

Public Prosecutor v Robiul Bhoreshuddin Mondal  
[2010] SGHC 10

**Case Number** : Criminal Case No 21 of 2009  
**Decision Date** : 11 January 2010  
**Tribunal/Court** : High Court  
**Coram** : Tay Yong Kwang J  
**Counsel Name(s)** : S Sellakumaran and Natalie Morris, DPPs for the Prosecution; G Radakrishnan (Infinitus Law Corporation) for the Accused.  
**Parties** : Public Prosecutor — Robiul Bhoreshuddin Mondal

*Criminal law – Offences – Criminal trespass*

*Criminal law – Offences – Criminal force and assault*

*Criminal law – Offences – Rape*

11 January 2010

**Tay Yong Kwang J:**

**Introduction**

1 The accused, born on 10 April 1972, faced seven charges. The first charge concerned housebreaking by night by entering a house at 44 Holland Green (“the house”) through a window in order to commit rape, an offence punishable under s 457 of the Penal Code (Cap 224). The second charge alleged that he used criminal force on a female, (“V”), intending to outrage her modesty, by kissing her breasts and sucking her nipples, and that in order to commit this offence, he voluntarily caused fear of instant death to V by threatening to kill her if she made any noise, an offence punishable under s 354A(1) of the Penal Code. Four charges alleged that he raped V by penetrating her vagina with his penis without her consent, and that in order to commit the rape, he put V in fear of death, offences punishable under s 375(3)(a)(ii) of the Penal Code. Another charge alleged that he sexually penetrated V’s vagina with his finger without her consent, and that in order to commit this offence, he put her in fear of death, an offence punishable under s 376(4)(a)(ii) of the Penal Code.

2 The housebreaking was allegedly committed at about 10.55pm on 23 June 2008, while the outrage of modesty charge allegedly took place at about 11pm on the same day. The other five offences allegedly happened between 11pm on 23 June 2008 and 12.30am on 24 June 2008. All six sexual offences were said to have taken place in a small bedroom (“the maid’s room”) located at the back of the house.

**The facts**

3 The accused is a Bangladeshi national. At the time of arrest in June 2008, he was working as a gardener in Singapore.

4 V is an Indonesian national, born on 6 February 1985. Her parents are farmers in Indonesia. V completed secondary school education. She could speak Bahasa Indonesia and a smattering of

English.

5 She arrived in Singapore on 16 June 2008 and commenced working as a domestic helper at the house on Saturday, 21 June 2008, only two to three days before the alleged incidents. Her employers and owners of the house were Dr and Mrs Wujanto.

6 44 Holland Green is a three-storey, detached house in a quiet residential area. It is located at the end of a row of similar houses. When V started work at the house, she was given the use of the maid's room at the back of the house. The maid's room, with the toilet next to it, was separated from the main house by an outdoor wet kitchen area. The maid's room and the toilet were accessed through doors from this wet kitchen area. Access into the main house from the wet kitchen area was by way of another door.

7 The maid's room was furnished sparingly. It had a single bed with a pillow and a bolster and two low chests of drawers. There was a table fan, three small clocks and a radio placed on top of these two chests of drawers. As one stands looking into the room from the doorway, there are two small top-hung windows at the top left of the opposite wall, one above the other ("the small window"). On the right side of that wall, there is a long casement window ("the long window") with a small top-hung window above it. Both sets of windows had curtains at the material time. There are ledges on the outside of these windows facing the barbecue pit and garden. The top of the ledge of the long window is slightly below 130 cm measured from ground level outside. There is an intercom set mounted on the wall facing the windows. Next to it are an alarm switch (with a sticker stating "Alarm"(sic)) and the ceiling light switch. However, V did not know what the alarm switch was for as she was not taught how to use it. An outdoor wall lamp would be turned on at night and that provided some light in the maid's room even with both sets of curtains drawn.

8 V was taught how to open the main wooden door of the house but not the main gates leading to the car porch which can be operated electronically from inside the house. At the material time, she did not know how to operate the intercom at all. Nothing eventful happened on the first day of her work. She completed her household chores and went to bed at around 9.30pm after locking the door of the maid's room (using the locking mechanism in the door knob) and turning on the table fan. All the windows in the maid's room were closed and the curtains drawn. She read English newspapers on her bed. She was not able to sleep soundly as she was not used to the room and was frightened.

9 The next day, she went about her household duties. At night, she returned to the maid's room and locked its door. The two top-hung windows of the small window were never opened. She latched the long window but could not see whether the smaller top-hung one was also latched.

10 On Monday, 23 June 2008, she did her household duties. Later that morning, Mrs Wujanto asked her to go outside the main gates of the house to show her how to wash the rubbish bins. After about five minutes, they went back into the house.

11 At about noon, Mrs Wujanto drove out to buy lunch. V was alone in the house. She did not speak to anyone. After a while, Mrs Wujanto returned and they had lunch.

12 After lunch, V went to hang up the laundry at the side of the house. The maid from the adjacent house spoke to her over the low wall. They introduced themselves. After about five minutes, V went back into the house.

13 At night, she returned to the maid's room, locked the door, switched on the table fan and the ceiling light and then fell asleep as she was exhausted. Suddenly, she woke up to find that the room

light and the table fan had been switched off and that there was someone lying next to her. She was nearer the windows. She shouted "Hah!" but was told in Malay by the man not to make any noise or he would use a knife to kill her and "throw" her. She did not see any knife.

14 V felt very frightened and weak. The man placed his leg on top of her legs and held her hands. He asked her when she arrived and how long she would be there. He also asked her for her name and whether the maid in the adjacent house was also Indonesian. V remained silent. He then asked V whether she was married and she said she was not. He asked her whether she wished to marry him. She replied that she did not as she wanted to earn money. He also asked her whether she wanted to "follow" him or not. She told him, "No".

15 Suddenly, the man knelt astride her body and took off his shirt. He held on to her hands. She tried to struggle but could not free herself. He then took off her shorts and her panties. After that, he undid her top and removed it and her brassiere. He squeezed her right breast and kissed the nipple. He wanted to kiss her lips but she spat at his lips.

16 He then took off his pants. The maid's room was not in total darkness although she could not see clearly. He forced her legs apart and then inserted his penis into her vagina. As she was a virgin, she felt great pain, "as if poked with a knife". He moved his penis inside her for a few minutes and then lay down beside her, holding on to her wrists. After about two minutes, he went on top of her again and tried to kiss her lips but only managed to kiss her eyebrow.

17 He then took the pillow from the floor and placed it under her head. He then raped her a second time. Again it was a painful experience for V. After moving his penis inside her for a few minutes, he lay down beside her. There was no conversation.

18 After a few minutes, the man tried to insert his penis into her again but had a bit of difficulty doing so. He then inserted a finger into her vagina. After that, he raped her a third time. She tried to shout but he said he would kill her with a knife if she did. After that, he lay beside her again, still holding on to her hands and with his legs on her body. She pleaded with him not to bother her and asked him to leave. He refused.

19 Later, the man raped her a fourth time. She tried to struggle. She felt that her vagina was wet. After that, he took her blanket and used it to wipe his penis. He asked her whether she had a mobile phone. She kept quiet. He wanted to call her on her employers' telephone line but she asked him not to. He told her that he knew the telephone number of the house and that her employers would not be home during the day and that Mrs Wujanto would go out to buy lunch for V. He asked V whether she would like him to bring her food and fruits which he could place next to the maid's room the next time he went there. After that, he took out some money notes from his trousers and placed them in her right hand. A total of \$28 was subsequently found on the bed. She closed her eyes as she was afraid to look. He then left. She did not see him leave but she heard the shutting of the room door.

20 It was past midnight when the man left the maid's room. V sat on her bed for the next two hours or so as she was frightened. After that, she went to open the kitchen door (leading into the main house) and ran upstairs to her employers' bedroom on the second level of the house and banged on the bedroom door. When her employers opened the door, she told them that someone had entered the house. Dr Wujanto went down to take a look while V remained upstairs with Mrs Wujanto. When he returned, they asked her what had happened and she told them she had been raped. They called the police immediately.

21 The police arrived. A police woman went upstairs to meet V and Mrs Wujanto in the bedroom. V

explained to her what had happened. They then went downstairs. There were a lot of police officers in the house. When they asked V to go to the maid's room, she screamed and cried and refused to go there. They calmed her down and gave her a change of clothing.

22 Later, they brought V to the National University Hospital for a medical examination. The nurses asked her whether she would like them to inform her family in Indonesia. She did not wish to as her parents would be very upset. She was examined by a doctor and found to have fresh tears in her vagina. Her hymen was also found not to be intact.

23 Three days later, the police brought a man (the accused) to the playground that was beside 44 Holland Green and asked V to look at him from inside the compound of the house. V was not able to say whether that was the man who had attacked her in the maid's room as she could not see her attacker's face clearly. She believed that she had seen the man (who was with the police) before but was not entirely sure.

24 In cross-examination, V said that the maid agency fee that she had to pay amounted to eight months of her salary. \$310 per month would go towards discharging the fee and she would get the balance of \$10 per month for herself. She had worked before in Indonesia in a clothing shop and also as a maid. She had had two boyfriends while she was in Indonesia.

25 On 24 June 2008, she was menstruating and had a sanitary pad inside her panties. However, she did not tell the accused about it. She did tell him her fear of getting pregnant. She did not scream throughout the incident as she was afraid. She denied that the sexual acts with the accused were consensual ones. The defence informed V that the accused was doing gardening in 57 Holland Green that morning and went across to 44 Holland Green to collect some money from Mrs Wujanto. She denied having spoken to the accused earlier that day (when she was washing the rubbish bins outside the main gates) and asking him to go to the park next to the house that night. As she had started work only a few days earlier, she knew no one in that area. Up to the day she testified in court, she had not seen the accused's face. She denied meeting the accused that night and asking him to go to the main gates so that she could open them from inside (using the intercom set in the maid's room) and let him into the compound of the house. She said she did not even know how to use the intercom to open the main gates then. She denied the rest of the accused's story about their alleged conversation at the long window (with the accused standing outside in the garden) and how she eventually allowed him into the maid's room and had sex with him. The accused did offer to buy her a mobile phone but she did not ask him for one. She also did not ask him for a necklace. He was the one who said the words "Kita happy happy" sometime after raping her. She did not open the main gates using the intercom set to let him out of the compound.

26 Mrs Wujanto testified that at about 10am on 23 June 2008, the accused, known to her as Robin, rang the doorbell of 44 Holland Green to collect his money. The accused did gardening work for her neighbour at 57 Holland Green once a week. As the neighbour was overseas, she asked Mrs Wujanto to pay the accused on her behalf. On the fourth week of every month, she would pay the accused \$130 when he went to the house to collect his pay. This was the arrangement for about two years. V was in the house and did not meet the accused.

27 About an hour after the accused left 44 Holland Green that day, Mrs Wujanto went out with V to wash the rubbish bins. After about ten minutes, she went back into the house, leaving V to continue with the washing. V went into the house one or two minutes later.

28 At around noon, Mrs Wujanto drove out to buy lunch. She saw the accused still at 57 Holland Green. Two things struck her as being unusual. Firstly, she had never seen the accused working until

so late in her neighbour's house. Secondly, he appeared not to be working but merely standing behind the gates and looking at her when she drove out of 44 Holland Green. She was not alarmed as she knew who the accused was. In fact, she had met the accused some time ago when he was working in Duchess Court condominium where her neighbour used to live.

29 Mrs Wujanto and her husband went to bed at close to midnight on 23 June 2008. At about 2am on 24 June 2008, V went up to their bedroom and knocked on the door. She said there was an intruder in the maid's room. As Mrs Wujanto did not speak Bahasa Indonesia, her husband did the interpretation. V was very tense, disturbed and upset, jumping about, and could not tell them exactly what had happened. Worried for the safety of her husband, Mrs Wujanto accompanied him downstairs to look around. They could not find any intruder. They called the police subsequently to report that there was an intruder and went back to their bedroom. Upon further questioning, V told them that she had been raped. V was very traumatised when she was speaking.

30 Mrs Wujanto added that there was an alarm for the door that led from the wet kitchen area into the house. It was not activated between 21 and 23 June 2008 as there was a new maid in the house who had to learn many things and she did not want to upset her neighbours in case the new maid set off the alarm by mistake. That door was merely locked at night during that period. The intercom set was also not used during that period as its operation was complicated. It could open the main gates but V was not taught how to do that during the material time. It would be quite noisy when the main gates are opened that way. The maids were not given the key to the door of the maid's room.

31 The last maid at 44 Holland Green had been dismissed about a month before V started work as she was found to be pregnant after working for less than six months. The accused had done odd jobs at 44 Holland Green before. He trimmed the branches of the trees in and outside the compound. On one occasion, he helped Mrs Wujanto clear leaves from the top of the car porch. He was very quick and agile. On 23 June 2008, the accused asked her whether there was any work for him to do but she was busy and did not give him any work.

32 V's services were terminated in February 2009 as she was not performing well in her work.

33 Dr Wujanto's evidence was similar to that of his wife. He said that V was very distraught and kept uttering, "There is a man, there is a man" in Bahasa Indonesia when she went up to his bedroom. When he went downstairs to look around the house, it was very dark in the garden area outside the maid's room. The outdoor light outside the maid's room was turned off when they retired for the night because the playground next to the house was well lit. The lights at the main gates, however, would be switched on throughout the night. He did not pay attention to the windows in the maid's room. As far as he could recall, they were shut but he could not say whether they were also latched.

34 When the police arrived at the house in the early hours of 24 June 2008, they found V in a traumatised state in the bedroom upstairs. She was seated on the floor in a crouched position and cried and screamed when questions were asked of her. When they managed to calm V down, she told them she had been raped by an unknown man who had threatened to kill her if she made any noise. Investigations by the police led to the discovery of a fingerprint on the door knob of the maid's room. There was no sign of forced entry into the room. Later that day, the fingerprint was traced to the right thumbprint of the accused (as he was a work permit holder, his fingerprint was stored in a police database). The police did not dust for fingerprints in the other parts of the maid's room or on the windows and their ledges outside at that time.

35 Suriakumar Ridgeway ("Suriakumar") is the managing director of Shakti Management Pte Ltd,

the employers of the accused since April 2000. The company provides workers for jobs in shipyards. After some time, the accused somehow ended up doing his own gardening work and did not return to the company's quarters. When the police asked Suriakumar to help locate the accused, he asked his friend, Ananthan ("Anan"), to handle the matter as Anan was closer to the workers. He called the accused and asked him to contact Anan.

36 When the accused called Anan, he asked Anan why Suriakumar and he wanted to see him. The conversation was in English. The accused told Anan that his body was shaking and asked him whether it was about sex with a maid. He told Anan that he had gone out with a maid and had consensual sex with her, that the maid asked him for money and as he did not want to give it to her, she might have reported him. Anan did not know then why the police was looking for the accused and merely told the accused to meet him the next day. The accused knew it was a police problem and said he wanted to go back to Bangladesh. This last sentence was mentioned by Anan only in court. He had forgotten about this when the police was taking his statement.

37 The next day (25 June 2008), Suriakumar and Anan went to meet the police at 9am. At about 11am, they went to pick up the accused and drove to a restaurant in Birch Road. They then informed the police about their location. About ten minutes later, police officers arrived and arrested the accused.

38 Anan agreed in cross-examination that the accused had told him to help bring his brother to Singapore but denied that the accused had deposited \$3,000 with him for that purpose.

39 The accused made several statements to the police. Two oral statements were made at about 2.15pm and 3.15pm respectively on 25 June 2008. The accused spoke good Malay and could also speak English fairly well. The communication was in Malay. In the first statement, the accused said that he had sex with the maid on a bench in the park next to 44 Holland Green. He said that he saw the maid for the first time on 23 June 2008 when she was outside the house washing the rubbish bins with Mrs Wujanto. He claimed that the maid asked him to meet at 10pm that night in the park and that he did not enter the compound of the house.

40 The accused was then brought to 44 Holland Green. The second oral statement was made there. He showed the police officers the pathway outside the perimeter wall of the house and told them that he and the maid had sex at the end of that pathway, in a standing position. He said that he did not enter 44 Holland Green that night. However, he could not tell them the maid's name. He also could not explain why he changed the place of the sexual intercourse from the park bench to the pathway.

41 The police then drove to 4 Jalan Pandan as the accused had told them that he resided there. They then returned to 44 Holland Green where the police interviewed V for about half an hour.

42 At about 9.34am on 30 June 2008, the accused's statement was recorded in the Police Cantonment Complex. In the afternoon, he was brought to 44 Holland Green where he made an oral statement at about 4.44pm. The admissibility of these two statements was challenged by the accused and will be dealt with below.

43 At about 5.11pm that day, they arrived at 4 Jalan Pandan so that the accused could get some of his personal belongings. They met the house owner, Dennis Hugh Murphy ("Murphy"). Murphy asked him what had happened and the accused told him in English, "I raped girl".

44 Scientific evidence confirmed that the DNA profile extracted from the seminal fluids obtained

from V's panties, sanitary pad and her vaginal area matched the DNA profile extracted from the accused's blood sample. The accused was also found not to be suffering from any erectile dysfunction.

45 The accused underwent a psychological assessment in July 2008. He was examined by Dr Lim Boon Leng ("Dr Lim"), the Registrar of the Department of General and Forensic Psychiatry, Institute of Mental Health ("IMH"), on 7 and 11 July 2008. They communicated in simple English. The accused was calm and cooperative. He was not depressed and demonstrated no abnormal behaviour during his remand.

46 The accused told Dr Lim that he first saw V in the morning of 23 June 2008 when he was doing gardening work and she was clearing the rubbish bin. That night, he cycled for 30 minutes from his home to 44 Holland Green. He arrived there at about 11pm. He entered the compound of the house from the back by climbing over a low wall and then over the fence. He went to the maid's room but found the door locked. He subsequently climbed into the maid's room through a window. Once he was inside the room, he switched off the light. He woke V up and placed his hand over her mouth when she shouted. He admitted that he threatened to hit her if she shouted. He then took off her brassiere and underwear and proceeded to penetrate her vagina with his penis. He did not ask her for permission before doing so. Later, he ejaculated outside her vagina and cleaned himself with her blanket. The accused also said that he offered to buy V a mobile phone. He gave her some money before leaving the room.

47 Dr Lim was of the opinion that the accused was not of unsound mind and was fit to plead in court. He added that during the first interview, the accused said he penetrated V once but during the second interview, he said, "Then I do again".

48 V underwent a psychological assessment in November 2008 at the IMH. Dr Kenneth Koh, a consultant psychiatrist, examined her on 4 November 2008 and also interviewed Mrs Wujanto. V was able to give a coherent account of the alleged rapes which was fairly consistent with her testimony in court. Dr Kenneth Koh opined that V suffered from an acute stress reaction subsequent to the alleged rapes with features of depression and post traumatic disorder but had recovered largely since then.

### **The trial within a trial**

49 As mentioned in [\[42\]](#) above, the admissibility of two statements made on 30 June 2008 was in issue. A trial within a trial was conducted accordingly to determine their admissibility. The first statement was recorded in the morning by SSI Thermizi Tho ("SSI Tho") with the assistance of a female Bengali interpreter. After that, the accused had his lunch. At about 4.22pm, SSI Tho and two other police officers brought the accused to 44 Holland Green because the accused had mentioned something in the morning that warranted bringing him there to verify what he had said.

50 At the house, SSI Tho recorded in the field diary a summary of what the accused said. The whole process took about 30 minutes. The summary was not signed by the accused as there was no need to. It was consistent with his written statement recorded in the morning.

51 Under cross-examination, SSI Tho agreed that he asked the accused whether he had a key to the maid's room's door. The accused told him that he did not. SSI Tho believed that the accused had such a key as the long window was shut and latched but the top-hung window above it was left ajar and he did not think that anyone could have entered the maid's room through that top-hung window.

52 SSI Tho denied calling the accused "You bloody Bangla bastard". He also denied that he

threatened to hit the accused with his laptop when he did not hand over the door key. He further denied that he offered the accused a reduction from the (then) four charges to two- if he was cooperative. He asserted that he did not say that he would write to the judge to recommend a lighter sentence for the accused so that the accused could go home earlier. He agreed that the accused was in a T-shirt and shorts but he did not think that the temperature in the interview room was very cold. He disagreed that he did not record what the accused said but put facts not narrated by the accused into his statement. He did not ask the accused about the money in the maid's room as he had inadvertently omitted to do so. It was after the accused said that he entered the maid's room via the window that the police dusted the window for fingerprints but found no latent fingerprints. There were also no footprints found on the window ledges.

53 SSI Tho agreed that the accused subsequently made cautioned statements in February 2009 under s122(6) of the Criminal Procedure Code ("CPC") (Cap 68) stating that he and V had sex with each other willingly. This was at the remand prison in the presence of another interpreter (a male). The accused had also made such a cautioned statement on 26 June 2008 claiming that sex was consensual.

54 The female interpreter, Nandani, was a free-lance interpreter called by the police to assist every now and then. Her evidence was essentially the same as that of SSI Tho. She agreed that the accused told her he was feeling cold but not that he could not carry on with the recording of his statement because of that. Most accused persons would say that it was very cold but the temperature in the interview room seemed normal to her. She did not think that the temperature there was any different from that in the lock-up. SSI Tho informed the accused that the air-conditioning was central-controlled and could not be adjusted. She interpreted whatever was said between SSI Tho and the accused. After SSI Tho had typed the statement, he read it back to the accused.

55 Nandani denied having told the accused that if he cooperated with the officer, the officer would write to the judge to recommend a lighter sentence or that the officer would reduce the number of charges from four to two. She also denied that she was taking a nap at times in the corner of the room during the interview and that the accused was afraid to sign the statement. She did not recall any threats by SSI Tho. For the cautioned statement on 26 June 2008 (see [\[53\]](#) above), she also interpreted whatever the accused said, whether positive or negative. Her work with the police was not her sole source of income as she did interpretation work for other entities as well. She did not tell the accused that he must say the same thing consistently, even with the doctor, or SSI Tho would not "do good things" for him.

56 ASP Burhanudeen accompanied SSI Tho and the accused when they went to 44 Holland Green on 30 June 2008. There was no threat, inducement or promise made by anyone to the accused.

57 The accused said he had coffee and a small piece of bread before the interview in the morning of 30 June 2008. When he told SSI Tho that he did not have any key to the maid's room, the officer simulated the raising of his laptop and a book as if to hit the accused and said, "Bastard Bangla, I want the key now, give the key to me now". Later, the accused asked the interpreter what would happen if he confessed. She replied that the officer would write to the judge but the sentence would be decided by the judge and not the officer. After that, SSI Tho wrote something and the accused said "yes" to everything that was asked of him. SSI Tho "wrote according to his will" and did not want to hear what the accused said. At times during the interview, the interpreter was sleeping. SSI Tho said he would write to the judge for lenient punishment and that the judge would decide the punishment. He then asked the accused to sign the statement as it "is the rule of the court". SSI Tho also told him that if he cooperated with him, he would reduce the four charges to two.



58 The interpreter told the accused to listen to SSI Tho. The accused did not know what was written in the statement, parts of which were wrong and parts correct. It was not read back to him. The interpreter also told him to say the same thing everywhere, or the officer would bring him back and may torture him. Because of that, he said what he did to Dr Lim of the IMH (see [\[46\]](#) above). The accused spoke about the money and the gold chain but was told by the interpreter it was not necessary to record those things.

59 The accused said he confessed that he entered the maid's room through the window because he was told to say so by the officer and the interpreter. He confessed because he believed them and because he had entered the house illegally without the owners' permission, although he had V's permission. He thought the charge was for entering the house without permission. He did not understand the meaning of "rape". He had never encountered any trouble with the police before in his 8 years in Singapore.

60 In the afternoon, at 44 Holland Green, he merely told SSI Tho that he entered through the window but did not say how he did so. He did not demonstrate the entry to the officer. He said he entered via the window as he could not produce the door key. He had been advised earlier by the interpreter that if he said that, SSI Tho would not force him to produce the key. The truth was that he entered the maid's room on 23 June 2008 via the door. What he told SSI Tho in the cautioned statements on 16 February 2009 in the remand prison was the truth.

61 SSI Tho told the accused what the alleged rape scenario was. The narration did not emanate from the accused who did not even know that SSI Tho had written such in the statement. As he did not understand the meaning of "charge" at that time, the promise to reduce the number of charges had no effect on him signing the statement.

62 The only reason why the accused signed the statement was because he was assured by the interpreter that the officer would write to the judge to ask for leniency for him. He added later that it was the interpreter who suggested that he say that he went into the maid's room through the same window where he and V were having a conversation on 23 June 2008. The temperature in the interview room was not as cold as that in the lock-up. The accused had a runny nose on 30 June 2008 and was shivering. He asked for some Panadol tablets but was not given any although others were given the medicine. The four hours or so that the statement took to complete in the morning seemed like only an hour or so to him.

### **The decision of the court in the trial within a trial**

63 It was not disputed that SSI Tho allowed the accused to say whatever he wanted in the cautioned statements recorded before and after 30 June 2008. In all these statements, the accused claimed that all the sexual activities between him and V were consensual. If SSI Tho wanted to incriminate the accused unfairly, it would be very strange for him to have allowed the accused to make contradictory assertions before and after the statements of 30 June 2008. He might as well have coerced or somehow induced the accused to confess to the alleged crimes in the cautioned statements. As he did not do that, it showed that he was not out to pressurize the accused to incriminate himself.

64 I disbelieved the accused's claim that the charges were not explained adequately to him or that he did not understand the meaning of "charge". He clearly understood that he was being accused of rape when making the first cautioned statement four days earlier. Following from [\[63\]](#) above, I also disbelieved his testimony that the bulk of his statement was composed by SSI Tho without any input from him. There was no conceivable reason why the police should favour V to the extent of framing

the accused in the manner alleged.

65 Nandani was not beholden to SSI Tho. Interpretation work for the police constituted only about 10% of her monthly income. She was also forthright in saying that the accused did complain about being cold during the interview. I have no doubt that she was not the unscrupulous interpreter that the accused had made her out to be. SSI Tho also said that the police used whichever interpreter was available at any particular time.

66 There would have been no need for SSI Tho to go to 44 Holland Green again on 30 June 2008 if he did not have to check something. He had to go there that day because the accused volunteered the information about entry via the window, something that the investigators initially ruled out because of the fingerprint on the door knob of the maid's room.

67 The accused's testimony concerning the recording of his statement on 30 June 2008 was perplexing. Since things were not properly explained to him and the bulk of the material came from SSI Tho and not from him, how was he able to give a consistent account of the incident to Dr Lim of the IMH about a week later?

68 Despite the allegations about threats of violence and inducement, the accused's testimony was that he signed the impugned statement only because of the promise to write to the judge for leniency. Similarly, I disbelieved these allegations. For argument's sake, even if the threats and other inducements did happen, they had no effect at all on him signing the statement. They also appear to have no effect on him on 16 February 2009 when he was charged with other offences as he was able to state his defence to those charges.

69 The oral statement made in the afternoon of 30 June 2008 was merely a follow-up of the morning's proceedings. Based on my findings about the morning's events, there could have been nothing to render this statement inadmissible.

70 On the totality of the evidence adduced in the trial within a trial, I was satisfied beyond reasonable doubt that the impugned statements of 30 June 2008 were made voluntarily. I therefore admitted them in evidence.

### **Continuation of the trial proper**

71 In the statement made in the morning of 30 June 2008, the accused said that he worked for five years as a gardener in Brunei before coming to Singapore. There, he learnt slowly to speak in English and in Malay. He did odd jobs in 44 Holland Green when asked by Mrs Wujanto to do so. About two to three months earlier, he started a sexual relationship with Alee, the previous maid there. She was also from Indonesia. He got to know her because of his work at 57 Holland Green. Alee would telephone him whenever the house owners were not in. He went to the house seven or eight times at night and had sex with Alee in the maid's room. He caused her to be pregnant and she was then repatriated to Indonesia.

72 The accused had two bicycles which he used to travel from place to place to do gardening work. He also knew two other females from the Philippines working as maids in Singapore. He had a sexual relationship with one of them.

73 He said he saw Mrs Wujanto and V on 23 June 2008 when they were washing the rubbish bins outside the house. V did not talk to him or smile at him. He decided to return to the house that night, planning to have sex with V. At about 10.30pm, he left his residence at 4 Jalan Pandan (Murphy's

house)(see [\[43\]](#) above) and cycled to Holland Green. When he arrived there, he pushed his bicycle along a path next to the canal that was more or less parallel to Holland Green. When he reached the back of 44 Holland Green, he placed his bicycle on the ground and climbed up the perimeter wall and "went through a small hole among the iron grille" and entered the compound. He had always entered the house the same way when he went to meet Alee as he did not dare to enter via the main gates at the front, even when he was told that the house owners were not at home.

74 He noticed that the light in the maid's room was on. He tried to open the room door but it was locked. He knocked on it lightly, thinking that V was still awake. When there was no response, he went back to the garden area behind the maid's room. He saw that the long window was shut but the top-hung one above it was open. He climbed onto the window ledge and stood on it. He then put his arm through the top-hung window and unlatched the long window. He opened the long window and moved the curtains aside. V was sleeping on the bed inside the room. He climbed slowly into the room and then switched off the light.

75 After that, he sat on the bed. He pushed V's shoulder and she woke up. When she screamed, he quickly used his right hand to cover her mouth and told her in Malay not to make any noise as he had a knife and would use it on her if she made noise. He actually did not have any knife on him. V kept quiet and still. He tried to strike up a conversation with her. He asked her how much her agency took from her salary and she told him eight months' worth of it. He tried to kiss her but she turned her face away and shouted. He covered her mouth and told her he would "throw" her away. She then kept quiet again.

76 He unbuttoned her blouse and took it off. He then removed her brassiere and kissed her breasts and sucked her nipples. She kept saying that she did not like it and was trying to move her body away from him but could not as he was astride her thighs. He then took off her shorts, not knowing whether the panties came off as well as it was dark. However, V was naked when he touched her. He then stripped and pushed her legs apart. When his penis penetrated her vagina, she said it was painful and told him to stop by saying "chukup" (enough) but he continued his thrusting actions for a few minutes. He then withdrew his penis and sat next to her.

77 The accused asked V whether she needed anything, saying that he wanted to buy her a mobile phone. He then penetrated her vagina again with his penis. Again she said it was painful and asked him to stop. He continued with the intercourse for a few minutes and then ejaculated outside her body. There was only a small amount of semen as he was afraid that V would shout. He took her blanket to wipe his penis. After that, he got dressed and told her that he would be back the following Sunday with her mobile phone. He then left via the room door after turning a button in the door knob to unlock it. He was familiar with the door because of his past visits to Alee.

78 The accused added in the statement that he was sorry and regretted what he had done when he could not control himself. He also apologised for lying that he and V had sex in the park willingly.

79 When the accused was brought by the police officers to 44 Holland Green in the afternoon of 30 June 2008, he repeated to SSI Tho the route that he took on the night of 23 June 2008 to reach 44 Holland Green and how he entered the compound and the maid's room. They then brought him to 4 Jalan Pandan to retrieve some of his personal belongings (also at [\[43\]](#) above). When Murphy asked the accused what was the matter, he replied in English, "I raped girl".

80 SSI Tho said that V's blanket was subsequently examined with an ultra violet light scan but no semen was found. He also said that when the police arrived at the house in the morning of the incident on 24 June 2008, the long window was shut but the top-hung one above it was slightly open.

He did not think too much about it then as it was not possible for a man to climb into the maid's room through that top-hung window. There were no visible fingerprints on the long window and no visible palm prints or footprints on the window ledge.

81 On 13 May 2009, SSI Tho went to 44 Holland Green with defence counsel as the latter wanted to take photographs of the house and its surroundings. There, SSI Tho enacted the entry into the maid's room in the way described by the accused. He could not ask the accused to demonstrate the entry when they were at the house on 30 June 2008 as the accused's arms had to be kept restrained. Further, the accused may be injured during any demonstration by him.

### **Submissions on no case to answer**

82 The defence argued at the conclusion of the prosecution's evidence that there was no case for the accused to answer. This was because V testified that all the windows in the maid's room were closed on the night in question and there was therefore no way anyone could have entered via the windows. The accused was about 1.6m tall while SSI Tho was 1.78m tall. Even if the accused managed to lift himself up to the ledge outside the long window, he could not reach in through the top-hung window above to unlatch the long window. Further, the room door was locked. There was therefore no way of access into the maid's room at all. The only explanation must be that V let the accused in and that the sexual acts were all consensual.

83 The prosecution submitted that V was clearly traumatised on 24 June 2008. The accused would have to explain at the very least why he said what he did in the statement of 30 June 2008. The distance from the opening in the top-hung window to the latch of the long window was about 0.5m only. SSI Tho's arm had excess length to reach the latch. The accused's shorter arm should be able to reach it too.

### **The decision of the court on no case to answer**

84 Forced entry into the maid's room might have been difficult but it was certainly not impossible. The statement made by the accused in the morning of 30 June 2008 has been ruled admissible and it is highly incriminating. In the light of all the evidence adduced, clearly the accused's defence had to be called on all the charges.

### **The case for the accused**

85 The accused testified in his own defence. Murphy was also called as a character witness for the accused.

86 The accused received his education in Bangladesh until grade 10. He used to be a farmer. He is divorced. His eight year old daughter is with his former wife. In Singapore, he earned \$700 to \$800pm as a gardener and remitted \$400 to \$500pm to his family comprising his father, five sisters and two brothers. He corrected this during cross-examination, saying that he misunderstood his counsel's questions. He actually earned between \$900 and \$1,500pm, depending on the weather. He managed to have savings every month after taking care of all his expenses.

87 He worked in Duchess Court condominium for about six years and got to know Mrs Wujanto because she used to visit the owner of 57 Holland Green who was formerly living in that condominium. He last worked as a gardener in houses in the Holland Road/Bukit Timah area. He did grass cutting for Murphy. About seven to eight months ago, Murphy agreed to rent half his house to the accused at \$300pm.

88 Murphy, a retired teacher and a widower, saw the accused as a "first grade guy, completely trustworthy". He was helpful and would re-stock the refrigerator for Murphy as he knew that Murphy had difficulty walking. The accused's girlfriend used to go to Murphy's house to clean up and to cook.

89 On 30 June 2008, when the police brought the accused to 4 Jalan Pandan, he asked the accused what was the matter and was told, "I rape girl" or words to that effect. That was totally out of character for the accused as far as Murphy was concerned. He did not think that the accused understood "rape" in any legal sense. While the accused's English was acceptable for daily communication, it was not that good.

90 On 23 June 2008, when the accused went to 44 Holland Green to collect his pay, V, who was working behind the main gates, smiled at him. Later, when he was outside 57 Holland Green sweeping the ground after dumping a bundle of cut branches in a rubbish truck, he saw V washing the rubbish bins outside 44 Holland Green. Mrs Wujanto had already gone back into the house.

91 V started talking to him in Malay. She called him "Abang" (brother) and asked him to go to the park at 10.30pm that night because she wanted to talk to him. He agreed and then continued with his work. At about 12.15pm, he left for his residence to have lunch and then proceeded to a house in Victoria Park to do work. In the evening, he returned home again for dinner.

92 At about 10.10pm, he cycled to Holland Green and went all the way down that road to the cul-de-sac just after 44 Holland Green and waited at a bench at the playground beside the house. He did not know that he could get there by the pathway next to the canal. The public lights at the playground were switched on and so were the gate lights and the garden lights of 44 Holland Green.

93 After a while, V waved to him from within the compound of the house. He walked over to meet her. V told him that Mrs Wujanto was in and she therefore could not go out of the house. She said there was a phone in the maid's room which the employer could use to check on her. She told him that she would open the main gates for him. The accused replied that he was afraid as Mrs Wujanto was in the house. V then told him that Mrs Wujanto had gone upstairs for the night. The accused walked towards the main gates of the house. They opened outwards. He walked in and saw two cars parked in the compound. He was curious and wanted to hear what V had to say to him.

94 The accused walked to the garden area outside the long window of the maid's room. V opened the long window and they talked there, with V in the room and he standing outside the window. When he asked her where the phone was, she pointed it out to him. She asked him to help her as she had just arrived in Singapore. She wanted a mobile phone but would have no salary for eight months because it was used to pay the maid agency. The accused looked into his wallet and saw only \$28 inside. V introduced herself as Eli. She told him that she had no working clothes and no trousers. The accused told her he would bring some for her the next day. When he asked her what sort of mobile phone she liked, she said she liked Nokia very much. The accused said that he would bring one for her in a week's time.

95 V then asked him for batteries for the radio in her room. The accused asked for the radio, took a look at the old batteries and then said he would bring some new ones for her the next day. He would place all the things requested by her next to the rubbish bins outside the house. V wanted to call Indonesia on his mobile phone but the accused advised her against it as her employers might hear her.

96 The accused next asked V what she would give him in exchange for the mobile phone and the money. V replied that they can be "happy, happy". He asked to enter her room and she consented.

He pushed the long window a little to shut it. She closed it from within the room and then latched it. He was hoping that they would do some petting and kissing. He walked to the wet kitchen area. He was not wearing any shoes then as he had left them near the barbecue pit in the garden area as his shoes were not clean. He could not open the room door and she opened it for him. When he went in, he closed the door and then gave her the money. She was sitting on her bed. The room light was off but there was light filtering in from the garden light, the upper floors of the house and the neighbouring house. She put the money into a drawer.

97 V closed the room door. The windows were shut and the curtains were drawn. They started kissing and caressing. The accused asked her to move further into the bed. She lay down and they continued with their kissing and touching. She then unbuttoned her blouse and asked him to unhook her brassiere. He did so and took off his t-shirt. When he placed his hands on her shorts, there was no resistance from her. She removed her shorts and he took off his blue jeans. He then removed her panties and his underwear. She took the sanitary pad that she had on and placed it somewhere. Her legs parted and she became excited. He went on top of her and penetrated her with his penis, making thrusting movements for several minutes. She held him very tightly just before her orgasm. She was very satisfied and lay on the bed looking happy. He used the blanket to wipe his penis. He had not ejaculated yet.

98 V then asked him for a gold chain. He penetrated her again. He told her he would give one to her the next day. After a few minutes, he withdrew his penis and ejaculated. He did that because V told him that her medical check-up was not done yet and asked him not to ejaculate inside her. He did not have a condom with him as he was not going there to have sex but merely to talk. That was the second and last intercourse that night. He did not insert his finger into her vagina.

99 While they were dressing up, V said she wanted a mobile phone the next day. The accused said he would give her a chain first because she might use the mobile phone to look for a new boyfriend. She became angry, took the blanket to cover herself and then lay down on the bed. The accused apologised for what he had said. He asked for a kiss and she gave one almost reluctantly. He asked for a better one and she kissed him on the lips.

100 When he wanted to leave the room, he could not open the room door. He wanted to switch on the light and was about to touch the alarm switch located next to the light switch (see [\[7\]](#) above) when she told him not to touch it as it would turn off the alarm. She got off her bed and opened the door for him. He asked her to open the main gates for him. She took the phone (intercom), put it to her ear and then said the gates were open. He went to retrieve his shoes and walked back to his bicycle at the playground. He then cycled home using the road. When he reached home, he cleaned up and went to bed a very happy man.

101 The next day (24 June 2008), he went to various houses to do gardening work. In the evening, he took a bus to Mustafa Centre along Serangoon Road to buy a gold chain. He purchased one at \$203.02 to give to V that night because she had made him happy. A gold chain and a receipt dated 24 June 2008 with a time stamp of 1921 hours were tendered in court. He also bought some coffee and biscuits, intending to leave them for her by the rubbish bins outside the house so that she could collect them when she brought the rubbish out from the house at night. He had told her the night before that he would do that and when she saw the things there, she would know that he was at the playground area and he would then wave to her. He intended to give the gold chain to V at the playground.

102 When the accused returned home from Mustafa Centre, he noticed that he had nine missed calls from Suriakumar and three missed calls from Anan on his mobile phone which he had left at home

because he was re-charging its battery. He called Suriakumar who asked him to call Anan. Anan asked him what happened at his worksite as there was a complaint against him. He asked the accused where he was the previous night. As he had only been to 44 Holland Green, he realized that it must have something to do with V. Anan asked him to meet him and the accused said he would the next day. He did not tell Anan that he wished to return to Bangladesh. He had paid Anan \$3,000 to bring his brother from Bangladesh to Singapore but that has not been done.

103 That night, the accused felt very nervous. However, he did not think that going to the house for love-making was much of a crime.

104 On 25 June 2008, he went about his work as usual. He thought about Anan wanting to meet him. He then decided to put the gold chain that he had bought in some other location. Another house owner whom he knew while working in Duchess Court had allowed him to leave some of his belongings at her home at 55 Sunset Avenue. He had the key to the small gate at that house as he did gardening work there too. He kept the gold chain there as that place was more secure than his residence at 4 Jalan Pandan where the gates were kept open all the time.

105 The accused then left in a taxi to meet Anan. Anan, Suriakumar and another man brought him to a restaurant in a car. While the accused was telling them that V had invited him to her place, police officers came and arrested him.

106 When the police questioned the accused about the incident, he related to them that V had invited him to meet in the evening and that they met in the park next to 44 Holland Green. He also told them that they talked at the bench in the park, did some petting and then went near the perimeter wall of the house where they had sexual intercourse. Out of respect for Mrs Wujanto and because of his shame, he did not speak the truth about having sex in the maid's room in the house. He did not tell the police that they had sex at the bench in the park.

107 When the accused made the s122(6) CPC statement on 26 June 2008, the rape charge was not read to him. He did not know that he was being charged for rape. In answer to one of the interpreter's questions, he told her that he and V met and had sex willingly. He acknowledged that it was a mistake to have entered the house without the owners' permission.

108 The accused first read the impugned statement of 30 June 2008 after the preliminary inquiry. He did not know Alee (her name was actually Eli), the previous maid of the house and neither did he tell SSI Tho that he and Alee had sex seven or eight times. In fact, he did not know any maid in the Holland Green neighbourhood. He affirmed that what he said during the trial within a trial was correct and disputed the incriminating portions of this statement.

109 On 5 February 2009, SSI Tho went to the remand prison to take the accused's fingerprints. The accused asked him why he accused him of rape when he did not do it. The police officer retorted with "Fuck you". The accused asked him why he talked like that. The police officer replied that he would charge him. The accused said he did not care.

110 On 16 February 2009, the accused made six more s122(6) CPC statements in response to the rest of the charges. He maintained that he had consensual sexual intercourse with V twice on 23 June 2008 and that there was no knife and no threat made against her.

111 As he had savings every month (see [\[86\]](#) above), buying a Nokia mobile phone for about \$250 as a gift was not a big amount for him. However, he decided he would get the mobile phone for V only after knowing her a little better. The gold chain was to establish a relationship between them and to

make sure that she would not contact other men. He did not go back to 44 Holland Green on the night of 24 June 2008 because he wanted to meet Anan first as he was concerned that there might have been some trouble. It was not because he had committed rape and was afraid to return to the house. He produced the gold chain and the receipt only during the trial but had told the interpreter about them on 30 June 2008. He was informed that these things were not necessary. He also informed SSI Tho about the purchase but was merely asked to let the police have the Sunset Avenue house owner's contact number so that they could check the facts. Although the accused had the said house owner's mobile phone number, he did not inform SSI Tho about it.

112 The accused believed that V made the allegations against him to get him into trouble because he had refused to give her the mobile phone the next day. When he spoke to Anan, Anan told him that the police had called him and also asked him whether he had sex with anyone. He therefore told Anan that he was a little afraid in his mind.

113 He told Murphy that he "raped girl" as he had been instructed by the interpreter earlier to say the same thing everywhere. At that time, he did not know the meaning of "rape" but he had been told to use that word. The interpreter was not present during the visits to 44 Holland Green and 4 Jalan Pandan in the afternoon of 30 June 2008.

114 The accused added later that V was not a virgin as he could penetrate her easily. There was no mention by her of any pain, no talk of using a condom and no bleeding at her vaginal area.

### **The decision of the court**

115 V was a relatively young lady who had arrived in Singapore for only a week and had started working for Dr and Mrs Wujanto for only three days when the incident happened on 23 June 2008. I believed her evidence that she needed time to adjust to life here, especially living alone in a room at the back of the house. She certainly did not appear to be the *femme fatale* that the accused portrayed her to be. It was therefore hardly possible that she made the move on the accused and invited him into the house and into her body three days into her first job here.

116 Dr and Mrs Wujanto were quite sure that they had not taught V within the first three days how to operate the main gates by remote control. Without disrespect to V, I do not think she was capable of figuring out the gate mechanism by herself within that short space of time. It would also be illogical for her to open the main gates by remote control as they would definitely make noise when opening, as testified by Mrs Wujanto, and the neighbourhood would be pretty quiet at 10.30pm. V's employers were upstairs in their bedroom at that time and could easily have heard the main gates swinging open and closing two times (when the accused walked in and when he left later).

117 V's account of the incidents was clear and consistent. She could not scream for help after the threat by the accused. She would not know whether he had a knife with him. Even if he did not, it was obvious that he was much stronger than her and could easily have assaulted her if he wanted to. It was true that she did not run for help for one or two hours after the accused left the maid's room. However, I find her explanation that she was afraid that he was still around the house logical. After all, she was not aware how he had gone into 44 Holland Green and could not assume that he walked out of the house after leaving the maid's room.

118 Her conduct after the events was consistent with a person who had been recently traumatised. Her employers who saw her and the police officers who subsequently attended to her after she ran upstairs did not detect any trace of play-acting by her.



119 Of course, no one would expect a rape victim to calmly give a thorough account of each stage of the harrowing events soon after they happened. It was natural that the story would come out in bits and pieces and sometimes only in answer to questions. Similarly, there could be discrepancies when the story is repeated after a period of time. So long as the discrepancies do not cast any doubt as to V's truthfulness or her ability to recall facts, they are immaterial. This was my conclusion despite the valiant attempts by defence counsel to attack V's credibility by comparing her evidence in court with her conditioned statement tendered at the preliminary inquiry and her account to the psychiatrist (see [\[48\]](#) above).

120 Any suggestion that V was angry with the accused over the conversation about the mobile phone and therefore accused him falsely of rape and the other offences was completely demolished by V's inability to identify the accused. She did not even ask for his name. If the accused had not fortuitously left his fingerprint on the door knob, he might never have been found out. I believed she was telling the truth in court and accepted her evidence, which was corroborated on material issues in any event by the accused's statements of 30 June 2008 made to the police and by his account to Dr Lim of the IMH.

121 The accused may be relatively short at 1.6m in height but, as Mrs Wujanto testified, he was very agile and fast. The 1.3m high window ledge outside the long window would not have posed great difficulty for him. The top-hung window above the long window must have been unlatched or otherwise capable of being pulled open from the outside. That was how the accused managed to get into the maid's room stealthily. He was familiar with that room, having been there many times to visit the previous maid. He was also familiar with the way to climb over the perimeter wall facing the canal.

122 I have stated earlier in my decision in the trial within a trial (at [\[63\]](#) to [\[70\]](#) above) why I rejected the accused's version as to how the impugned statements were taken. His statement of 30 June 2008 explained convincingly how he accessed and exited the maid's room and what he did to her in between. They supported V's evidence concerning the crucial facts, save that he said he raped her only twice and not four times. Similarly, his account to Dr Lim of the IMH showed that what V alleged about coerced sex was true.

123 The accused was untruthful on both occasions when he told the police officers that he had sex with V at the bench in the park and then changed the location to the end of the pathway next to the perimeter wall of the house. He was in custody, accused of serious crimes and being questioned by the police. As he said, in his eight years here, he never had occasion to be involved with the police. It was highly unlikely therefore that his first concern was to show respect to Mrs Wujanto by lying about not having been inside her house.

124 Murphy's evidence as to the accused's character was of little value in defence to the charges. His knowledge of the accused was confined to what the accused did in 4 Jalan Pandan and, even then, it was not for a substantial period of time. It was noteworthy that the accused said "I raped girl" instead of merely saying "I had sex with girl" or any such words. However, I do not place weight on this brief utterance by the accused.

125 Considering the totality of the evidence adduced, I was convinced beyond reasonable doubt that the accused was guilty as charged and I convicted him on all seven charges.

### **The sentences**

126 The accused had a clean record before the incidents of 23 June 2008. The prosecution only wished to highlight that the offences were pre-meditated, that the accused elected to claim trial in

the face of overwhelming evidence against him, that V was working for only three days when the incidents happened and that the accused had portrayed V as a loose woman.

127 Defence counsel submitted that the four charges of rape were essentially one transaction. Further, as the accused had no criminal record, I was urged not to pass a crushing sentence on him.

128 In my view, the accused was opportunistic and much too confident that the new maid of 44 Holland Green would fall for his charms in the same way that the previous maid did. He thought he could force himself on the new maid and then buy his way out by offering her money and gifts. He committed housebreaking in order to violate V. He raped her in the sanctity of her locked room and on the bed on which she rested every night and which she had to continue to use after the incidents of 23 June 2008. The trauma he inflicted on someone who, like him, had to leave her homeland to work in the hope of having a better life is cruel.

129 I accepted that V was a virgin before the rapes. That added to her physical and psychological pain.

130 The accused has shown during the trial that he would not hesitate to tar and mar the reputation of police officers and the interpreter by accusing them of lying and/or of incompetence. However, I agreed with defence counsel that the four rape charges were essentially one transaction as they were committed within a short span of time.

131 I sentenced the accused as follows:

(a) s457 Penal Code charge - 3 years imprisonment;

(b) s354A Penal Code charge - 2 years imprisonment and 6 strokes of the cane;

(c) s375(3)(a)(ii) Penal Code charges - 15 years imprisonment and 12 strokes of the cane for each of the four charges;

(d) s376(4)(a)(ii) Penal Code charge - 10 years imprisonment and 12 strokes of the cane.

The imprisonment terms for the s457 Penal Code charge and the first of the s375 Penal Code charges were ordered to run consecutively with effect from 25 June 2008, the date of arrest. All other imprisonment terms were ordered to run concurrently with these two terms. The accused is to be subject to a maximum of 24 strokes of the cane, as mandated by the CPC. The total sentence is therefore 18 years imprisonment with effect from 25 June 2008 and 24 strokes of the cane.

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