

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

[2023] SGHC 78

Originating Summons No 21 of 2022
(Summons No 670 of 2022)

In the matter of an application by the Attorney-General for an order of
committal for contempt of court

And

In the matter of Sections 3(1)(a), 3(1)(d), 3(1)(e), 10(1) and 10(2) of the
Administration of Justice (Protection) Act 2016 (No 19 of 2016)

And

In the matter of Order 52 of the Rules of Court (Cap 322, R5, 2014 Rev Ed)

Between

The Attorney-General

... Applicant

And

Ravi s/o Madasamy

... Respondent

Originating Summons No 22 of 2022
(Summons No 669 of 2022)

In the matter of an application by the Attorney-General for an order of
committal for contempt of court

And

In the matter of Sections 3(1)(a), 3(1)(d), 3(1)(e) and 10(1) of the
Administration of Justice (Protection) Act 2016 (No 19 of 2016)

And

In the matter of Order 52 of the Rules of Court (Cap 322, R5, 2014 Rev Ed)

Between

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... Respondent

JUDGMENT

[Contempt of Court — Administration of Justice (Protection) Act 2016]

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Attorney-General
v
Ravi s/o Madasamy and another matter

[2023] SGHC 78

General Division of the High Court — Originating Summonses Nos 21 and 22 of 2022 (Summonses Nos 670 and 669 of 2022)

Hoo Sheau Peng J

10 October 2022

31 March 2023

Judgment reserved.

Hoo Sheau Peng J:

Introduction

1 HC/SUM 669/2022 (“SUM 669”) and HC/SUM 670/2022 (“SUM 670”) are applications in HC/OS 22/2022 (“OS 22”) and HC/OS 21/2022 (“OS 21”) respectively, brought by the Attorney-General (the “AG”), for orders of committal against Mr Ravi s/o Madasamy (“Mr Ravi”), an advocate and solicitor of the Supreme Court of Singapore. The applications concern Mr Ravi’s conduct in two sets of proceedings in November 2021.

2 In SUM 670, the AG alleges that Mr Ravi committed contempt of court during the hearing of SC-904600-2020, being the State Court proceedings of *Public Prosecutor v Magendran Muniandy* (“SC 904600”). As for SUM 669, it arises out of Mr Ravi’s conduct in HC/S 699/2021, being the High Court proceedings of *Chua Qwong Meng v SBS Transit Ltd* (“S 699”). At the time, Mr

Ravi was practising at the law firm of M/s K K Cheng Law LLC (“K K Cheng LLC”).

3 Pursuant to the request of Mr Ravi, the applications are dealt with together. This is because a defence common to both applications is that Mr Ravi was suffering from a relapse of his bipolar disorder. Also, as agreed by the parties, the issue of liability is to be determined first, with submissions on punishment to be furnished thereafter, should Mr Ravi be found liable for any of the allegations of contempt. This is, therefore, my judgment for both applications on the question of liability for contempt.

Background facts

4 Drawn from the transcripts of various court proceedings and contemporaneous communications, these background facts are largely undisputed.

SC-904600-2020 (Public Prosecutor v Magendran Muniandy)

5 In SC 904600, the accused person, Mr Magendran Muniandy (“Mr Magendran”), claimed trial to certain criminal charges. The trial was fixed for hearing at 9.30am on 9, 10 and 11 November 2021 before District Judge Chay Yuen Fatt (“DJ Chay”). However, on 3 November 2021, Mr Magendran’s previous lawyer filed an application to discharge himself.

6 The discharge application was fixed for hearing at 9.15am on 8 November 2021 before DJ Chay. On that day, at 9.20am, Mr Ravi appeared on behalf of Mr Magendran. After Mr Magendran confirmed that he was appointing Mr Ravi as his new lawyer, DJ Chay granted the application by the

previous lawyer to discharge himself.¹ When DJ Chay asked if the trial could proceed as scheduled, Mr Ravi informed DJ Chay that he was not involved in any other hearings from 9 to 11 November 2021 and that the trial could commence on 9 November 2021.² The hearing concluded at 9.27am.

7 Shortly after, at 9.54am, Mr Ravi appeared before Principal District Judge Toh Han Li (“PDJ Toh”) in SC-901420-2017, being the case of *Public Prosecutor v Li Dan and others* (“SC 901420”). There, the accused persons, including Mr Li Dan (“Mr Li”), claimed trial. The trial was fixed for 28 days before PDJ Toh, which included 8 to 10 November 2021. Initially, Mr Ravi informed PDJ Toh that he was not representing Mr Li for the criminal trial but only for a judicial review application to the High Court concerning the case.³ Subsequently, he confirmed that he was representing Mr Li for the criminal trial.⁴

8 On 9 November 2021, Mr Ravi did not turn up at 9.30am for the trial of SC 904600 before DJ Chay. Instead, he appeared before PDJ Toh for SC 901420.⁵ Eventually, at 11am, he appeared before DJ Chay, and applied to adjourn SC 904600.⁶ After an exchange concerning why Mr Ravi had been “double fixed” for two trials in the same morning, Mr Ravi said that DJ Chay

¹ Affidavit of Rimplejit Kaur filed on 7 January 2022 (“RK’s Affidavit”) at p 20, line 27 to p 21, line 8 (8 November 2021 Transcript of SC 904600).

² RK’s Affidavit at p 23, line 26 to p 24, line 6 (8 November 2021 Transcript of SC 904600).

³ RK’s Affidavit at p 32, line 11 to p 33, line 10 (8 November 2021 Transcript of SC 901420).

⁴ RK’s Affidavit at p 35, line 22 to p 36, line 3 (8 November 2021 Transcript of SC 901420).

⁵ RK’s Affidavit at p 115, lines 6 to 24 (9 November 2021 Transcript of SC 904600).

⁶ RK’s Affidavit at p 118, lines 5 to 13 (9 November 2021 Transcript of SC 904600).

was “biased” against him and asked DJ Chay to “discharge” himself.⁷ Thereafter, Mr Ravi interrupted DJ Chay when DJ Chay was speaking to Mr Magendran to ascertain the latter’s intentions regarding the conduct of SC 904600.⁸ After DJ Chay declined the request for the trial to be adjourned, Mr Ravi said that unlike Judges of the High Court, DJ Chay could be “removed ... at will by the State”.⁹ In any event, the matter was adjourned to the next day because Mr Ravi was scheduled to attend a matter before the Court of Appeal that afternoon.

9 On 10 November 2021, Mr Ravi filed an application for the case to be stated to the High Court under s 395(1) of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) (“CPC”). After DJ Chay dismissed Mr Ravi’s application, Mr Ravi said that DJ Chay was “in contempt of Court” and “[didn’t] have security of tenure [and knew] what it means”.¹⁰

10 Shortly thereafter, Mr Ravi left the courtroom and did not return. Mr Magendran confirmed that he was prepared to represent himself. Thereafter, DJ Chay proceeded with the trial in Mr Ravi’s absence on 10 and 11 November 2021.¹¹ These events formed the substratum of OS 21 and SUM 670.

HC/S 699/2021 (Chua Qwong Meng v SBS Transit Ltd)

11 Turning to S 699, the trial was scheduled for hearing before Justice Audrey Lim (“Lim J”) from 22 to 25 and 29 November 2021. The

⁷ RK’s Affidavit at p 120, lines 5 to 16 (9 November 2021 Transcript of SC 904600).

⁸ RK’s Affidavit at p 120, line 21 to p 121, line 32 (9 November 2021 Transcript of SC 904600).

⁹ RK’s Affidavit at p 124, lines 9 to 18 (9 November 2021 Transcript of SC 904600).

¹⁰ RK’s Affidavit at p 149, lines 16 to 25 (10 November 2021 Transcript of SC 904600).

¹¹ RK’s Affidavit at p 150, lines 1 to 3 (10 November 2021 Transcript of SC 904600).

plaintiff, Mr Chua Qwong Meng (“Mr Chua”), was represented by Mr Ravi, while the defendant, SBS Transit Ltd, was represented by Mr Davinder Singh SC (“Mr Singh”) from M/s Davinder Singh Chambers LLC.

12 On 22 November 2021, the hearing started at 10.13am. After some preliminary matters were dealt with, a short adjournment was granted at 10.22am. When the hearing resumed at 10.34am, Lim J gave certain directions on the arrangements for the cross-examination of Mr Chua who was to testify remotely via Zoom from Mr Ravi’s office. Mr Ravi took issue with the directions, stated that Lim J was “biased” and that she was taking sides with Mr Singh.¹²

13 On the ground of bias, Mr Ravi also applied for Lim J to disqualify herself.¹³ After Lim J rejected the application, Mr Ravi requested time to file a notice of appeal against the decision.¹⁴

14 In the course of the proceedings, Mr Ravi also made various other remarks against Lim J (which are set out below at [24(c)]). Mr Ravi also interrupted Lim J when she was addressing him on certain alternative arrangements for Mr Chua to give evidence under cross-examination (the “cross-examination arrangements”),¹⁵ and when she was trying to have the court

¹² Affidavit of Wuan Kin Lek Nicholas filed on 7 January 2022 (“WKLN’s Affidavit”) at p 32, lines 5 to 11 (22 November 2021 Transcript of S 699W); and WKLN’s Affidavit at p 35, lines 7 to 9 (22 November 2021 Transcript of S 699).

¹³ WKLN’s Affidavit at p 32, lines 5 to 6 (22 November 2021 Transcript of S 699).

¹⁴ WKLN’s Affidavit at p 33, lines 13 to 25 (22 November 2021 Transcript of S 699).

¹⁵ WKLN’s Affidavit at p 32, line 12 to p 33 line 17 (22 November 2021 Transcript of S 699).

interpreter interpret to Mr Chua what was going on during the court proceedings.¹⁶

15 Thereafter, Mr Ravi informed Lim J that both he and Mr Chua would discharge themselves and would no longer participate in the proceedings.¹⁷ At 10.59am, Lim J granted Mr Ravi a short break to obtain instructions from Mr Chua. After the proceedings resumed at 11.18am, Mr Ravi confirmed that both he and Mr Chua would like to apply to discharge themselves from S 699.¹⁸

16 On the afternoon of 22 November 2021, after the conclusion of proceedings for the day, the Registry received a letter from Mr Chua stating that he (a) was discharging Mr Ravi as his counsel, (b) wished to continue with S 699, (c) would not be proceeding with any application for the recusal of Lim J, and (d) wanted an adjournment to engage new counsel (“Mr Chua’s Letter”).¹⁹

17 On 23 November 2021, the Registry replied to Mr Chua by letter copied to K K Cheng LLC, with Mr Ravi named as the solicitor in charge, informing Mr Chua that his requests had been noted but that until a change for representation had been effected, a request for an adjournment had to be made through K K Cheng LLC (the “Registry’s Reply”).²⁰

18 On 24 November 2021, shortly after midnight, Mr Arun Kumar M Sadarangani (“Mr Arun”), a paralegal employed by K K Cheng LLC, sent an e-

¹⁶ WKLN’s Affidavit at p 34, line 15 to p 36, line 24 (22 November 2021 Transcript of S 699).

¹⁷ WKLN’s Affidavit at p 37, lines 4 to 5; p 37, lines 12 to 13 (22 November 2021 Transcript of S 699).

¹⁸ WKLN’s Affidavit at p 41, at lines 2 to 3 (22 November 2021 Transcript of S 699).

¹⁹ WKLN’s Affidavit at pp 61 to 62.

²⁰ WKLN’s Affidavit at pp 64 to 65.

mail to the Registry, stating, *inter alia*, that “we have reconsidered the position and we would like to proceed with the trial”; and (b) “we would like to proceed at 10am on 24th November 2021” or “at any time tomorrow subject to [Lim J’s] direction” (the “24 November Email”).²¹ According to Mr Arun, he was instructed by Mr Ravi to send the 24 November Email.²²

19 On 25 November 2021, the Registry sought clarification from K K Cheng LLC as to, *inter alia*, whether Mr Chua had given instructions that he would like to proceed with the trial after having earlier requested the Registry for an adjournment to find and brief a new counsel.²³

20 On 26 November 2021, M/s Carson Law Chambers filed a notice of change of solicitor with the Registry and took over the conduct of the case for Mr Chua.²⁴ At the hearing on 29 November 2021, Mr Chua’s new counsel, Mr Lim Tean, informed the court that (a) it was never Mr Chua’s intention to apply for Lim J to recuse herself; (b) Mr Chua intended to carry on with the suit, and (c) Mr Ravi’s application to discharge Mr Chua from the suit was “done totally without his instructions”.²⁵

21 These matters formed the subject matter of OS 20 and SUM 669.

²¹ WKLN’s Affidavit at pp 67 to 68.

²² Affidavit of Arun Kumar M Sadarangani filed on 6 January 2022 (“Arun’s Affidavit”) at para 5.

²³ WKLN’s Affidavit at pp 70 to 72.

²⁴ WKLN’s Affidavit at pp 74 to 75.

²⁵ WKLN’s Affidavit at p 82, line 24 to p 83, line 2; p 83, lines 19 to 24 (29 November 2021 Transcript of S 699).

The parties' cases

22 The High Court's jurisdiction to issue an order of committal and punish for contempt committed in the High Court and the State Courts is embodied in ss 10(1) and 10(2) of the Administration of Justice (Protection) Act 2016 (No 19 of 2016) ("AJPA"). Essentially, the AG's applications are made pursuant to s 3 of the AJPA, which sets out the elements of contempt by, *inter alia*, scandalising the court.

23 Specifically, in SUM 670, the AG alleges that Mr Ravi acted in contempt of court in SC 904600 on the five grounds as follows:²⁶

(a) under s 3(1)(e) of the AJPA, for intentionally doing an act posing a real risk of obstructing the administration of justice by providing false information to DJ Chay on 8 November 2021 regarding his availability for trial from 9 to 11 November 2021 ("the first allegation");

(b) under s 3(1)(a) of the AJPA, for scandalising the court by intentionally doing an act impugning the impartiality of the court and posing a risk that public confidence in the administration of justice would be undermined, namely, by accusing DJ Chay of being "biased" without basis on 9 November 2021 ("the second allegation");

(c) under s 3(1)(d) of the AJPA, for intentionally causing interruption to DJ Chay while DJ Chay was sitting in SC 904600 on 9 November 2021, by interrupting DJ Chay when he was speaking to Mr Muniandy in open court ("the third allegation");

²⁶ Statement pursuant to O 52 r 2(2) of the Rules of Court filed for SUM 670 dated 7 January 2022, at paras 4(a) to 4(e).

(d) under s 3(1)(d) of the AJPA, by intentionally offering an insult to DJ Chay while DJ Chay was sitting in SC 904600 on 9 November 2021, by stating in open court that DJ Chay could be “removed...at will by the State” (“the fourth allegation”); and

(e) under s 3(1)(d) of the AJPA, by intentionally offering an insult to DJ Chay while DJ Chay was sitting in SC 904600 on 10 November 2021, by stating in open court that DJ Chay was “in contempt of Court” and “[didn’t] have security of tenure [and knew] what it means” (“the fifth allegation”).

24 In SUM 669, the AG alleges that Mr Ravi engaged in contemptuous conduct in the following five instances in S 699:²⁷

(a) under s 3(1)(a) of the AJPA, for scandalising the court by intentionally doing an act impugning the impartiality of the court and posing a risk that public confidence in the administration of justice would be undermined, namely, by repeatedly alleging Lim J of being “biased” and biased in favour of Mr Singh on 22 November 2021 (“the sixth allegation”);

(b) under s 3(1)(d) of the AJPA, for intentionally causing interruption to Lim J while she was sitting in S 699 on 22 November 2021, namely, by interrupting Lim J in open court:

(i) when Lim J was addressing Mr Ravi on the alternative arrangements for Mr Chua to give evidence under cross-examination (“the cross-examination arrangements”); and

²⁷ Statement pursuant to O 52 r 2(2) of the Rules of Court filed for SUM 669 dated 7 January 2022, at paras 4(a) to 4(e).

(ii) when Lim J was trying to have the court interpreter interpret to Mr Chua what was going on during the court proceedings (“the seventh allegation”).

(c) under s 3(1)(a) of the AJPA, for intentionally doing an act impugning the propriety of the court and posing a risk that public confidence in the administration of justice would be undermined, namely, by doing the following in open court:

(i) stating that Lim J was the “interrogator” who was “putting words into [his] mouth”;

(ii) accusing Lim J of “completely [breaching] privileged communication which is sacrosanct”;

(iii) alleging that Lim J’s directions in relation to the cross-examination arrangements were “against the International Human Rights Law”, “unacceptable”, an “unlawful law”, the “wrong law” and an “illegal law”; and

(iv) telling Lim J “don’t be rude”, that she was “not above the law” and that “there is no rule of law in Singapore, as far as [he is] concerned” (“the eighth allegation”).

(d) under s 3(1)(e) of the AJPA, on 22 November 2021, for intentionally doing acts posing a real risk of obstructing the administration of justice by taking legal positions in S 699, without instructions from Mr Chua, namely:

(i) applying for Lim J to disqualify herself on grounds of bias; and

(ii) informing Lim J that Mr Chua wanted to “discharge” himself from S 669, that Mr Chua was saying that he was “withdrawing himself”, “that the court is at liberty to do whatever, to dismiss or whatever” and “that he does not want to participate any more in [these] unlawful proceedings”, and that Mr Chua “[didn’t] want to be in this court any more” (“the ninth allegation”); and

(e) under s 3(1)(e) of the AJPA, on 23 November 2021, for intentionally doing an act posing a real risk of obstructing the administration of justice by causing Mr Arun to send the 24 November Email stating that Mr Chua wished to proceed with S 669, which position was taken without instructions from Mr Chua (“the tenth allegation”).

25 Before I set out Mr Ravi’s case, I should mention that a few days before the hearing, Mr Ravi filed notices of his intention to act in person in place of his previous lawyers from Eugene Thuraisingam LLP. At the hearing, Mr Ravi stated that he would be relying on his two affidavits filed on 16 August 2022 (being one affidavit for each application),²⁸ as well as the common set of written submissions for both applications filed on 27 September 2022 by his previous lawyers (“Respondent’s written submissions”).²⁹ However, on certain aspects, he would depart from the Respondent’s written submissions.³⁰

²⁸ Affidavit of Ravi s/o Madasamy for HC/SUM 669/2022 dated 16 August 2022 (“R’s Affidavit SUM 669”) and Affidavit of Ravi s/o Madasamy for HC/SUM 670/2022 dated 16 August 2022 (“R’s Affidavit SUM 670”).

²⁹ Respondent’s Submissions dated 27 September 2022 (“RS”).

³⁰ 10 October 2022 Transcript for SUM 669 and SUM 670 at p 4, lines 3 to 8 and lines 14 to 16.

26 In respect of both applications, Mr Ravi’s main defence is that at the material time, he was suffering from a relapse of his bipolar disorder. He says that his condition had a “contributory link” to all the alleged incidents.³¹ In this connection, Mr Ravi relies on two medical reports: (a) a medical report issued by Dr Yeo Chen Kuan Derrick (“Dr Yeo”), his treating psychiatrist at the Institute of Mental Health (“IMH”), dated 6 December 2021 (“Dr Yeo’s Report”); and (b) an outpatient forensic assessment issued by IMH psychiatrist, Dr Lim Kim Wai (“Dr Lim”), dated 28 June 2021 (“Dr Lim’s Report”).

27 Issued at the request of the Law Society of Singapore, Dr Yeo’s Report focused on assessing whether Mr Ravi continued to be medically fit to practise as an advocate and solicitor. Dr Yeo examined Mr Ravi on 2 December 2021, and the relevant portions of Dr Yeo’s Report state:³²

3. When examined clinically, the subject exhibited *pressure of speech, flight of ideas and he was excessively talkative in a discursive manner, often interrupting and correcting the views of others*. He also delivered monologues that meandered from topic to topic with the contents *highly suggestive of inflated self-esteem and grandiose beliefs about his abilities as an advocate*. He was also disparaging of others and would continuously defend his recent actions in publicly speaking about his work on social media.

4. Mr Ravi S/O Madasamy was assessed clinically to be in a Hypomanic Episode of Bipolar Disorder. This is a distinct period of abnormally and persistently elevated and irritable mood associated with persistently increased activity and energy levels. Though the episode is not severe enough to necessitate admission to hospital, he clearly showed some impairment in his social occupational functioning and it was clearly a noticeable change from his usually behaviour

...

6. *Based on the information made available to me and my assessment of the subject on 02/12/2021, I am of the*

³¹ RS at para 5; R’s Affidavit SUM 669 at para 6; R’s Affidavit SUM 670 at para 6.

³² R’s Affidavit SUM 670 at pp 19 to 21; R’s Affidavit SUM 669 at pp 15 to 17.

considered opinion that at this juncture, the subject is mentally unwell due to a relapse of his bipolar disorder. This would adversely affect his ability to conduct himself professionally and adequately in his work as an advocate and solicitor. Hence at this juncture, I am of the opinion that he would not be fit to practice as an advocate and solicitor until his hypomanic symptoms have sufficiently abated. He should not engage in any legal professional work during the time he remains on medical leave issued by IMH. There is a potential risk of harm to himself, his clients, and the legal system should he practice while he remains psychiatrically unwell.

[emphasis added]

28 As for the outpatient forensic assessment by Dr Lim, Mr Ravi had brought Dr Lim's attention to the incidents (see [5]–[21] above) which form the subject matter of these applications and sought her opinion whether his bipolar disorder contributed to and/or caused these incidents. The relevant portions of Dr Lim's Report state:

Defendant's Account of Alleged Offences³³

Charge: HC/OS21/2022- Contempt in court and Inquiry Committee 007/2022 for conduct of behavior.

...

21 He went to court thinking that he could discharge himself from another case the next day hence told the judge he would be available on the dates that were asked of him.

22 As the court proceedings went on, he felt that the judge was rude towards him. Usually he would be able to hold back but due to his irritability and frustrations that had been ongoing for a few weeks, together with all his thoughts about different cases, it intensified his frustrations and irritability. Therefore, he told the judge that he was bias against him for not listening to him and interrupted him as well.

...

Charge: HC/OS22/2022 – Contempt in court

...

³³

R's Affidavit SUM 670 at pp 25 and 26; R's Affidavit SUM 669 at pp 21 and 22.

24 As the court went on with the lack of clarity on his thoughts and it moving from one thought to another he reported that he could not process information well. He also felt that the judge was rude and dismissive towards him and became angry. Usually, he would be able to hold back but due to his thoughts racing, it made him feel more irritated and frustrated, leading him to saying that she was biased, accusing her of breaching privileged communication when speaking to his client.

25 He recalled that his client Mr Chua had spoken to him to inform him that he wished to withdraw the case. However, from his understanding, in order to withdraw he would need to speak with the other bus drivers to check with them about their decisions about withdrawing. He told Mr Chua about this and he reported that Mr Chua said that he would think about it. However, at this point he decided to just file that Mr Chua would continue because their discussion about it was vague at that point in time.

...

Opinion³⁴

33 I am of the opinion that:

- a) He has a Bipolar Disorder and was in relapse at the time of the alleged offences.
- b) During the timeframe (November 2021 onwards) where the alleged offence was committed, he experienced hypomanic symptoms as reported by himself and family members. These symptoms continued to be present and were also observed by his Doctor (Dr. Derrick Yeo) in the IMH Outpatient clinic on 2nd December 2021 where he was assessed to be in relapse of his Bipolar Disorder with prominent hypomanic symptoms.

Therefore, there is *a contributory link* to the alleged charges as he was in relapse of his bipolar disorder, *displaying flight of ideas, pressured speech and irritability during this time frame which contributed to his demeanour in court leading to contempt of court and conduct issues in his behaviour.*

- c) *He was not of unsound mind at the material time of alleged offences.*

³⁴

R's Affidavit SUM 670 at pp 27 and 28; R's Affidavit SUM 669 at pp 23 and 24.

- d) *He is currently fit to plead in a court.*
- e) He should continue treatment and follow up for his Bipolar Disorder.

[emphasis added]

29 During the hearing, Mr Ravi further explained that he was under tremendous stress at the material time as he was representing 26 death row inmates,³⁵ and he was facing a number of legal proceedings, investigations, and disciplinary complaints.³⁶ Mr Ravi also argued that he was a vulnerable person by virtue of his bipolar disorder,³⁷ and urged the court to take cognisance of the rights accorded to persons with disabilities under the UN Convention on the Rights of Persons with Disabilities (the “Convention”).³⁸ According to Mr Ravi, bipolar disorder is a recognised condition under the Convention.³⁹ However, to be clear, Mr Ravi is not seeking to enforce any rights under the Convention. The gist of Mr Ravi’s case is that the court ought to have empathy and sympathy when adjudging persons suffering from mental disorders such as himself.⁴⁰

30 In respect of SUM 670, the Respondent’s written submissions state that Mr Ravi does not challenge the second allegation of scandalising the court by accusing DJ Chay of being biased (see [23(b)] above).⁴¹ In relation to the first allegation (see [23(a)] above), Mr Ravi argues that he did not provide false information to DJ Chay because he was not representing Mr Li in SC 904120 when he informed DJ Chay of his availability for the trial of SC 904600 on 9 to

³⁵ 10 October Transcript for SUM 669 and 670, at p 59, lines 21 to 26.

³⁶ 10 October Transcript for SUM 669 and 670, at p 21, line 26 to p 22, line 19.

³⁷ 10 October Transcript for SUM 669 and 670, at p 57, lines 15 to 17.

³⁸ 10 October Transcript for SUM 669 and 670, at p 57, lines 24 to 31.

³⁹ 10 October Transcript for SUM 669 and 670, at p 57, lines 30 to 31.

⁴⁰ 10 October Transcript for SUM 669 and 670, at p 60, lines 4 to 11.

⁴¹ RS at para 3.

11 November 2021.⁴² In relation to the third, fourth and fifth allegations (see [23(c)]–[23(e)] above), in general, he denies them. In particular, Mr Ravi disputes that he had the requisite *mens rea*.⁴³ Further, at the hearing, Mr Ravi submitted that his remarks constituted fair criticism.⁴⁴

31 For SUM 669, in the Respondent’s written submissions, it is stated that Mr Ravi does not contest the sixth and eighth allegations (see [24(a)] and [24(c)] above).⁴⁵ As for the other grounds, Mr Ravi disputes that he had the requisite *mens rea*. He denies that he acted with intention, or that he knew or ought to have known that the acts posed a real risk of obstructing the administration of justice. For the tenth allegation (see [24(e)] above), Mr Ravi does not dispute that he instructed Mr Arun to send the 24 November Email.⁴⁶ However, he denies that he acted without Mr Chua’s instructions, and claims that he did not intend to convey any information in the 24 November Email that was against Mr Chua’s instructions.⁴⁷ At the hearing, Mr Ravi further argued that the AG had “breached privileged communication” by interviewing Mr Arun without first informing him.⁴⁸

The applicable law

32 As set out above, both applications concern ss 3(1)(a), 3(1)(d) and 3(1)(e) of the AJPA which state:

⁴² RS at para 11.

⁴³ RS at paras 17 to 22.

⁴⁴ 10 October Transcript for SUM 669 and 670, at p 69, lines 1 to 6.

⁴⁵ RS at para 3.

⁴⁶ R’s Affidavit SUM 669 at para 32.

⁴⁷ RS at paras 55 to 56.

⁴⁸ 10 October Transcript for SUM 669 and 670, at p 56, lines 11 to 14.

3.—(1) Any person who —

(a) scandalises the court by intentionally publishing any matter or doing any act that —

(i) imputes improper motives to or impugns the integrity, propriety or impartiality of any court; and

(ii) poses a risk that public confidence in the administration of justice would be undermined;

...

(d) intentionally offers any insult or causes any interruption or obstruction to any judge of any court, while the judge is sitting in any stage of a court proceeding; or

(e) intentionally does any other act that interferes with, obstructs or poses a real risk of interference with or obstruction of the administration of justice in any other manner, if the person knows or ought to have known that the act would interfere with, obstruct or pose a real risk of interference with or obstruction of the administration of justice,

commits a contempt of court.

33 Before I set out the constituent elements of contempt for s 3(1)(a), s 3(1)(d) and s 3(1)(e), it is worth stating that it falls on the AG to prove all the elements for each alleged instance of contempt beyond reasonable doubt (see s 28 of the AJPA). I should add that s 8(3) of the AJPA also provides that “the common law rules on contempt of court continue in force except so far as they are inconsistent with the provisions of [the AJPA]”. The relevant cases shall be discussed in due course.

Section 3(1)(a) of the AJPA

34 To constitute scandalising contempt under s 3(1)(a) of the AJPA, the *actus reus* is the publication of any material or commission of any act that (a) imputes improper motives to or impugns the integrity, propriety or impartiality

of any court; *and* (b) poses a risk that public confidence in the administration of justice would be undermined.

35 The “risk” test is a departure from the previous common law test of “real risk” articulated by the Court of Appeal in *Shadrake Alan v Attorney-General* [2011] 3 SLR 778 (“*Shadrake*”). This was “part of a considered policy choice to come out strongly in favour of upholding and protecting the integrity and standing of the Judiciary,” namely, it intended to pre-empt hair-splitting or fine distinctions as to the level of risk that had to be established in order to satisfy the test (*Wham Kwok Han Jolovan v Attorney-General and other appeals* [2020] 1 SLR 804 (“*Jolovan Wham (CA)*”) at [36]). In the “risk” inquiry, the court is simply guided by the central question: “Is the risk one that the reasonable person coming across the contemptuous statement would think needs guarding against so as to avoid undermining public confidence in the administration of justice?” (*Jolovan Wham (CA)* at [38]). In answering this question, both the *content* and *context* of the alleged contemptuous statement may be relevant (*Jolovan Wham (CA)* at [38]).

36 As for the *mens rea*, the contemnor must have intentionally published such material or committed such act. By s 3(2) of the AJPA, it is not necessary for the contemnor to have intended to scandalise the court. This is consistent with the common law position where there is no need for the contemnor to intend to undermine public confidence in the administration of justice (*Au Wai Pang v Attorney-General* [2016] 1 SLR 992 at [24]–[31]).

37 I should add that by Explanation 1 to s 3(1) of the AJPA, “[f]air criticism of a court is not contempt by scandalising the court” within the meaning of s 3(1)(a) of the AJPA. To constitute fair criticism, the statement must (a) have some objective or rational basis; (b) be made in good faith and be respectful;

and (c) generally be expressed in a temperate and dispassionate manner (*Jolovan Wham (CA)* at [41] and *Attorney-General v Tan Liang Joo John and others* [2009] 2 SLR(R) 1132 at [15]–[23]). Before the enactment of the AJPA, the Court of Appeal preferred the view that under the common law, the concept of fair criticism related to liability as opposed to being a separate defence to contempt (*Shadrake* at [80]). This view has since been encapsulated in the AJPA. Therefore, the legal burden would fall on the AG to prove that the impugned statement does not constitute fair criticism (*Jolovan Wham (CA)* at [19]).

Section 3(1)(d) of the AJPA

38 Turning to contempt under s 3(1)(d) of the AJPA, the *actus reus* is the act of either insulting the judge or causing any interruption or obstruction to the judge while the judge is sitting in court proceedings. This limb concerns acts of contempt in the face of the court *ie, ex facie* contempt, which disrupts the court process itself.

39 The *mens rea* is the intention to offer such insult or cause such interruption or obstruction. Further, s 3(6) of the AJPA provides that the contemnor is liable if he “knows or ought to have known that the act would prejudice or interfere with or obstruct or pose a *real risk* of prejudice to or interference with or obstruction of the course of the court proceeding [emphasis added].” Compared to scandalising contempt under s 3(1)(a), there is an additional *mens rea* requirement as to the effect of the act on the court proceeding.

Section 3(1)(e) of the AJPA

40 Moving on, s 3(1)(e) is a broad sweeping provision under the AJPA. The *actus reus* of contempt pursuant to s 3(1)(e) is the commission of “any other act” that interferes with or obstructs the administration of justice or poses a *real risk* of the same. The *mens rea* element of s 3(1)(e) is the intention to commit such an act.

41 Within s 3(1)(e), a form of the “real risk” test at common law is retained. As alluded to at [35] above, at common law, an act of scandalising contempt must “pose a real risk of *undermining public confidence in the administration of justice* [emphasis added]” (*Shadrake* at [25]). Section 3(1)(e), however, requires the act to “pose a real risk of *interference with or obstruction of the administration of justice* [emphasis added]”. This is, in my view, a slight legislative reformulation of the “real risk” test. Notwithstanding the difference, guidance as to the assessment of what constitutes a “real risk” remains instructive. As the Court of Appeal noted, the court must avoid either extreme on the legal spectrum, *viz*, of *either* finding that contempt has been established where there is only a remote or fanciful possibility that public confidence in the administration of justice is (or might be) undermined *or* finding that contempt has been established only in the most serious situations (as embodied in the “clear and present danger” test). In undertaking such an analysis, the court must not substitute its own subjective view for that of the average reasonable person, as the inquiry must necessarily be an objective one (*Shadrake* at [36]). I adopt and adapt these guidelines in the inquiry within s 3(1)(e) on the question of the *real risk* of interference with or obstruction of the administration of justice.

42 Similar to s 3(1)(d), s 3(6) of the AJPA applies (see [38] above). Thus, there is a requirement for actual or constructive knowledge on the part of the contemnor that the act would prejudice or interfere with or obstruct or pose a

real risk of prejudice to or interference with or obstruction of the course of the court proceeding. With these legal principles in mind, I deal with each of the 10 allegations made against Mr Ravi.

HC/SUM 670/2022

First allegation: Intentionally providing false information on his availability to DJ Chay

43 In respect of the first allegation made under s 3(1)(e) of the AJPA (see [23(a)] above), the AG has to show that:

(a) Mr Ravi provided false information to DJ Chay concerning his availability for trial for SC 904600 for 9 to 11 November 2021, and that this posed a real risk of obstructing the administration of justice; and

(b) Mr Ravi did the act intentionally, and knew or ought to have known that his doing so posed a real risk of obstructing the administration of justice.

44 In relation to the *actus reus*, the AG submits that when Mr Ravi informed DJ Chay that he was available for trial from 9 to 11 November 2021, he was already representing Mr Li for trial in SC 901420 on 8 to 10 November 2021. Therefore, Mr Ravi furnished *false* information to DJ Chay. This resulted in the “double-fixing” of trial dates which, the AG argues, posed a real risk of undermining public confidence in the administration of justice. In relation to the *mens rea*, the AG argues that Mr Ravi must have been aware of his involvement in SC 901420 when he was addressing DJ Chay about his availability on 8 November 2021. Specifically, Mr Ravi was fixed to appear before PDJ Toh in SC 901420 (which had been fixed for trial on 8 to 10 November 2021) immediately after his hearing with DJ Chay. Furthermore,

even during the hearing of SC 904600 on 8 November 2021, Mr Ravi mentioned to DJ Chay that “I’m in another Court right now ... I actually have a 9:30 matter”⁴⁹ and that “I have hearing today”.⁵⁰ The AG therefore states that the *mens rea* is established.⁵¹ Mr Ravi contests both the *actus reus* and *mens rea* elements of s 3(1)(e). He argues that he did not present false information to DJ Chay because he was not representing Mr Li at the material time when he informed DJ Chay about his availability for trial. He further contends that even if he did provide inaccurate information about his availability, he did not do so intentionally, and he did not know that there would be a real risk of undermining public confidence in the administration of justice. His conduct is attributable to his bipolar disorder.

45 In my view, the first allegation is *not* made out beyond reasonable doubt by the AG. These are my reasons.

46 While it cannot be disputed that on 8 November 2021, Mr Ravi informed DJ Chay that he was available for the trial of SC 904600 from 9 to 11 November 2021, I have some reservations whether at that point in time, he was engaged to represent Mr Li for the trial of SC 901420. Therefore, the *falsity* of such information is not established.

47 According to Mr Ravi, he had filed a separate judicial review application to the High Court in respect of SC 901420. His sole purpose in appearing before PDJ Toh on 8 November 2021 was to seek an adjournment of the proceedings so that the judicial review application he had filed could take place first.⁵²

⁴⁹ RK’s Affidavit at p 18, lines 18 to 19 (8 November 2021 Transcript of SC 904600).

⁵⁰ RK’s Affidavit at p 23, line 31 (8 November 2021 Transcript of SC 904600).

⁵¹ Applicant’s Submissions for SUM 670 (“AS SUM 670”) at paras 14 and 15.

⁵² RS at para 11. R’s Affidavit SUM 670 at para 14.

However, he was concerned that the High Court would not be seized of jurisdiction for his judicial review application, which led him to “suddenly” and “impulsively” apply to PDJ Toh to state a case to the High Court under s 395 of the CPC. In this connection, when PDJ Toh asked him again whether he was representing Mr Li for the trial, it caused him to answer PDJ Toh in the affirmative. This occurred “spontaneously” as he was “strongly driven by [his] bipolar disorder”.⁵³

48 Broadly, Mr Ravi’s explanation is borne out by the transcript for the hearing for 8 November 2021. When the Deputy Public Prosecutor, Ms Stacey Fernandez (“Ms Fernandez”), first introduced the parties for the hearing, she stated that Mr Li was appearing *in person* and that Mr Ravi was representing Mr Li in a “separate proceeding” as follows:⁵⁴

Ms Fernandez:	For the accused persons, your Honour, on the record, <i>Mr Li Dan appears in person.</i>
Court:	Where is he, sorry? Where is Mr Li Dan? Yes, okay.
Ms Fernandez:	<i>Mr M. Ravi is here today. He represents Mr Li Dan in a separate proceeding</i> , and I believe he will make known what that proceeding is, your Honour.
COURT:	Okay.
[emphasis added]	

49 Thereafter, PDJ Toh noted that Mr Ravi had previously written to the court to indicate that he was not representing Mr Li for the criminal trial. When PDJ Toh sought to confirm with Mr Ravi that he was *not* representing Mr Li for

⁵³ RS at para 12. R’s Affidavit SUM 670 at paras 15 to 17.

⁵⁴ RK’s Affidavit at p 30, lines 17 to 25 (8 November 2021 Transcript of SC 904600).

the trial, Mr Ravi's response was along the line that his purpose for appearing was to inform the court that he had filed a judicial review application. The relevant exchange is as follows:⁵⁵

Court: *Actually, based on the correspondence, I understand you're not representing Mr Li Dan for this trial. Right?*

Mr Ravi: Your Honour, I am representing in relation to t-- may I address the court?

Court: Yes, of course.

Mr Ravi: First of all, your Honour, I have informed the court that there is a judicial review proceedings that's been filed, and so, first of all, the court -- the update, your Honour, as of now, the eLit, the High Court, strangely, has not approved the application. Usually when I file an application, it gets somewhat approved within one or two days, so I find it strange that's not been done.

[emphasis added]

50 However, there was an unexpected change in position by Mr Ravi, as shown in the further exchange:⁵⁶

Mr Ravi: ... I'm asking for your Honour to state the case to the High Court under section 395 for the materials that are in this judicial review application, and then if your Honour refuses to, then your Honour knows the procedure anyway...

...

Mr Ravi: Basically, your Honour, section 395, I just say that the High Court is not [seized] to the jurisdiction because no sealed copy has been given, nothing has been given. I find it somewhat strange, but I will pursue that with the Registrar of the Supreme Court separately ... Secondly, the

⁵⁵ RK's Affidavit at p 32, line 11 to p 33, line 2 (8 November 2021 Transcript of SC 904600).

⁵⁶ RK's Affidavit at p 34, line 20 to p 36, line 6 (8 November 2021 Transcript of SC 904600).

thing is that I have a right to file a criminal motion. I decide for my client what is best for them, in the circumstances that his right to fair trial is already being prejudiced because of the late service of documents by the prosecution this morning which is a breach of fair trial under article 9(1). I would also state—

Court: *Sorry. Are you representing him for this criminal trial?*

Mr Ravi: *Yes, I'm representing him.*

Court: *Because in the correspondence, you said you were not.*

Mr Ravi: *No, no. This morning, I have confirmed with him.*

Court: I see. Okay.

Mr Ravi: So, therefore, am I on record now, your Honour?

Court: I guess so, yea.

[emphasis added]

51 I appreciate that the change in position in his exchange with PDJ Toh was abrupt. That said, I am unable to accept Mr Ravi's explanation that he only came to act for Mr Li "spontaneously" during the hearing itself because of his bipolar disorder, for the following two reasons.

52 First, in the very same exchange (see [50] above), Mr Ravi stated that sometime in the morning of 8 November 2021, he "confirmed with [Mr Li]" that he would represent Mr Li for the trial. By this, it appears that at the latest, before the hearing commenced before PDJ Toh, there would have been some discussion of the situation Mr Ravi found himself in, and some understanding that Mr Ravi would act for Mr Li for the trial. Unfortunately, in these proceedings, Mr Ravi does not provide any further details on the discussion with Mr Li that morning.

53 Second, in oral submissions before me, Mr Ravi stated that, in light of the situation he was facing, “[he] appointed [himself] ... ‘appointed [himself]’ meaning with the *consent* of [his] client, to continue with the proceedings as such [emphasis added]”.⁵⁷ This also suggests that there was a discussion with Mr Li regarding Mr Ravi’s representation of the latter prior to the commencement of the hearing before PDJ Toh.

54 For present purposes, it is not necessary for me to determine *exactly* what the understanding was with Mr Li concerning representation for the trial in SC 901420. In my view, there remains a reasonable doubt that Mr Ravi had been engaged by Mr Li for the trial when he appeared before DJ Chay. Based on the analysis above, at the highest, it seems to me that the understanding was reached with Mr Li *prior* to the hearing before PDJ Toh. The pertinent question, however, is whether this happened prior to the hearing before DJ Chay. In my view, there is a distinct possibility, which is not fanciful, that the discussion with Mr Li took place *after* the appearance before DJ Chay. From [6]–[7] above, there was a window of about 25 minutes between the two hearings that further instructions could have been obtained by Mr Ravi from Mr Li. I reiterate that based on the correspondence to the court prior to that morning, Mr Ravi was not supposed to be acting for Mr Li at the trial. Given these facts and circumstances, I am inclined to give Mr Ravi the benefit of doubt on this point.

⁵⁷ 10 October 2022 Transcript for OS 21/2022 (SUM 670/2022) and OS 22/2022 (SUM 669/2022), p 65, lines 13 to 18.

55 The AG argues that Mr Ravi’s defence is contradicted by his version of the events given to Dr Lim. At paragraph 21 of Dr Lim’s Report which is set out above at [28], it was recorded that Mr Ravi “went to court *thinking that he could discharge himself from another case the next day* hence told the judge he would be available on the dates that were asked of him” [emphasis added].⁵⁸ The AG argues that the fact that Mr Ravi was thinking of *discharging himself* from SC 904120 suggests that he was acting for Mr Li at the time he appeared before DJ Chay.⁵⁹ This version contradicted the defence, and demonstrate that his defence is a mere afterthought.

56 Although paragraph 21 of Dr Lim’s Report falls under the header “Defendant’s Account of Alleged Offences”, the relevant portion of Dr Lim’s Report does not appear to be a verbatim record of what was said by Mr Ravi. As pointed out by Mr Ravi, this portion could well have been rephrased or summarised by Dr Lim. Furthermore, I note Mr Ravi’s submission that even if he used the words, he was not talking “technically [about] the discharge for the trial as such”.⁶⁰ Rather, he says that he had meant “discharge” in the sense of informing PDJ Toh that he was not involved in representing Mr Li for the trial of SC 901420.⁶¹ I thus do not think it is sufficient to rely on the words “*discharge himself from another case*” to infer that at the material time when Mr Ravi appeared before DJ Chay, he had instructions to act for Mr Li for the trial. Although the version in Dr Lim’s Report, *ie, that Mr Ravi wanted to seek a discharge*, conflicts with the defence proffered that he wanted to “*seek an*

⁵⁸ R’s Affidavit SUM 670 at p 26, para 21 (Dr Lim’s Report).

⁵⁹ AS SUM 670 at para 20.

⁶⁰ 10 October 2022 Transcript for OS 21/2022 (SUM 670/2022) and OS 22/2022 (SUM 669/2022), p 67, lines 11 to 19.

⁶¹ 10 October 2022 Transcript for OS 21/2022 (SUM 670/2022) and OS 22/2022 (SUM 669/2022), p 66, lines 25 to 28.

adjournment of the [SC 901420] trial” on the basis of the judicial review application, it is the latter which is actually somewhat supported by the relevant extracts of the transcript. Thus, I am unable to accept the AG’s submission, that on the ground that the defence conflicts with the version in Dr Lim’s Report, the defence is to be rejected as an afterthought.

57 Moreover, even taking Dr Lim’s Report at face value, the fact that Mr Ravi was thinking that he could discharge himself from SC 901420 suggests that Mr Ravi wanted to avoid any clash of trial dates by making some arrangement as regards SC 901420. This casts doubt on the *mens rea* element of s 3(1)(e), *ie*, whether Mr Ravi *intentionally* provided false information to DJ Chay on his availability for the trial of SC 904600. Consequently, I am of the view that even if Mr Ravi had incorrectly represented his availability to DJ Chay, there is insufficient evidence to show that this was intentional or that he did so with the knowledge that his act would pose a real risk of obstructing the administration of justice.

58 Undoubtedly, the “double-fixing” of trial dates was attributable to Mr Ravi’s mismanagement of his schedule, and he should have made suitable arrangements for *both* trials. In particular, he should have kept Mr Magendran informed of the situation after confirming to PDJ Toh that he would act for Mr Li. As it transpired, Mr Magendran did not know that Mr Ravi would not turn up on time on 9 November 2021. Eventually, Mr Magendran had to act in person. It may also well be that Mr Ravi was not perfectly candid at the hearing before PDJ Toh on 8 November 2021 with regard to the arrangements with Mr Li. Be that as it may, while Mr Ravi’s overall conduct was blameworthy, I do not find him liable for the first allegation of contempt under s 3(1)(e) of the AJPA.

Second allegation: Accusing DJ Chay of being “biased”

59 Turning to the second allegation under s 3(1)(a) of the AJPA (see [23(b)] above), the AG has to show that:

- (a) Mr Ravi, by accusing DJ Chay of bias, impugned the impartiality of the court and posed a risk that public confidence in the administration of justice would be undermined;
- (b) Mr Ravi intentionally levelled the accusation at DJ Chay; and
- (c) Mr Ravi’s accusation does not constitute fair criticism.

60 The AG argues that Mr Ravi’s unfounded allegation in open court on 9 November 2021 that DJ Chay was “biased” against him amounted to an act of contempt of court under s 3(1)(a) of the AJPA. In my view, this ground is made out.

61 In relation to *actus reus*, it is undisputed that after an exchange with DJ Chay concerning why Mr Ravi was “double fixed at 2 trials”,⁶² Mr Ravi said in open court that DJ Chay should discharge himself because DJ Chay was biased against him. I set out the exchange as captured in the transcript as follows:⁶³

Mr Ravi:	I am asking that you discharge because you are <i>biased towards me</i> , and you are <i>biased</i> under Section---even Justice Woo Bih Li disqualified because <i>you're giving an appearance of biasness</i> . Under article 90---9(3), there's a right of fair trial breached, it's all on record. I'm applying that you discharge yourself. If you don't discharge, I'm taking out an application in the High Court against your decision not to discharge by way of
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⁶² RK’s Affidavit, p 118, lines 14 to 15 (9 November 2021 Transcript of SC 904600).

⁶³ RK’s Affidavit, p 120, lines 7 to 15 (9 November 2021 Transcript of SC 904600).

criminal motion. I've made that application already, you rule on it.

Court: I am not discharging myself.

Mr Ravi: Okay. You are not re---I'm making an application under Section 395. At any stage of the proceedings, my client has been briefed. You can take me---take from me that I have advised my client on this matter.

[emphasis added]

62 In my view, Mr Ravi's unwarranted allegations of bias towards DJ Chay directly impugned the impartiality of the court. This falls squarely within the ambit of s 3(1)(a) of the AJPA. As observed by the Court of Appeal, "[a]n assertion that a Judiciary would decide matters otherwise than in accordance with the merits is self-evidently among the most serious attacks that one can make against courts and the administration of justice" and "goes to the very heart and essence of the judicial mission" (*Jolovan Wham (CA)* at [33]).

63 Furthermore, Mr Ravi's allegations of bias were levelled against DJ Chay in open court and in the presence of Mr Magendran. I agree with the AG that Mr Ravi, by making references to "article 9(3)", "section 395 of the CPC", and "Justice Woo Bih Li", was attempting to conjure up a false sheen of legitimacy, which although incoherent, would have caused a reasonable layman observing the proceeding to form the view that there were some legitimate bases for his accusations. This, in my view, posed a risk that public confidence in the administration of justice would be undermined.

64 Mr Ravi's defence is that he was suffering from bipolar disorder which contributed to his actions. He relies on Dr Yeo's Report and Dr Lim's Report, the material parts of which are set out above at [27] and [28] above. Specifically, Mr Ravi relies on paragraph 22 of Dr Lim's Report, which states that: "Usually [Mr Ravi] would be able to hold back but due to his irritability and frustrations

that had been ongoing for a few weeks, together with all his thoughts about different cases, it intensified his frustrations and irritability. Therefore, he told the judge that he was bias against him for not listening to him and interrupted him as well.”

65 I am of the view that Mr Ravi’s bipolar disorder does not exculpate him from liability. Like paragraph 21, paragraph 22 of Dr Lim’s Report falls under the header “Defendant’s Account of Alleged Offences”, making it clear that the paragraph was Mr Ravi’s account of events to Dr Lim. The contents do not constitute Dr Lim’s professional assessment. Nowhere in Dr Yeo’s Report or Dr Lim’s Report is it stated that Mr Ravi made these statements in court (see [61] above) involuntarily, or that his bipolar disorder *negated* his *intention* in making these statements. While Mr Ravi might have experienced symptoms such as “flight of ideas”, “pressured speech” and “irritability”, individually or collectively, these did not mean that he was incapable of forming the necessary intention to make these statements. On the contrary, it is noteworthy that Dr Lim opined, in his professional capacity, that the bipolar disorder was but a “contributory link” to the conduct, and that Mr Ravi was “not of unsound mind” at the material time of the incident (*ie*, 9 November 2021).

66 Indeed, I note that after the exchange set out at [61] above, the allegation of bias was *repeated* a short time later when Mr Ravi sought to take up an application under s 395 of the CPC. This is set out below:⁶⁴

Mr Ravi:	Sure, sure. No problem. Your Honour, you are entitled to your views, and I deeply respect your position as a law---as a---as a Judge and I have the second wheel to save a miscarriage of justice, and we travel along as a ju---legal and judicial officer. On that note, Your Honour, I am making
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⁶⁴ RK’s Affidavit, p 124, line 9 to p 125, line 7 (9 November 2021 Transcript of SC 904600).

an application under Section 395 that you are in breach of Article 9-1, 9-3---93 which is Supreme Court takes precedence over you, the Court of Appeal. You can be removed but at will by the State but not the Judges in the High Court.

Court: You---you are just spouting a bunch of nonsense.

Mr Ravi: Non---it's not nonsense. Please may---may it be recorded that I'm talking a bunch of nonsense?

Court: It's---everything is recorded.

Mr Ravi: Fantastic. I---you can tell but---

...

Court: hold on, hold on, hold on, hold on. You have made an application to adjourn this.

Mr Ravi: Yes.

Court: And I've---I've---I've dismissed it.

Mr Ravi: You are in breach of-

...

Mr Ravi: Article 9-3.

...

Mr Ravi: 93, there's a case stated, [inaudible] stated. I will explain to the Court because this is a bunch of nonsense, you said. *Therefore, I've reinforced my application that you are biased.* That's all, Your Honour.

[emphasis added]

In my view, these allegations of bias were made intentionally. The *mens rea* is, therefore, established.

67 In his oral submissions, Mr Ravi raised the defence of fair criticism.⁶⁵ However, as I have stated (see [37] above), fair criticism is an element of

⁶⁵ 10 October 2022 Transcript for OS 21/2022 (SUM 670/2022) and OS 22/2022 (SUM 669/2022), p 74, lines 16 to 19.

s 3(1)(a) of the AJPA, with the burden falling on the AG to establish the absence of fair criticism beyond a reasonable doubt. As pointed out by the AG, Mr Ravi's allegations of bias against DJ Chay was in response to DJ Chay pointing out that he had been fixed for two trials that morning. There is clearly no rational basis for Mr Ravi to attack DJ Chay's impartiality. Furthermore, Mr Ravi's allegations cannot be said to be made in good faith or expressed in a temperate and dispassionate manner. Therefore, I find that the AG has shown that Mr Ravi's words did not constitute fair criticism.

68 Consequently, I find that the AG has established this instance of contempt under s 3(1)(a) of the AJPA.

Third, fourth and fifth allegations: Repeatedly interrupting and insulting DJ Chay

69 Next, I consider the AG's third to fifth allegations (see [23(c)]–[23(e)] above) that Mr Ravi acted in contempt of court by (a) interrupting DJ Chay while DJ Chay was trying to speak to Mr Magendran on 9 November 2021; (b) offering an insult to DJ Chay by stating that he could be “removed...at will by the State” on 9 November 2021; and (c) offering an insult to DJ Chay by stating that he was “in contempt of Court” and “[didn't] have security of tenure [and knew] what it means” on 10 November 2021. Since the AG grouped these allegations together in its written submissions as matters under s 3(1)(d) of the AJPA, I will proceed to deal with them together.

70 To prove these allegations, it has to be shown that Mr Ravi offered the insults and caused the interruption to DJ Chay while he was sitting in court proceedings, that Mr Ravi intentionally did so, and that he knew or ought to have known that doing so posed a real risk of prejudice to the course of the court proceedings.

71 In relation to the third allegation, in my view, the *actus reus* is clearly met on the facts. The transcript showed multiple instances in which Mr Ravi interrupted DJ Chay. The relevant portions are reproduced below:⁶⁶

Court:	Let---let me hear from your client, first.
Mr Ravi:	Why do you want to hear from my client? For what?
Court:	Let me---
Mr Ravi:	I've---
Court:	hear from—
Mr Ravi:	you can't be—
Court:	your client.
Mr Ravi:	advising him—
Court:	I'm not---
Mr Ravi:	on the rights.
Court:	advising him. I'm hearing from him.
Mr Ravi:	Okay. Do you know that I've told you under Section--- I'm applying to the Court, right?
Court:	No, no. Let me speak ---
Mr Ravi:	Okay.
Court:	to your client.
Mr Ravi:	Sure
Court:	Let me speak to your client.
Mr Ravi:	Sure, ---
Court:	Please ---
Mr Ravi:	sure, sure
Court:	Mr Magendran, what--- this is your trial, alright. What--- what do you want to do about this? Because I---I will go on with the trial. I mean if - --

⁶⁶ RK's Affidavit at pp 120-121 (9 November 2021 Transcript of SC 904600).

Mr Ravi: You can leave it to your lawyer, that's what the Judge is saying.

Court: but your---your---your---you know, if a lawyer is not able---

Mr Ravi: (speaking in a different language).

Court: to represent you---

Mr Ravi: (speaking in a different language).

Court: No. Let me just speak to your client.

Mr Ravi: Okay.

Court: Alright. Don't---don't interrupt.

Mr Ravi: He says he's confused. Your Honour. He looks confused, your Honour.

Court: No. He hasn't said anything yet.

Mr Ravi: He looks confused.

Court: Please---please sit down.

Mr Ravi: Okay. Thank you.

72 As seen from the above exchange, Mr Ravi repeatedly interrupted DJ Chay when DJ Chay was trying to communicate with Mr Magendran. Despite several reminders by DJ Chay that he wished to speak with and hear from Mr Magendran, Mr Ravi continued to interrupt DJ Chay by speaking in a language other than English, and then stated that Mr Magendran looked confused. In fact, thereafter, Mr Magendran stated that he had “no option but to follow [his] Defence Counsel’s advice” and applied for an adjournment of the matter. By repeatedly interrupting DJ Chay before DJ Chay could even finish his sentences, Mr Ravi’s conduct is neither respectful nor courteous to DJ Chay and inevitably interrupted the proceeding within the meaning of s 3(1)(d) of the AJPA.

73 Mr Ravi argues that he only made a limited number of interruptions before “allowing” DJ Chay to speak to Mr Magendran.⁶⁷ As a preliminary point, Mr Ravi is not in a position to “allow” DJ Chay to speak to Mr Magendran. More importantly, even if there were only a limited number of interruptions, it does not change the fact that Mr Ravi clearly disrupted the course of proceedings. The assessment of whether there was an interruption of the proceeding within the meaning of s 3(1)(d) of the AJPA is a *qualitative* exercise, and not merely a quantitative one based on the number of interruptions. At most, it seems to me that the number of interruptions may be a factor to be considered at the sentencing stage.

74 Again, Mr Ravi relies on his bipolar disorder to challenge the *mens rea* elements in s 3(1)(d) and s 3(6) of the AJPA, arguing that (a) he did not intend to interrupt DJ Chay; and (b) he did not know or could not have known that his interruptions would obstruct the course of the court proceedings. I reject these submissions. As I have discussed at [65] above, the medical reports do not suggest that Mr Ravi interrupted DJ Chay involuntarily, or that he was unaware of the consequences of his conduct in the proceedings. Mr Ravi’s sole purpose in interrupting DJ Chay was to prevent DJ Chay from speaking to Mr Magendran, which, in my view, constitutes a clear intention to interrupt the course of the court proceedings. By causing such interruptions in open court in such a disrespectful manner, Mr Ravi would also have known that his conduct would have lowered the dignity and decorum of court proceedings, and be a real risk of prejudice to the conduct of the court proceeding. Consequently, I find Mr Ravi liable under s 3(1)(d) of the AJPA for the third allegation of interrupting DJ Chay.

⁶⁷ RS at para 22.

75 For completeness, I should add that Mr Ravi’s conduct is also unbefitting of an advocate and solicitor. Rules 13(2) and 13(3) of the Legal Profession (Professional Conduct) Rules 2015 provide that a legal practitioner must always be respectful of a court or tribunal and must always be courteous in the conduct of a case. If it is necessary to confer privately with a client, counsel should seek permission from the court and should not, in any case, prevent the judge from communicating with the parties in the proceeding, much less speak in a different language to interrupt the judge.

76 Turning to the fourth and fifth allegations, shortly after DJ Chay explained to Mr Magendran that an adjournment would not be granted, Mr Ravi alleged that DJ Chay had breached Mr Magendran’s constitutional right to counsel and claimed that DJ Chay, unlike High Court Judges, could be “removed ... at will by the State”.⁶⁸ On the next day, after DJ Chay rejected Mr Ravi’s application under s 395 of the CPC, Mr Ravi alleged that DJ Chay was in contempt of court, that DJ Chay did not have “security of tenure” and that he “knows what it means”.⁶⁹

77 The ordinary meaning of “to insult” is to show arrogance or scorn by speech or behaviour. Accordingly, “an insult” is defined as an act, or the action, of insulting (see *The Oxford English Dictionary* (Oxford University Press, 1989)). It seems clear that by stating that DJ Chay did not have the security of tenure unlike Judges in the High Court, Mr Ravi was belittling DJ Chay and undermining his status as a member of the Singapore judiciary. In my view, these scornful comments are clearly insults made by Mr Ravi towards DJ Chay

⁶⁸ RK’s Affidavit at p 137, lines 9 to 18 (9 November 2021 Transcript of SC 904600).

⁶⁹ RK’s Affidavit at p 148, line 20 to p 149, line 25 (10 November 2021 Transcript of SC 904600).

to retaliate against DJ Chay for rejecting his applications. Such unwarranted insults fall squarely within the ambit of s 3(1)(d) of the AJPA.

78 The context in which the comments were made also suggests to me that Mr Ravi was directly challenging DJ Chay’s authority in open court. In particular, on 10 November 2021, he also said that “if [DJ Chay] continues with the trial, he’s in contempt of Court” and that “[a] crime against humanity complaint will be also filed [against DJ Chay]”.⁷⁰ Such unfounded allegations attacked the standing of DJ Chay, and when made in open court, pose a real risk of prejudice to the course of the court proceeding.

79 During the hearing before me, Mr Ravi submitted that these comments constitute fair criticism. He says that there is a rational and factual basis for stating that District Court Judges do not have security of tenure, citing certain articles in support of his position.⁷¹

80 I make two points in this regard. First, while not specifically argued before me, I am of the view that fair criticism does not apply in relation to acts falling within s 3(1)(d) of the AJPA.

81 It will be recalled that the only instance where the concept of fair criticism is provided for in the APJA is in Explanation 1 to s 3 of the APJA, which applies only in relation to scandalising contempt within s 3(1)(a). Fair criticism is not provided for in relation to s 3(1)(d) of the AJPA. Neither is the defence of fair criticism found in Part 4 of the AJPA, which sets out a number of legal defences to contempt. The reason for this can be found in the

⁷⁰ RK’s Affidavit at p 149, lines 16 to 25 (10 November 2021 Transcript of SC 904600).

⁷¹ 10 October 2022 Transcript for SUM 670 and SUM 669 at p 22, line 29 to p 23, line 15.

Explanatory Statement of the Administration of Justice (Protection) Bill (Bill No 23/2016), the relevant portions of which are reproduced below:

... The *Explanation* 1 to clause 3(1) establishes that fair criticism does not amount to scandalising the court. This is in accordance with the provisional view of the Court of Appeal in *Shadrake Alan v Attorney-General* [2011] SGCA 26 that fair criticism goes towards liability for contempt of court. In accordance with this approach, Part 4 does not provide for a separate defence of fair criticism.

...

As explained above in relation to clause 3, this Bill confirms the Court of Appeal's view in *Shadrake Alan v Attorney-General* [2011] SGCA 26 that the concept of "fair criticism" goes towards liability for contempt of court. Accordingly, the defence of fair criticism is absent from Part 4.

82 From the above, it is clear that save for s 3(1)(a), Parliament did not intend to provide for fair criticism either as an element towards liability under any other limb of s 3(1) of the AJPA or as a defence to acts of contempt generally. I should add that s 8(2) of the AJPA has repealed all defences at common law to contempt of court not contained in the AJFA.

83 Second, and in any event, I am of the view that Mr Ravi's comments would not constitute fair criticism. Regardless of any factual basis for his comments, there is no reason for Mr Ravi to make these comments during the proceedings. These comments bore no relevance to Mr Ravi's application for adjournment or his application under s 395 of the CPC. Nor did they relate to any possible point of law that may arise from the issues in SC 904600. Mr Ravi also delivered those remarks in an offensive manner. These comments only

served to insult DJ Chay, as a means to protest DJ Chay's rejection of his applications. Consequently, I reject Mr Ravi's arguments.

84 Next, Mr Ravi argues that he did not "intentionally" insult DJ Chay because he genuinely thought that he had a basis for what he was saying due to his bipolar disorder.⁷² Mr Ravi also argues that due to his bipolar disorder, he did not know or could not have known that his insults to DJ Chay would have posed a real risk of prejudice to the course of the court proceeding. However, as I have found above at [65], his condition did not render him incapable of forming the necessary intention to make those insults. Neither did the condition prevent him from being aware of the consequences of his conduct.

85 Mr Ravi is a senior practitioner at the bar. His offensive manner shows that his insults were intentional. Given his experience, he ought to have known that the offensive and disrespectful comments towards DJ Chay on 9 November 2021 and 10 November 2021 would tend to diminish DJ Chay's standing and undermine DJ Chay's authority in the eyes of the public, and especially in the eyes of Mr Magendran, and thus pose a real risk of prejudice to the course of the court proceeding. Consequently, I find that the elements under ss 3(1)(d) and 3(6) of the AJPA are satisfied such that Mr Ravi is guilty of contempt in relation to these allegations.

86 Given the above, I find Mr Ravi guilty of contempt under s 3(1)(d) of the AJPA in relation to the third to fifth allegations.

⁷² RS at [33].

HC/SUM 669/2022

Sixth allegation: Accusing Lim J of being “biased”

87 Moving to SUM 669, the AG’s sixth allegation is that Mr Ravi scandalised the court on 22 November 2021 by accusing Lim J of being “biased” within the meaning of s 3(1)(a) of the AJPA (see [24(a)] above).

88 In order for the AG to succeed on this ground, it must be shown that:

- (a) Mr Ravi intentionally accused Lim J of being biased in favour of Mr Singh on 22 November 2021;
- (b) Mr Ravi’s accusations against Lim J impugned the impartiality of the court and posed a risk that public confidence in the administration of justice would be undermined; and
- (c) Mr Ravi’s accusations do not constitute fair criticism.

89 Upon a review of the transcript, it clearly shows that when Lim J was trying to provide directions for the cross-examination of Mr Chua, Mr Ravi accused Lim J of being “biased” multiple times and asked her to discharge herself from the case. The relevant portions are reproduced below:⁷³

Court:	...So one way of doing this is everybody leaves the room except Mr Chua is in there but I want to maybe have another separate camera to make sure that there is no one there, okay? That’s one way. The other way is you can have your own counsel in there, plus Mr Singh’s counsel, and both of them sit behind, okay? That’s my suggestion. You take one. Which one would you prefer?
--------	--

⁷³ WKLN’s Affidavit at p 30, line 6 to p 32, line 9 (22 November 2021 Transcript of S 699).

...

Mr Ravi: Your Honour, your direction is wrong. Am I allowed to say that?

Court: Then you can appeal my direction if you wish to.

Mr Ravi: I am appealing now. I am filing a notice of appeal now.

Court: I am telling you no.

Mr Ravi: I am filing a notice of --

Court: So I am going to give you some orders --

Mr Ravi: Why are you shouting at me, Your Honour.

Court: Mr Ravi, I am going to switch you off if you don't stop interrupting --

Mr Ravi: *Please disqualify yourself.*

Court: -- and being rude to the court.

Mr Ravi: *I am applying to you to disqualify yourself because you are biased.*

Court: I am rejecting your application.

Mr Ravi: *I am applying yourself, to discharge yourself, you are biased* because you have asked Mr Singh's lawyer to come to my client's, my room, my office and then he is snooping the documents and I am --

Court: Mr Ravi, please stop making allegations. I am not asking Mr Singh's lawyer --

Mr Ravi: I am not making allegations --

Court: Mr Ravi --

Mr Ravi: So you do not want to disqualify yourself, that is your problem. I am appealing to the Chief to the Court of Appeal right now...

[emphasis added]

90 Further allegations of bias, including bias in favour of Mr Singh, were made when Lim J sought to explain the situation to Mr Chua. The relevant portion of the transcript is reproduced below:⁷⁴

Court: Please place Mr Chua in the Zoom room.

Mr Ravi: Your Honour, may I speak to my client and explain to him?

Court: No, I am going to explain something to your client.

Mr Ravi: Because you cannot explain, you cannot give legal advice to him.

Court: I am not giving advice. I am just telling him what is happening in court which he is entitled to know.

Mr Ravi: *Your explanation may be biased.*

Court: Susan, please put --

Mr Ravi: *I don't trust your explanation. I have already said that you are biased. You are taking sides of Mr Singh and I am --*

[emphasis added]

91 In my view, there can be no doubt that Mr Ravi's allegations towards Lim J fall squarely within the ambit of s 3(1)(a) of the AJPA. Lim J's directions in relation to the cross-examination of Mr Chua were common and sensible ones, and furthermore did not favour one party over another (above at [89]). There was absolutely no reason at all for Mr Ravi to levy the accusations of bias. These allegations attack the impartiality of the court. As mentioned above, the integrity and impartiality of the judiciary "goes to the very heart and essence of the judicial mission" (*Jolovan Wham (CA)* at [33]). Such unwarranted accusations of partiality and favouritism in open court undermine public

⁷⁴ WKLN's Affidavit at p 34, line 22 to p 35, line 9 (22 November 2021 Transcript of S 699).

confidence in the administration of justice and constitute contempt of court under s 3(1)(a) of the AJPA.

92 In relation to *mens rea*, it is clear from the transcript that Mr Ravi’s allegations of bias towards Lim J stemmed from his unhappiness with Lim J’s directions as regards the cross-examination of Mr Chua. The allegations of bias were made thrice during his exchange with Lim J and must evidently have been intentional.

93 While Mr Ravi does not dispute this ground in the Respondent’s written submissions, I note that he raises the fact that he was suffering from bipolar disorder at the material time, which “contributed to [his] state of mind in making the statements pertaining to bias” against Lim J.⁷⁵ In paragraph 24 of Dr Lim’s Report, she recorded that Mr Ravi reported “lack of clarity on his thoughts”, and that he “could not process information well”. He felt that Lim J was “rude and dismissive”. Unlike usual, he could not control himself, and he felt “more irritated and frustrated, leading him to saying that she was biased”. However, as discussed above at [65], nothing in the Dr Lim’s Report suggested that Mr Ravi was unaware of his actions at the material time, or that he was incapable of forming the necessary intention to make those allegations against Lim J. Dr Yeo’s Report similarly made no such findings.

94 For completeness, Mr Ravi’s allegations of bias towards Lim J do not constitute fair criticism. There is no rational basis for Mr Ravi to impugn Lim J’s impartiality merely because he disagreed with Lim J’s directions. The allegations were also not made in good faith, nor in a dispassionate and

⁷⁵ Respondent’s affidavit, p 5 at [11].

temperate manner (see [37] above). Consequently, I find Mr Ravi liable under s 3(1)(a) for contempt of court for his baseless allegations of bias towards Lim J.

Seventh allegation: Repeatedly interrupting Lim J

95 The AG's next ground is that Mr Ravi acted in contempt of court under s 3(1)(d) by repeatedly interrupting Lim J during the hearing on 22 November 2021 (see [24(b)] above). For Mr Ravi to be guilty of this allegation, it must be shown that:

- (a) Mr Ravi intentionally and repeatedly interrupted Lim J during the 22 November 2021 hearing; and
- (b) Mr Ravi knew or ought reasonably to have known that his repeated interruptions would pose a real risk of interference with the course of the court proceeding on that day.

96 On the facts, the *actus reus* is clearly made out on the facts. The transcript reflects multiple instances where Mr Ravi interrupted Lim J when she was addressing him on the alternative arrangements for Mr Chua to give evidence under cross-examination *ie*, the cross-examination arrangements. The relevant portions are set out below:⁷⁶

- | | |
|----------|--|
| Court: | Okay. Mr Ravi, so the point here is -- |
| Mr Ravi: | Your Honour, I will take up this particular process is completely wrong because -- |
| Court: | <i>No, Mr Ravi, Mr Ravi, let me finish.</i> |
| Mr Ravi: | Okay. |
| Court: | Now, I normally allow someone to sit in to ensure that no one is interfering with the proceedings. |

⁷⁶ WKLN's Affidavit at p 29, lines 7 to 21; p 31, line 20 to p 32, line 4 (22 November 2021 Transcript of S 699).

So one way to do this would be if you have a separate camera, you set it up so that we can see the entire room in which Mr Chua is sitting.

Mr Ravi: Mr Singh, Mr Singh's lawyer --

Court: *Mr Ravi, let me finish. Okay? Stop interrupting.*

Mr Ravi: Will you please allow me to address after this, your Honour?

Court: *Yes, let me finish first. Stop interrupting...*

...

Mr Ravi: I am appealing now. I am filing a notice of appeal now.

Court: I am telling you no.

Mr Ravi: I am filing a notice of --

Court: So I am going to give you some orders --

Mr Ravi: Why are you shouting at me, Your Honour.

Court: *Mr Ravi, I am going to switch you off if you don't stop interrupting --*

Mr Ravi: Please disqualify yourself.

Court: *-- and being rude to the court.*

[emphasis added]

97 Even after Lim J expressly warned Mr Ravi to stop interrupting and being rude to the court, Mr Ravi continued to interrupt Lim J whilst she was directing the court interpreter to interpret the court proceedings to Mr Chua. Some pertinent portions are set out follows:⁷⁷

Court: ... I just asked you to interpret, okay, that you tell the client, okay, tell Mr Chua, Mr Ravi says I am biased against him, Mr Chua and Mr Ravi.

Mr Ravi: Yes and I would like to speak to my client once again huh?

Court: I will give you a chance. Don't worry, Mr Ravi.

⁷⁷ WKLN's Affidavit at p 35, line 25 to p 39 line 18 (22 November 2021 Transcript of S 699.)

Mr Ravi: Sure.

Court: Can you --

Mr Ravi: (unclear)

Court: *Mr Ravi, stop interrupting. Let the interpreter interpret what I am saying.*

Mr Ravi: Yes. You also keep interrupting just now while I am speaking also. I am equal before the law, your Honour. You are not above me. You are a judicial officer. I am a legal officer so don't --

Court: I am well aware that we are all human beings Mr Ravi.

Mr Ravi: Yes, proceed. Thank you.

Court: Are you done?

Mr Ravi: Done. So many times I have said done. Carry on.

Court: *Okay, then please be quiet whilst I continue.*

Mr Ravi: Don't be rude.

Court: Please tell Mr Chua that Mr Ravi says I am biased against Mr Chua and Mr Ravi, okay.

Mr Ravi: And Mr Ravi also says, Your Honour, please add, since we are --

(Unclear – simultaneous speakers)

Court: Ms Interpreter, just interpret what I said --

Mr Ravi: I will not participate in these proceedings any more and Mr Chua also will not participate. We will --

Court: Okay. Fine. I will tell that to the interpreter.

Mr Ravi: May I be allowed to discharge and Mr Chua will be discharged as well? Thank you.

Court: Madam Interpreter interpret my sentence first?

Mr Ravi: Let me tell you, Your Honour, both of us --

Court: *Mr Ravi, stop talking.*

Mr Ravi: Your Honour, we will discharge ourselves. I am applying to discharge myself, your Honour.

Court: Okay, that is fine too.

Mr Ravi: Okay, may I be allowed to discharge myself and Mr Chua also will discharge?

Court: Let me finish first with Ms Interpreter, Mr Ravi.

Mr Ravi: Sure. Sure. It is a wrong interpretation.

Court: *Mr Ravi, stop talking for the time being until I am done.* So Ms Interpreter, just tell Mr Chua first of all Mr Ravi says I am biased against Mr Ravi and Mr Chua. Okay?

Mr Ravi: Yes.

...

Court: Okay, so Ms Interpreter, can you explain that Mr Ravi wants his client to stop the proceedings as well, is that right?

Mr Ravi: No, no, no, those are not my instructions. Please don't misinterpret. I am saying that Mr Chua should apply to the court to discharge himself because he does not trust any other lawyers in accordance with his instructions.

Court: *Stop there, stop there, so the interpreter can interpret that first, okay?*

Mr Ravi: Sure, sure, sure. Both of us would discharge ourselves from now with your leave. Mr --

[emphasis added]

98 As seen from the above exchanges, Mr Ravi's interruptions were persistent. Despite being reminded by Lim J to stop interrupting, Mr Ravi continued to interrupt Lim J because he did not agree with Lim J's directions. Mr Ravi continued to interrupt Lim J when Lim J was clearly trying to direct the interpreter to update Mr Chua on the state of the proceeding. Such repeated interruptions clearly obstructed the course of the proceeding within the meaning of s 3(1)(d) of the AJPA.

99 Mr Ravi disputes the *mens rea* element in s 3(1)(d) and s 3(6) of the AJPA. Again, he argues that he interrupted impulsively as a result of his bipolar disorder without any intention to do so. As he was suffering from symptoms of

his bipolar disorder, including disorganized chains of thoughts, flight of ideas, and irritability, he did not know or could not reasonably have known the impact he was having on the court proceedings.⁷⁸

100 I dismiss Mr Ravi's defence for the same reasons I have set out above in [93]. The medical reports do not suggest, neither do they conclude, that Mr Ravi's bipolar disorder was so serious that he made those statements involuntarily, or that he was unaware of the consequences of his interruptions. Consequently, I find Mr Ravi liable of contempt under s 3(1)(d) of the AJPA for repeatedly interrupting Lim J.

Eighth allegation: Alleging that Lim J's directions were unlawful etc

101 Apart from accusing Lim J of bias, Mr Ravi raised a host of other allegations about Lim J's conduct of the proceedings, which the AG argues constituted contempt of court under s 3(1)(a) of the AJPA (see [24(c)] above). To be liable for contempt for these accusations, the AG must prove that:

- (a) Mr Ravi intentionally made such allegations against Lim J;
- (b) Mr Ravi's allegations impugned the impartiality of the court and posed a risk that public confidence in the administration of justice would be undermined; and
- (c) Mr Ravi's accusations do not constitute fair criticism.

102 As set out above (at [12]), after an adjournment at about 10.22am, the proceedings resumed at 10.34am. At that point, Mr Singh informed Lim J that Mr Ravi had told him "[D]on't be a clown" three times during the discussion.

⁷⁸ RS at para 45.

While Lim J was seeking clarification from Mr Ravi whether this had occurred, Mr Ravi called Lim J “the interrogator” and stated that Lim J was “putting words into [his] mouth”.⁷⁹

103 Interspersed with other exchanges, at a later juncture in the proceedings, while Lim J was informing the Mr Ravi about the cross-examination arrangements, Mr Ravi stated that Lim J’s directions or practice “completely breaches privileged communication which is sacrosanct”.⁸⁰ Later on, he also stated that the cross-examination arrangements were “against the International Human Rights Law”, “unacceptable”, an “unlawful law”, the “wrong law” and an “illegal law”. The relevant portions of the transcript are set out below:⁸¹

Court:	I have given you the opportunity to put another camera in the room to show that there is nobody there.
Mr Ravi:	<i>Your practice is wrong. It is against the International Human Rights Law. That is unacceptable. You can carry on. Whatever directions. But doesn't mean that I have to obey an unlawful law.</i>
Court:	So you do not wish to obey my law, right, my directions?
Mr Ravi:	<i>Your law is the wrong law. Nobody is – to obey illegal law.</i>
Court:	Sorry, I am not giving you a law, I am just giving you a direction.
Mr Ravi:	You can pass a direction. <i>It is an illegal law.</i> I will be appealing.
Court:	Okay. You file your notice of appeal right now.
Mr Ravi:	<i>No one is above the law, your Honour. No one is above the law.</i>

⁷⁹ WKLN’s Affidavit at p 3 at para 5.

⁸⁰ WKLN’s Affidavit at p 30, lines 20 to 22 (22 November 2021 Transcript of S 699).

⁸¹ WKLN’s Affidavit at p 33, lines 1 to 17 (22 November 2021 Transcript of S 699).

[emphasis added]

104 It is worth stressing that Mr Ravi’s comments in the exchange above are extremely inappropriate, unnecessary, and unbecoming of a legal practitioner. Counsel may disagree with a judge’s directions. However, the proper recourse, and the only acceptable way, is for counsel to state his or her objections respectfully and courteously and if necessary, comply with the proper procedure to file an appeal against the judge’s decision. Within the courtroom, there is no room for rudeness or disrespectful behaviour regardless of how fervent the counsel might be in the advocacy of his client’s case. The manner in which Mr Ravi disagreed with Lim J’s directions, *ie*, accusing Lim J of applying “wrongful law” and “illegal law”, was neither respectful nor courteous and should not be condoned.

105 Further, I am of the view that Mr Ravi’s series of comments in the above exchange amounted to an act of contempt under s 3(1)(a) of the AJPA. I appreciate that Mr Ravi’s comments stemmed from his disagreement with Lim J’s directions. However, his accusations, framed in an inappropriate and disrespectful manner, went beyond registering his objections to her directions. Instead, they went towards impugning the propriety of the court. A reasonable person listening to the remarks would understand them to mean that Lim J’s conduct of the proceedings was highly unsatisfactory and even fundamentally contrary to the law. Such allegations pose a risk that public confidence in the administration of justice would be undermined.

106 Further, it seems to me clear that Mr Ravi intended to make these comments as he persisted in making the allegations over the course of the proceedings. In relation to his reliance on the bipolar disorder, I need not repeat what I have said above (at [93]); it does not absolve Mr Ravi of liability for his

conduct. Given the nature of the comments and the context in which they arose, these allegations do not amount to fair criticism. Therefore, I find that the Mr Ravi is liable under s 3(1)(a) of the AJPA.

Ninth and tenth allegations: Taking legal positions without the instructions of client

107 The AG argues that Mr Ravi is guilty of contempt under s 3(1)(e) of the AJPA for intentionally taking legal positions without Mr Chua's instructions during the hearing of S 699, including applying for Lim J and Mr Chua to be discharged (see [24(d)] above), and for instructing Mr Arun to send the 24 November Email (see [24(e)] above). Since the AG has grouped these two instances in its written submissions as offences under s 3(1)(e) of the AJPA, I proceed to deal with these allegations together. I repeat the elements under s 3(1)(e) which the AG has to establish beyond a reasonable doubt:

- (a) Mr Ravi committed acts which interfere with, obstruct or pose a real risk of interference with or obstruction of the administration of justice;
- (b) Mr Ravi acted intentionally; and
- (c) Mr Ravi knew or ought reasonably to have known that the acts in question would interfere with, obstruct or pose a real risk of interference with or obstruction of the administration of justice.

108 Before I go to the allegations, I note the AG's position that while there are no reported cases dealing with this provision, an advocate and solicitor who acts in court either without instructions or in a manner contrary to his client's instructions poses a real risk of obstructing the administration of justice because this is tantamount to misleading the court.

109 I agree. Indeed, in our legal system, lawyers are trusted to be completely truthful about their clients’ instructions because they are the main conduits through which their clients could communicate with the court. A lawyer who acts against, or without, his client’s instruction breaches the trust that his client has reposed in him, posing a real risk of interfering with or obstructing court proceedings, and undermining public trust in the administration of justice. This was emphasised by the High Court in *Loh Der Ming Andrew v Law Society of Singapore* [2018] 3 SLR 837 at [135]:

135 ... A client’s positions and instructions for his lawyer are usually matters exclusively within the knowledge of the client and the lawyer; no one else would know or be able to verify these instructions, and all parties including the court have to rely on the lawyer to communicate them. *In the context, a lawyer who is not truthful about his instructions poses a serious threat to the profession and the public trust in the administration of justice.*

110 I turn to the applications for Lim J to disqualify herself. As set out at [89] above, Mr Ravi repeatedly applied for Lim J to disqualify herself on the ground of bias. After Lim J rejected his application, he requested for time to file a notice of appeal against the decision. Mr Ravi, however, argues that he “never took this legal position within the instructions of Mr Chua”. He pointed out that shortly after, he clarified that he was not applying for Lim J to discharge herself. The relevant portions of the transcript are below:⁸²

Court:	So Mr Ravi has said that he wants to discharge me, the judge, from hearing this case.
Mr Ravi:	No, I am discharging myself.
...	
Court:	Okay, sure. And do you still want to apply to recuse me because if you want to do that, you must file an application as well.

⁸² WKLN’s Affidavit at p 38, lines 1 to 3; WKLN’s Affidavit, at p 41, lines 5 to 9 (22 November 2021 Transcript of S 699).

Mr Ravi: No, your Honour. I don't have faith in the system anymore.

Court: Okay. So please file an application to discharge yourself --

111 Mr Ravi further points out that thereafter, at 10.59am, he sought the adjournment to confirm his instructions from Mr Chua. After the adjournment, he again stated that he was not proceeding with such an application. Mr Ravi also avers that his actions at the material time are justifiable as he was acting in his client's best interests "on the spot during proceedings" and that he did eventually seek an adjournment to confirm his instructions from Mr Chua.⁸³ In sum, Mr Ravi submits that he did not act against Mr Chua's instructions and is not liable for contempt.

112 There is no merit to Mr Ravi's position. Not only did Mr Ravi make the application, he repeated it. He also persisted even after Lim J ruled against the application. Then, he proceeded to indicate that he wished to file an appeal against the ruling (see [89] above). Such conduct, in my view, is clearly intentional and deliberate. An application for a judge to recuse or disqualify herself is one that should not be lightly made. It should not be made unless it is well founded. Rather than helping Mr Ravi's case, the subsequent swift change in position to abandon the application supports the inference that Mr Ravi did not act *with* instructions from Mr Chua in the first place. Indeed, after the adjournment to speak with Mr Chua, Mr Ravi confirmed that he would not pursue the matter. In this case, acting without instructions to apply to disqualify Lim J, and thereafter indicating an appeal would be filed, did not merely pose a real risk of interference with the administration of justice. It caused an actual disruption to the proceeding as Lim J had to take time to deal with the matter.

⁸³ R's Affidavit SUM 669 at para 20.

113 Next, I turn to the application for Mr Chua to be “discharged from the proceedings”. As Mr Chua is not counsel but a party in the action, it seems to me that there is no basis for such an application, and it is erroneous. I surmise that what Mr Ravi really means is for Mr Chua to apply for leave to withdraw the proceedings or to discontinue the proceedings. Be that as it may, for convenience, I shall refer to this as “Mr Chua’s discharge application”.

114 In relation to “Mr Chua’s discharge application”, it is unclear to me whether Mr Ravi *intentionally* acted against Mr Chua’s instructions during the hearing on 22 November 2021. Although Mr Lim Tean informed Lim J on 29 November 2021 that “Mr Chua’s discharge application” was made “totally without his instructions”, Mr Chua has not filed an affidavit stating the same. The transcript also suggests that there could have been some confusion on Mr Chua’s part during the hearing. This is especially when Mr Chua appeared to have no objections when Mr Ravi applied to Lim J to discharge himself and Mr Chua from the proceedings. The relevant portion of the transcript is set out below:⁸⁴

Court:	Okay, so Ms Interpreter, can you explain that Mr Ravi wants his client to stop the proceedings as well, is that right?
Mr Ravi:	No, no, no, those are not my instructions. Please don't misinterpret. I am saying that Mr Chua should apply to the court to discharge himself because he does not trust any other lawyers in accordance with his instructions.
Court:	Stop there, stop there, so the interpreter can interpret that first, okay?
Mr Ravi:	Sure, sure, sure. Both of us would discharge ourselves from now with your leave. Mr --
Court:	Mr Ravi, keep quiet.

⁸⁴ WKLN’s Affidavit at p 39 lines 7 to 19; p 40, lines 19 (22 November 2021 Transcript of S 699).

...

Interpreter: Your Honour, may I interpret now?

Court: Yes, you may.

[Interpretation to Mr Chua.]

Court: Okay, so Mr Ravi, would you like to discharge yourself now?

Mr Ravi: *Yes, your Honour, and Mr Chua will also discharge. I would like to understand whether he understands this or not. Can I speak to him for a few minutes? I will speak to him, if I may?*

Court: Sure, I will give you ten minutes

Mr Ravi: Okay, thank you. I can't hear Mr Chua What is he saying?

Mr Chua: *Yes, I understand.*

[emphasis added]

115 After the above exchange, Lim J allowed Mr Ravi the adjournment to speak to Mr Chua. Mr Ravi affirmed in his affidavit that during the break, Mr Chua had communicated that he was unhappy with the proceedings, which gave Mr Ravi the impression that Mr Chua wished to “discharge” himself from the proceedings.⁸⁵ After the court resumed, Mr Ravi confirmed that he and Mr Chua would like to apply to “discharge” themselves from S 699.⁸⁶ Mr Chua, similarly, did not object to this application despite it being raised several times after the break.

116 I am of the view that there could have been some confusion as to Mr Chua’s position during the hearing on 22 November 2021. When Mr Ravi asked Mr Chua whether he understood that Mr Chua would “discharge” himself from the proceeding, Mr Chua replied that he understood (see [114] above).

⁸⁵ R’s Affidavit SUM 669 at p 10.

⁸⁶ WKLN’s Affidavit, p 41 at lines 1 to 4 (22 November 2021 Transcript of S 699).

While it appears that Mr Ravi did not provide adequate information on the consequences of the course of action for Mr Chua to make an informed decision at that point in time, that is a separate issue from whether Mr Ravi acted *intentionally* against Mr Chua's instructions in making "Mr Chua's discharge application" during the hearing on 22 November 2021. In the absence of any affidavit from Mr Chua, I am prepared to give Mr Ravi the benefit of doubt on this aspect.

117 Consequently, in relation to the ninth allegation, I find that only the instance of contempt in making the application for Lim J to disqualify herself is made out. Insofar as the defence relying on the bipolar disorder is concerned, once again, I find that the condition does not absolve Mr Ravi of liability (see [93] above).

118 Turning to the tenth allegation, the AG argues that Mr Ravi had intentionally acted against Mr Chua's instructions by instructing Mr Arun to send the 24 November Email. The AG argues that the 24 November Email created the impression that Mr Chua intended to proceed to trial with Mr Ravi as counsel, when Mr Chua's instructions have been that he intended to engage new counsel. I find that both the *actus reus* and *mens rea* of s 3(1)(e) are made out for this allegation.

119 In Mr Chua's Letter which was sent to the Registry after the conclusion of proceedings, Mr Chua stated clearly and unequivocally that he intended to continue with S 699 and wanted an adjournment of S 699 to engage new counsel.⁸⁷ Mr Ravi conceded that by 23 November 2021, he was aware of

⁸⁷ WKLN's Affidavit at pp 61 to 62.

Mr Chua’s intention to discharge him and engage a new lawyer.⁸⁸ Despite his knowledge, Mr Ravi instructed Mr Arun to send the 24 November Email, the relevant portions of which state:

We refer to the directions from the honourable court dated 22 November 2021, where we have been directed to file the application to disqualify her honour (Justice Audrey Lim) by 12pm 23 November 2021.

Since then, we have reconsidered the position and *we would like to proceed with the trial*. We will not be making any application to disqualify her honour.

In the circumstances, to save the honourable court's precious time we would like to proceed at 10am on 24th November 2021. However, given the lateness of the notice *we are ready to start the trial at any time tomorrow subject to your honours' direction*.

[emphasis added]

120 Despite Mr Ravi’s knowledge that Mr Chua intended to discharge him and engage new counsel, the 24 November Email made no mention of the same. Instead, a plain reading of the 24 November Email suggests the opposite — that Mr Chua wanted Mr Ravi to continue to represent him in S 699 and wanted to proceed with the trial on 24 November 2021.

121 Mr Ravi argues that the 24 November Email was ambiguous because it did not expressly state that Mr Chua wished to be represented by Mr Ravi in the trial.⁸⁹ However, the statements “*we would like to proceed with trial*” and “*we are ready to start the trial at any time tomorrow subject to your honours’ direction*” means that Mr Ravi would continue to represent Mr Chua for the trial. More importantly, the representation that Mr Chua was ready to proceed with trial at 10am on 24 November 2021, which was mere hours from the time

⁸⁸ R’s Affidavit SUM 669, p 11, at [31].

⁸⁹ RS at para 60.

the e-mail was sent, directly contradicted Mr Chua's intention to discharge Mr Ravi and seek an adjournment to engage new counsel.

122 Mr Ravi also argues that he did not intend to create the false impression that Mr Chua wished to proceed with trial immediately or that Mr Chua wished to be represented by him in S 699.⁹⁰ However, the circumstances of the case suggest otherwise. Mr Ravi was aware of Mr Chua's intention to discharge him and engage a new lawyer, but this material fact was completely omitted in the 24 November Email. Moreover, Mr Arun's evidence is that when Mr Ravi instructed him to send the 24 November Email, Mr Ravi *specifically* told him not to copy the e-mail to Mr Chua.⁹¹ Mr Ravi has not offered any satisfactory explanation as to why Mr Chua should not be apprised of the communications between his firm and the Registry. In the circumstances, I am of the view that Mr Ravi acted intentionally in causing Mr Arun to send the e-mail and in creating the impression that Mr Chua wished to continue being represented by him in S 699. By deliberately making representations against Mr Chua's instructions, Mr Ravi breached the trust Mr Chua reposed in him, and posed a real risk of interference with the administration of justice. Indeed, the e-mail caused confusion on the part of the court as to how it should proceed with the case, and the Registry had to seek clarification from K K Cheng LLC on the matter (see [19] above).

123 Mr Ravi further argues that he did not know and could not reasonably have known, at the time the 24 November Email was sent, that his actions would interfere with, obstruct or prejudice the administration of justice or pose a real

⁹⁰ RS at para 61.

⁹¹ Arun's Affidavit at para 5.

risk of the same.⁹² He further argues that no prejudice would have occasioned since Mr Chua would object to Mr Ravi acting as his solicitor at those proceedings and Mr Chua could then apply to discharge him.⁹³

124 I disagree. As I stated above, lawyers have to be trusted to truthfully represent their clients' instructions to the court. Despite knowing that Mr Chua intended to adjourn the proceeding and engage new counsel, Mr Ravi created a false impression that Mr Chua wished to proceed with trial immediately and worse still, kept Mr Chua out of the loop by instructing Mr Arun not to copy Mr Chua in the correspondence. Mr Ravi ought to have known that by acting without Mr Chua's instructions, he would have posed a real risk of obstructing the administration of justice.

125 To the extent that Mr Ravi attributes the 24 November Email to his bipolar disorder, I dismiss his defence for the same reasons set out in [93] above. The medical reports do not suggest that Mr Ravi was suffering from relapse on 24 November 2021, nor do they suggest that Mr Ravi was unaware of his actions and consequences.

126 For completeness, during the hearing before me, Mr Ravi argues that the AG has breached legal professional privilege because they relied on communications between Mr Ravi and his paralegal, Mr Arun, without first informing him.⁹⁴ I dismiss this argument. From his oral submissions, it appears that he is relying on solicitor-client privilege between him and Mr Chua. However, Mr Chua had discharged Mr Ravi "immediately" after the

⁹² RS at para 62.

⁹³ RS at para 62.

⁹⁴ 10 October 2022 Transcript for OS 21/2022 (SUM 670/2022) and OS 22/2022 (SUM 669/2022), p 56, lines 6 to 27.

proceedings on 22 November 2021 and this was communicated by Mr Lim Tean to Lim J at the hearing on 29 November 2021. This is supported by Mr Chua's Letter seeking an adjournment to engage new counsel. Therefore, at the time Mr Ravi communicated with Mr Arun on 23 November 2021, there was no solicitor-client relationship between Mr Ravi and Mr Chua. In fact, the essence of the AG's case is that the 24 November 2021 email was sent against Mr Chua's instructions to discharge Mr Ravi. In my view, there can be no solicitor-client privilege arising from Mr Ravi's communication with Mr Arun that is made *against* Mr Chua's instructions. Consequently, I dismiss Mr Ravi's argument.

127 Therefore, in relation to the tenth allegation, I find Mr Ravi liable of contempt under s 3(1)(e) of the AJPA.

Conclusion

128 In conclusion, in relation to SUM 670 in OS 21, I do not find Mr Ravi liable for contempt by providing false information to DJ Chay concerning his availability for trial for SC 904600 for 9 to 11 November 2021 *ie*, the first allegation.

129 However, I find Mr Ravi guilty of contempt as set out in the second to fifth allegations as follows:

- (a) under s 3(1)(a) of the AJPA, for scandalising the court by accusing DJ Chay of being "biased" without basis on 9 November 2021;
- (b) under s 3(1)(d) of the AJPA, by intentionally interrupting DJ Chay while DJ Chay was sitting in SC 904600 on 9 November 2021;

(c) under s 3(1)(d) of the AJPA, by intentionally offering an insult to DJ Chay by stating that he could be “removed...at will by the State” while DJ Chay was sitting in SC 904600 on 9 November 2021; and

(d) under s 3(1)(d) of the AJPA, by intentionally offering an insult to DJ Chay by stating that he was “in contempt of Court” and “[didn’t] have security of tenure [and knew] what it means” on 10 November 2021.

130 In relation to SUM 669 in OS 22, I find Mr Ravi guilty of contempt in relation to the sixth, seventh, eighth and tenth allegations as follows:

(a) under s 3(1)(a) of the AJPA, for scandalising the court by repeatedly accusing Lim J of being biased without basis on 22 November 2021;

(b) under s 3(1)(d) of the AJPA for intentionally interrupting Lim J while she was sitting in S 699 on 22 November 2021;

(c) under s 3(1)(a) of the AJPA, for intentionally making allegations on 22 November 2021 which impugned the propriety of the court and posed a risk that public confidence in the administration of justice would be undermined; and

(d) under s 3(1)(e) of the AJPA, on 23 November 2021, for intentionally doing an act posing a real risk of obstructing the administration of justice by causing Mr Arun to send the 24 November 2021 Email.

131 As for the ninth allegation, I find that under s 3(1)(e) of the AJPA, on 22 November 2021, Mr Ravi intentionally did an act posing a real risk of

obstructing the administration of justice by taking a legal position in S 699, without instructions from Mr Chua, namely, applying for Lim J to disqualify herself on grounds of bias. However, I do not find Mr Ravi liable for contempt for intentionally taking a legal position without Mr Chua’s instructions during the hearing of S 699, by applying for Mr Chua to be “discharged” *ie*, the other aspect of the ninth allegation.

132 As I have found above, Mr Ravi’s bipolar disorder does not absolve him of *liability* for contempt. For the purpose of sentencing, however, I invite parties to submit on whether this is a relevant factor, and if so, how much weight to accord to it, so as to determine the appropriate punishment to be imposed on Mr Ravi. With that, I shall proceed to the sentencing stage of these applications.

Hoo Sheau Peng
Judge of the High Court

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HC/SUM 670/2022;
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The respondent in person.