could be his witness. He also mentioned that the Victim's mother had demanded \$50,000 from him and he had gone to a police post to report this.

#### ***Accused's long statement on 15 April 2002***

67. On 15 April 2002, the Accused gave a long statement. He is a divorcee. He stayed with his mother and uncle and grandmother. He said that B introduced him to the Victim (whom he referred to as 'Ah Girl') at a disco/pub in Singapore Shopping Centre. He also met the Victim's mother (C) who sought his assistance to beat up someone who had molested the Victim. During that night, the Victim's mother told her to dance with him. He said that he had given the Victim his mobile phone number 94888987. After he left the pub in the early morning, the Victim called him about ten times asking him if he wanted to go down to the pub later that night and saying that her mother wanted to see him.

68. On the second night at the pub, C asked him if he was interested in the Victim and he said he was. He also told C that he was previously a debt collector and when C asked him for his help to collect debts, he agreed. He claimed that the Victim said she did not mind going out with him as long as her mother approved and that her mother controlled everything.

69. This long statement of the Accused did not refer to any date in respect of the two nights in the pub. The Accused went on to say

that about a week later, the Victim called to see him. He met her at Blk 60 Toa Payoh. B was also present. All three met at about 8pm. The Accused said that the Victim hugged him and told him that her mother had wanted her to go out with many men and had forced her to do many things that she did not want to do. He offered to speak to C but the Victim declined the offer as C would find fault with her and would not let the Accused go.

70. About two days later, he called the Victim but the call was answered by Mdm Loh. He asked C about what the Victim had told him and C became angry with him and hung up the phone.

71. The next day, B came to his flat and told him that C had called her (B). C had told B that the Accused had raped the Victim and asked B not to be a witness for the Accused. On hearing this, the Accused called the Victim who wanted \$50,000 from him. C then spoke to him and threatened to make a police report if he did not give \$50,000. The Accused then went to make a police report about the threat. The officer recorded his complaint but no report was given to the Accused. I would add that it is not disputed that the Accused did not make a written report. The Accused also asked B to be his witness if he should be arrested and she promised to help him.

#### ***Accused's statement on 18 April 2002***

72. When the Accused was charged on 18 April 2002 with outrage of modesty, he made a short statement to deny that he had molested the Victim and said he was wrongly accused and wanted to engage a lawyer.

#### ***Oral testimony of the Accused***

73. The Accused stayed at Blk 58 Toa Payoh Lorong 4 #01-49. He clarified that the 'uncle' staying with him was his stepfather (NE 883) and one of his younger brothers also stayed with him before that brother was put in prison. He said he was unemployed for two to three years (NE 771 to 772) although he later claimed to work as an odd job labourer (NE 849).

74. He said that his relationship with that of B was that of brother and sister. He had taken pity on her as she was a drug addict and was always being conned by men (NE 792). She had stayed at his flat on one or two occasions when her boyfriend had beaten her up. On those occasions, she would sleep outside his flat at the back where there was a corridor. However, he did not confront B's boyfriend about his assaults on her. He claimed that Loy Se Mua was B's boyfriend (NE 758). He had seen Loy twice, once inside and once outside his (the Accused's) flat (NE 799 and 800) and a third time when he met B and the Victim outside (NE 814).

75. He said that the Victim was his girlfriend although the Victim had never been to his flat (NE 888), unlike B. Neither did he know where the Victim was staying (NE 888). He then said that he did ask the Victim where she was staying and she said she used to reside in different places, sometimes with her grandmother and at times with her mother (NE 891). She did not tell him where she was staying with her parents (NE 891).

76. The Accused said that when the Victim first spoke to him on the telephone, it was to ask him why he did not help B when she was beaten up by her boyfriend.

77. The Accused also said that when he met the Victim's parents for the first time at the NTUC Club, he had told C that he was in prison twelve years ago and that he was not working (NE 727). Notwithstanding this, she was impressed by him because he had turned over a new leaf (NE 825, 829 to 832). He claimed that during this first visit to the NTUC Club, he had hugged and kissed the Victim.

78. He subsequently met B, the Victim and a girlfriend of B's at a coffeeshop at Lavender Street. During that time, he and the Victim spent an hour at a staircase at the tenth storey of a block of flats. They hugged and he inserted his finger into her vagina and she masturbated him.

79. On another night, he went to the NTUC Club a second time with B to meet the Victim. Her parents were also at the NTUC Club. The Accused claimed that he had some moments alone with the Victim, about six to seven times, and on one of these moments, they were in a smoking room and made love. He then changed his evidence and said that they made love at a staircase (NE 735). The Victim did not object to the love making

80. The Accused denied that he had ever mentioned to B that he wanted to get girls to work for him in a KTV lounge to make money for him. Although the Accused knew about the Victim's problem with her knee, he denied any knowledge about the plan to trick the Victim about seeing a monk (NE 741). He claimed to be at home on the day of 25 February 2002. In cross-examination, he said that he was ill and he could only walk after taking some medication. He mentioned a doctor by the name of Kelvin whose clinic was at Toa Payoh, telephone number 2555188, who was supposed to be able to testify about his condition which he said was arthritis. However, he did not elaborate as to how this illness would have prevented him from leaving home when he had medicine to take in any event.

81. The Accused said he did not know whether other family members were at home on that day (NE 857 line 20 and 886 line 17/18) even though the flat had only one bedroom and one living room (NE 721) and even though his mother was not working and would be at home most of the time (NE 883). Then he said his mother, his 'uncle' and he were at home the entire day (NE 886 line 23 and 24).

82. The Accused said he first learned about an allegation of rape on 3 March 2002 when C called him (NE 743) and she attempted to extort \$50,000 from him (NE 745). He claimed that the Victim then spoke to him at about 11am of 4 March 2002 and told him that she had revealed to C what had happened at the NTUC Club as between them. The Victim also told him that C wanted \$50,000 and if he did not have this sum, then to give \$30,000. Between 12 to 1pm, B also spoke to C who had threatened the Accused.

83. He claimed that B had used his handphone to send messages to C without his permission and he did not know how to do so, having studied up to Primary 3 only. He disagreed with Loy's evidence that Loy had given a Hi card with the telephone number 90843032 to him.

84. In cross-examination, he admitted that the police had seized two handphones when he was arrested. One had the phone number 94888987 and the other did not have a phone number. He had bought the latter as a second hand phone for his mother on the day he was arrested (NE 775). He said he passed this handphone to his mother on the night he was arrested.

85. The Accused said that in the course of the recording of his first statement, he did tell Inspector David Chan that he was at home on 25 February 2002 but he did not say this to the interpreter Mabel Ang (NE 924). However he was not able to explain satisfactorily why this allegation was not recorded in this statement or in his other two statements. All he mentioned was that he was feeling a bit giddy then (NE 922).

### ***My conclusion***

86. I found that B was the girlfriend of the Accused and not the Victim.

87. First, if the Victim was really the girlfriend of the Accused all along, he would have mentioned this when he was charged with rape and later on with molest. He did not.

88. Secondly, the Victim had denied being the Accused's girlfriend and B had said she (i.e B herself) was his girlfriend.

89. Thirdly, if the Accused was not B's boyfriend, then who was? On this point, the Accused made the belated assertion that Loy was B's boyfriend. Yet, Mr Ang Sin Teck, Defence Counsel, had never suggested this to either B or Loy during cross-examination. All Mr Ang suggested to each of these two witnesses was that they knew each other. Furthermore, the Accused's evidence that he knew that Loy was B's boyfriend, because he had seen Loy with B when she came to the Accused's flat with Loy, was contradicted by Mr Ang's cross-examination of Loy. Mr Ang had put it to Loy that the Accused did not know him at all (NE 659).

90. Fourthly, I also find that the Victim's explanation that she first contacted the Accused because he had slapped B to be corroborated by B's evidence. Also, the Victim's evidence that she was led to believe that the Accused was like a brother to B is also corroborated by B who had said that that was the Accused's idea.

91. Fifthly, the Accused had told B not to disclose his real name to the Victim who only knew him as Alvin or Wu Ming. This was indicative of the deceptive nature of the Accused.

92. Sixthly, B had said she had stayed with the Accused at his flat and this was not challenged by Mr Ang. It was only when the

Accused gave evidence that he said that B had not stayed in his flat but rather had slept in a space outside his flat. There was no such suggestion to B when she was giving evidence.

93. Seventhly, after having seen B's demeanour and hearing her evidence, I found that the Accused was interested in the Victim but his interest was not reciprocated. I accepted B's evidence that the Accused wanted to make the Victim fall for him, have sex with him and then use her to earn money for him. I also accepted her evidence that the Accused was having some difficulty in achieving his aim as the Victim's mother was looking out for her.

94. I also found that the Accused did not have sexual intercourse with the Victim on the second night that he was at the NTUC Club. There was no mention of this in any of his statements to the police. Indeed, the notes recorded by S/Sgt Chia on 4 March 2002, when the Accused came to complain about an attempt to extort money from him, stated that the Accused himself had said he did not have sexual intercourse with the Victim who was believed to be underaged. I was of the view that the Accused belatedly claimed to have sexual intercourse with the Victim on a different occasion to bolster his claim that the Victim was his girlfriend and also to explain away any medical evidence that the Victim had had sexual intercourse.

95. I accepted B's evidence that the Accused had wanted her to fix meetings with the Victim so that he could be alone with the Victim. This was done in respect of one meeting at Toa Payoh (see paragraph 33 above). However the Accused did not achieve anything then. So he instructed B to make another arrangement and she came up with the idea of pretending to see a monk on that fateful day i.e 25 February 2002. On this point, B's evidence corroborated the Victim's that the Victim was led to believe that she was meeting B to see a monk to address B's stomach problem and the Victim's knee problem. However, the real reason was for the Accused to be alone with the Victim.

96. I did not accept the Accused's evidence that he was at home the whole of that day. First, he did not mention this in any of his statements. Secondly, he called no family member to corroborate this evidence

97. Thirdly, after mentioning the name of Kelvin as a doctor treating his alleged arthritis, he failed to explain how the arthritis would prevent him from leaving home or call Kelvin as his witness. Fourthly, B said he had left his flat in the evening of that fateful day, presumably to meet the Victim although she would not know personally whether he did meet her or not. B was not challenged on this.

98. I will come back to the alleged incident at Sing Hoe Hotel later.

99. Sometime later in the night of 25 February 2002, the Victim contacted B and although the Victim did not say she was raped, it was clear to B that something terrible had happened. That was why B cried when the Victim asked her whether she had planned the meeting with the Accused. B then urged the Victim not to report the matter to the police as the Accused would not let the Victim or B go.

100. I now come to the night of 3 March 2002 and early morning of 4 March 2002, before the Victim made her police report later on 4 March 2002. There is no dispute that the Victim's mother spoke to the Accused and accused him of rape. Some time was spent on the question whether it was the Victim's mother who tried to extort \$50,000 from the Accused or the other way round. It seemed to me that even if the Victim's mother had sought to extort money from the Accused, this did not mean that the allegation of rape was false. From one point of view, that would have reinforced the allegation of rape. Furthermore, even if the Victim had lied about the extortion attempt being made by the Accused, it did not mean that she had lied about the rape.

101. What is more significant is that after the Victim's mother had made the accusation of rape, the Accused had told B to lie for him and to say that he was drunk and did not know what he was doing. In my view, this was not a reference to the insertion of his finger into the Victim's vagina but to the rape allegation. The Victim's mother was not talking about the former and the Accused knew that the Victim's mother would insist that the Victim report the alleged rape to the police. B had also said that the Accused had warned her not to tell the truth otherwise he would go to jail. In my view, this was damning evidence against the Accused.

102. I would add that Mr Ang did not suggest to B at any time that she was lying to get even with the Accused. Indeed, the Accused's position was that B was not his girlfriend. Mr Ang also did not suggest that B was lying to help the Victim get even with the Accused in some way. Furthermore, in Mr Ang's closing submission, he had sought to rely on certain aspects of B's evidence on the basis that she was a truthful witness. It was also significant that, all along, the Accused had sought to rely on B to be his witness. However, her evidence

contradicted his on many of the material points even though she appeared reluctant at times to testify against him. I was of the view that, generally, she was a truthful witness.

103. As regards the alleged rape, I was aware that there were some inconsistencies in the Victim's evidence, for example, as to whether she did or did not notice the Accused take anything from a lady at the reception area. Her evidence that she did not know that the Accused was going to do something bad to her when he grabbed her arm, carried her and dropped her on the bed, was suspect. I also took into account her uncertainty as to whether she did or did not scream for help.

104. Against that, I took into account her age and the fact that if the Accused did rape the Victim, everything would have happened quickly and it would have been a sudden and traumatic situation for her. It is all very well for lawyers and the court to look back with hindsight and, without the immediate tension and trauma, to criticise an alleged victim's evidence of the rape. As the Victim herself had said, the situation was complex (see paragraph 12 above).

105. I also took into account the Victim's evidence that she could recognise the room and the toilet. This was corroborated by the evidence of the investigating officer who said that when he brought the Victim into the room, she said that the shower head in the toilet (bathroom) was just behind the door which turned out to be true. The Victim had also said the Accused had come back into the room (before he raped her) with a can of beer and Ms Ong Siew Hong had said that there was a refrigerator in front of the reception desk with soft drinks and beer.

106. I also accepted the Victim's evidence that she did not report the rape immediately, or for that matter tell her mother about it immediately, because the Accused had threatened her and she was afraid. Later that night, B had also urged her not to make a report later that night when the Victim asked B whether she had planned the meeting with the Accused and B had cried. This was corroborated by B.

107. As for the evidence of Ms Ong that she could not recognise the Accused or the Victim, I was not surprised that she could not recognise either. The police themselves only knew that the hotel concerned was Sing Hoe Hotel on 12 April 2002, more than a month later. Her statement was dated 30 August 2002 and there was no evidence before me as to whether Ms Ong had been asked to identify the Accused before the trial. By the time of the trial, it was already October 2002. Given the long lapse of time, I also did not place much weight on her other evidence that she did not notice any lady who was giddy, or see a lady and a man coming out of Room 119 at about 9pm that day. How could she remember? Her evidence that she did not remember any shouting is not inconsistent with the Victim's evidence since the Victim did not assert specifically that she did scream for help.

108. The aggressive and uncooperative attitude of the Accused when he was examined by Dr Andre Leong (PW 3) and asked to ejaculate also pointed more to the Accused's guilt than to his innocence. On the other hand, the absence of any bite mark on the Accused's shoulder was neither here nor there since the medical examination was done about seven weeks after the alleged offences.

109. I now come to one aspect which Mr Ang had spent much time on during the trial. This is a record of phone calls made to and from the Accused's handphone (D1). Relying on this record, Mr Ang submitted that it contradicted one aspect of the Victim's evidence when she said she used the Accused's handphone to call B on her mobile number 90172502 on 25 February 2002 because there was no record showing such a call as having been made from 94888987 (the Accused's mobile number) to 90172502.

110. Mr Ang also submitted that the Victim had said that up to 7pm on 25 February 2002, she did not have any telephone conversation with the Accused but this was not correct because the telephone record showed a call from the Victim's mobile phone number 97959148 to the Accused's mobile phone number 94888987.

111. In my view, Mr Ang's submission on these points was based on the premise that the Accused had only one mobile phone and that whenever the Victim calls 94888997, she intended to call the Accused. However, when the Accused was arrested, he had two mobile phones in his possession. I do not accept his evidence that the second one was a mobile phone he had bought for his mother in view of the extent he and his mother went to take a second mobile phone away from him when he was arrested. Secondly, the Accused had many SIM cards, as B herself had said. Thirdly, the Victim was told she could call B (not the Accused) at 94888987. Fourthly, even if there was some contradiction as to which mobile phone the Victim had used and which mobile number she had called, I was of the view that this was not material in the totality of the evidence before me. After all, the Accused used various telephone numbers, and the Victim did not know, prior to 25 February

2002, that 94888987 was the Accused's mobile number or that the Accused was B's boyfriend. This confusing state of affairs was caused by the Accused.

112. Mr Ang also submitted that the telephone record showed that the Victim had still called 94888987 after she was allegedly raped. Mr Ang submitted that even if the Victim had been told to report her whereabouts to the Accused, the telephone calls should be short and yet they lasted between 1.68 minutes to 9.21 minutes. There were also some more calls on 4 March 2002 at 1.18am and 2.16am when the Victim's mother wanted to report the rape.

113. In my view, the fact that the calls lasted between 1.68 minutes to 9.21 minutes was neither here nor there. As the Victim was afraid of the Accused, she would be talking to him for as long as he wanted her to. As for the calls in the early hours of 4 March 2002, there was a heated exchange or exchanges about the payment of \$50,000 and it was neither here nor there if there was more than one call about this.

114. Ultimately, the evidence and submission regarding D1 was a distraction.

115. Furthermore, the fact that the Accused had gone on 4 March 2002 to the police to make a report about the extortion bid was, in my view, neither here nor there. It did not necessarily show that the Accused did not rape the Victim. Likewise, the fact that the Accused decided not to lodge a formal report i.e a written report was also neither here nor there. It did not necessarily show that he was afraid of initiating a police investigation.

116. Notwithstanding the loss of valuable evidence from the hotel because of the late police investigation, I was satisfied on the evidence before me and beyond a reasonable doubt that the Accused had brought the Victim to Sing Hoe Hotel and raped her in Room 119 in the evening of 25 February 2002, and, in so doing, he had voluntarily caused hurt to her. Accordingly, I convicted him on the charge under s 376(2)(a) of the Penal Code.

117. I was also satisfied beyond a reasonable doubt that the Accused had wrongfully restrained the Victim and used criminal force on her intending to outrage her modesty i.e by kissing her breasts and sucking her nipples. Accordingly, I also convicted the Accused on the charge under s 354A(1) of the Penal Code.

### ***Sentencing***

118. On sentencing, I took into account the guidelines in *Chia Kim Heng Frederick v PP* [1992] 1 SLR 361, but I bore in mind that the charge in that case was under s 376(1) of the Penal Code which attracts a lighter sentence than one under s 376(2)(a). Under s 376(2)(a), the minimum imprisonment is not less than eight years and not more than 20 years with caning of not less than 12 strokes.

119. The Accused had a series of past convictions for offences including robbery, criminal intimidation and living on the earnings of a prostitute. Although he made himself out to be a protector of young girls, he was in fact a predator. He manipulated B and deceived the Victim. He did not plead guilty and during the trial, he continued with his strategy of deception to avoid conviction. He showed no remorse.

120. On the other hand, the Accused's acts of violence against the Victim were not particularly brutal.

121. In the circumstances, I sentenced the Accused to 12 years' imprisonment and 12 strokes of the cane on the first charge under s 376(2)(a) of the Penal Code. The sentence of imprisonment was to take effect from the date he was remanded i.e 12 April 2002.

122. On the second charge under s 354A(1) of the Penal Code, the offence was carried out in the course of the more serious offence under s 376(2)(a). I sentenced the Accused to the minimum of 2 years' imprisonment and one stroke of the cane. The sentence of imprisonment under the second charge was to run concurrently with that under the first charge.

Sgd:

WOO BIH LI

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