

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGDC 173

District Arrest Case No. 921729 of 2024 & Ors

Between

Public Prosecutor

And

Natarajan Mohanraj

EX TEMPORE JUDGMENT

[Criminal Law] — [Statutory Offences] — [Road Traffic Act]
[Criminal Law] — [Driving without due care and attention] — [Death]
[Criminal Procedure and Sentencing] — [Sentencing] — [Sentencing Framework
in *PP v Selvakumar Ranjan*]
[Criminal Procedure and Sentencing] — [Sentencing] — [Potential Harm]
[Criminal Procedure and Sentencing] — [Sentencing] — [Driving Disqualification
for Life]

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Public Prosecutor
v
Natarajan Mohanraj

[2025] SGDC 173

District Arrest Case No. 921729 of 2024 & Ors

District Judge Shawn Ho
29 August 2025

29 August 2025

District Judge Shawn Ho

Introduction

1 Mr Natarajan Mohanraj pleaded guilty to six charges under the Road Traffic Act 1961 (“the Act”), including driving without due care and attention under s 65(1)(a) punishable under s 65(2)(a) read with s 65(6)(a) of the Act, causing the death of Mr Tan Yock Lin.

2 The Accused was imprisoned for 25 months, fined \$2,000 and disqualified from driving for life.

3 Both the Prosecution and the Defence relied on *Public Prosecutor v Selvakumar Ranjan* [2020] SGDC 252:

(a) My judgment sets out seven observations for *Selvakumar Ranjan* (at [4] to [19] below).

(b) The Defence argued that potential harm should not be taken into account (citing *Selvakumar Ranjan* at [119]):¹

(i) I disagreed.

(ii) Tracing the arc of the Supreme Court jurisprudence from *Public Prosecutor v Koh Thiam Huat* [2017] SGHC 123 to the 3-Judge Panel’s decision in *Ng En You Jeremiah v Public Prosecutor* [2025] SGHC 135 (“*Jeremiah Ng*”), my reasons are found at [90] to [99].

Observations for Selvakumar Ranjan

4 I offer seven observations for *Selvakumar Ranjan*.

5 First, the laying down of sentencing benchmarks should generally be left to the appellate court (*Public Prosecutor v Sindok Trading Pte Ltd (now known as BSS Global Pte Ltd)* [2022] SGHC 52 at [29]). *Sindok Trading* was cited with approval in *Kandasamy Senapathi v Public Prosecutor* [2023] SGHC 296 at [37] and *Yeo Kee Siah v Public Prosecutor and another appeal* [2024] SGHC 77 at [88]. *Selvakumar Ranjan* was decided more than a year before *Sindok Trading*.

6 Second, *Selvakumar Ranjan* at [120]-[127] referred to the suggested working or functional definition in relation to the level of culpability in *Public Prosecutor v Cullen Richard Alexander* [2020] SGDC 88 (“*Cullen*”) at [109].²

¹ Mitigation Plea at [29(a)].

² Mitigation Plea at [20]-[21].

7 In so far as the Defence relied on *Selvakumar*'s reference to *Cullen*'s suggested working or functional definition on culpability,³ this would not be appropriate. This was because the High Court in *Sue Chang v Public Prosecutor* [2022] SGHC 176 at [91]-[92] had concerns that the descriptions for each level of culpability in *Cullen* significantly conflated the offences of careless or inconsiderate driving (in s 65 of the Act) with that of reckless or dangerous driving (in s 64 of the Act).

(see also *Public Prosecutor v Lim Wei Liang William* [2022] SGDC 229 at [37]-[38] and *Public Prosecutor v Lim Hee Joo* [2023] SGDC 159 at [65]-[66])

8 Accordingly, I did not rely on *Cullen*'s suggested working or functional definition in relation to the level of culpability (see *Selvakumar Ranjan* at [120]).

9 Third, the District Court in *Selvakumar Ranjan* at [119] stated that given that the element of harm under s 65(2) of the Act is constant since death is always the outcome, there is no harm element incorporated in the framework.

10 In my judgment, for “harm”, it would be helpful to consider the Supreme Court jurisprudence:

(a) The 3-Judge Panel of the High Court in *Jeremiah Ng* at [80(a)], in relation to offences under s 64(1) punishable under s 64(2A) read with ss 64(2)(c) and s 64(2D)(B) of the Act, stated that it would be necessary to also consider any serious harm other than the harm which is the

³ Mitigation Plea at [20]-[27].

subject of the charge. This is provided that such other harm is either actual harm directly the subject of a *TIC Charge* or harm which is intrinsically related to the charge such as the *potential harm* that could have been caused. With regard to the actual harm caused other than that of the charge, this would entail considering:

- (i) the nature and location of the injuries (including the complexity, extent, number and treatment);
- (ii) the degree of permanence of the injuries; and
- (iii) the impact of the injuries (on quality of life)

(see *Chen Song v Public Prosecutor* [2024] SGHC 129 at [124] and [127]).

(b) The High Court in *Wu Zhi Yong v Public Prosecutor* [2022] 4 SLR 587 at [36], in relation to offences under s 67(1)(b) read with s 67(2)(a) of the Act and s 64(1) punishable under s 64(2C)(a) read with ss 64(2C)(c) and 64(2D)(i) of the Act, provided a non-exhaustive list of offence-specific aggravating factors, which included “serious *property damage*”. As a general rule, the amount of any loss or damage may serve as a proxy indicator of harm (at [36(b)]).

(c) The High Court in *Public Prosecutor v Ganesan Sivasankar* [2017] SGHC 176 at [56], in relation to offences under s 304A(a) of the Penal Code, stated that there will be exceptional cases where the harm caused by the offence can also be used to determine both the applicable category and where the particular case falls within the applicable presumptive sentencing range — one example of this would be where more than one death is caused (see also *Public Prosecutor v Tay Chong Chi Stephen* [2025] SGDC 155 at [59]).

11 Fourth, the District Court in *Selvakumar Ranjan* at [128] stated that:

As for the indicative sentencing range, in *Cullen*, when I drew up the sentencing framework for inconsiderate driving causing grievous hurt, the sentencing range for **low culpability** and **very serious harm is 6 to 9 months' imprisonment**. Given that harm is always very serious for causing death situations, I am in general agreement with the Prosecution that other than exceptional situations (e.g. when the deceased was a family member of the accused), **the starting point sentence for inconsiderate driving causing death should be 6 months**.

[emphasis added]

12 I did not adopt *Selvakumar Ranjan*'s starting point, viz. that "the *starting point* sentence for inconsiderate driving causing death should be 6 months", for the following reasons:

Harm

(a) Harm in *Cullen* (even for "very serious harm") is not the same as the harm in *Selvakumar Ranjan* – death. Death is generally the most serious consequence of any offence: *Public Prosecutor v BDB* [2018] 1 SLR 127 at [60].

Culpability

(b) The District Court's view in *Selvakumar Ranjan* at [128] was based on the sentencing range for *Cullen*'s "low culpability", and the High Court in *Sue Chang* (at [91]-[92]) had concerns about *Cullen*'s suggested working or functional definition on culpability.

(c) It was unclear as to why the starting point should be "6 months' (imprisonment)" when 6 months was at the *lowest* end of the sentencing range for *low* culpability of "6 to 12 months' imprisonment" in *Selvakumar Ranjan* (at [136]). The maximum jail term is 3 years.

Anchoring Effect

(d) A starting point of “6 months’ (imprisonment)” would likely lead to a clustering of sentences around the lower end of the sentencing range and may lead to an anchoring effect: *Tan Song Cheng v Public Prosecutor* [2021] SGHC 138 at [26], *Public Prosecutor v GED and other appeals* [2022] SGHC 301 at [128], and *Public Prosecutor v Lin Pengli Barrie* [2025] SGHC 133 at [30].

(see See Kee Oon, *Fact-Finding and Reality: A Judicial Decision-Making Primer* (Academy Publishing, 2022), “Anchoring Bias” at 16-18)

(e) A court should determine the indicative sentencing band that the offence falls within, the court should identify an indicative starting point sentence within that range, taking into account the culpability (and harm, where applicable). Thereafter, the court is to make adjustments to the starting point to take into account the offender-specific aggravating and mitigating factors (see *Wu Zhi Yong* at [30]).

13 Fifth, several District Court cases have applied *Selvakumar Ranjan*. These cases include *Public Prosecutor v Toh Chuan Nam* [2022] SGDC 68, *Public Prosecutor v Teo Kai Xiang* [2022] SGDC 184, *Public Prosecutor v Kabra Chandra Prakash* [2024] SGDC 307, and *Public Prosecutor v Wilson Koh Zheng Hao* [2023] SGDC 131 (“Wilson Koh”).

14 In *Wilson Koh*, as the appellant was absent at the Magistrate’s Appeal, the High Court issued a warrant of arrest and dismissed his appeal pursuant to s 387 of the Criminal Procedure Code 2010. The High Court in *Wilson Koh*

neither endorsed nor commented on the sentencing ranges in *Selvakumar Ranjan*.

15 This was broadly similar to the situation described in *Kandasamy Senapathi v Public Prosecutor* [2023] SGHC 296 at [34]. Essentially, while the specific sentences for the CDSA charges in *Public Prosecutor v Ho Man Yuk & others* [2017] SGDC 23 were upheld in *Shaikh Farid v Public Prosecutor and other appeals* [2017] 5 SLR 1081, the High Court did not comment specifically on the appropriateness of the sentencing ranges set out by the court below. In his subsequent decision in *Chong Kum Heng v Public Prosecutor* [2020] 4 SLR 1056, the High Court Judge stated unequivocally (at [70]) that he had not commented specifically on the appropriateness of the sentencing ranges set out in *Ho Man Yuk*.

16 Sixth, the Prosecution argued that while *Selvakumar* was not binding, it was consistent with the High Court decision of *Chen Song* at [134] for offences punishable under s 65(3)(a) of the Act.⁴

17 In this regard, the Prosecution's view appeared to be in line with the District Court's decision in *Public Prosecutor v Setoh Weng Yew Roger (Situ Rongyao, Roger)* [2024] SGDC 318 at [16]-[24], which considered the applicability of the *Selvakumar Ranjan* sentencing framework. The District Judge in *Setoh Weng Yew Roger* held at [20] that "In (his) view, the application of either the *Selvakumar* sentencing framework, or the *Chen Song* framework to the present case do not yield dissimilar results as the sentencing frameworks were not necessarily inconsistent."

⁴ Prosecution's Address on Sentence at [3].

18 However, another District Court in *Public Prosecutor v Ang Sin Ee, Alvin* [2025] SGDC 47 at [56(b)] appeared to take a different view, stating that he had doubts “on whether the sentencing framework in *Selvakumar Ranjan* should continue to apply, in light of the *Chen Song* sentencing framework. This is because it does not appear justifiable to (him) that the sentencing range of 6 to 12 months’ imprisonment should apply equally to *both* these scenarios: first, where death is caused and the Accused’s culpability is low (as held in *Selvakumar Ranjan*); and second, where “greater harm” grievous hurt is caused and the Accused’s culpability is low (as held under Band 2 of the *Chen Song* framework).”

19 Seventh, for completeness:

(a) Repeat offenders. For repeat offenders punishable under s 65(2)(b) of the Act, the District Court in *Public Prosecutor v Lim Wei Liang William* [2022] SGDC 229 adjusted upward the sentencing ranges found in *Selvakumar Ranjan* to account for the higher prescribed punishment under s 65(2)(b). The *William Lim* framework was adopted in *Public Prosecutor v Yuan Changqing* [2024] SGDC 233.

(b) Serious repeat offenders. For serious repeat offenders punishable under s 65(2)(a) read with s 65(2)(d) of the Act, the District Court in *Public Prosecutor v Ang Hiap Boon* [2023] SGDC 208 at [43] adopted sentencing bands that were “proportionately consistent with the ranges set out in *Selvakumar Ranjan* and *William Lim*”.

Charges

20 The Accused pleaded guilty to the following charges:

You,

NAME : NATARAJAN MOHANRAJ

GENDER / AGE : MALE / 28 YEARS OLD

NATIONALITY : INDIAN

are charged that you, on 7 July 2023, at or about 10am, in Singapore along Upper Thomson Road in the direction of Sembawang Road, before the junction of Upper Thomson Road and Marymount Lane, did drive a motor lorry bearing registration number YP5441Y (“Lorry”) on a road without due care and attention, to wit, by failing to keep proper control of the Lorry, which resulted in the Lorry mounting the center divider, smashing through metal railings, and uprooting two trees before emerging onto the opposite side of the road causing three successive collisions:

(a) Collision between the Lorry and a motor car with registration number SDF3773D (“Car”) driven by one Tan Yock Lin (“Tan”);

(b) Collision between the Car and a motor van with registration number GBJ3080Y (“Van”) driven by one Chua Yu Jia; and

(c) Collision between the Van and a motor bus with registration number PZ933G driven by one Teo Tong Peng,

which inflicted multiple injuries on Tan which caused his death, and you have thereby committed an offence under s 65(1)(a) of the Road Traffic Act 1961 (“RTA”), punishable under s 65(2)(a) of the RTA, read with s 65(6)(a) of the RTA.⁵

⁵ DAC No. 921729 of 2024.

You,

NAME : NATARAJAN MOHANRAJ

GENDER / AGE : MALE / 28 YEARS OLD

NATIONALITY : INDIAN

are charged that you, on 3 January 2024 shortly after 8am, along Sims Avenue towards Sims Avenue East, Singapore, did drive a motor lorry bearing registration number YP5012C, when your driving licence had been revoked on 25 July 2023, and you have thereby committed an offence under s 35C(4) of the Road Traffic Act 1961 (“RTA”), punishable under s 131(2)(a) of the RTA.⁶

You,

NAME : NATARAJAN MOHANRAJ

GENDER / AGE : MALE / 28 YEARS OLD

NATIONALITY : INDIAN

are charged that you, on 3 January 2024 shortly after 8am, along Sims Avenue towards Sims Avenue East, Singapore, did use a motor lorry bearing registration number YP5012C whilst there was not in force in relation to the use of the said vehicle by you, such a policy of insurance or such a security in respect of third-party risks that complies with the requirements of the Motor Vehicles (Third-Party Risks and Compensation) Act 1960 (“MVA”), and you have thereby contravened s 3(1)(a) of the MVA, which contravention is an offence that is punishable under s 3(2) of the MVA, read with s 3(3) of the MVA.⁷

⁶ DAC No. 921732 of 2024.

⁷ DAC No. 921733 of 2024.

You,

NAME : NATARAJAN MOHANRAJ

GENDER / AGE : MALE / 28 YEARS OLD

NATIONALITY : INDIAN

are charged that you, on 19 May 2024 shortly after 3.30pm, in Singapore along the Ayer Rajah Expressway towards Marina Coastal Expressway, near the 20km mark, did drive a motor lorry bearing registration number YP5012C, when your driving licence had been revoked on 25 July 2023, and you have thereby committed an offence under s 35C(4) of the Road Traffic Act 1961 (“RTA”), punishable under s 131(2)(a) of the RTA.⁸

You,

NAME : NATARAJAN MOHANRAJ

GENDER / AGE : MALE / 28 YEARS OLD

NATIONALITY : INDIAN

are charged that you, on 19 May 2024 shortly after 3.30pm, in Singapore along the Ayer Rajah Expressway towards Marina Coastal Expressway, near the 20km mark, did use a motor lorry bearing registration number YP5012C whilst there was not in force in relation to the use of the said vehicle by you, such a policy of insurance or such a security in respect of third-party risks that complies with the requirements of the Motor Vehicles (Third-Party Risks and Compensation) Act 1960 (“MVA”), and you have thereby contravened s 3(1)(a) of the MVA, which contravention is an offence that is punishable under s 3(2) of the MVA, read with s 3(3) of the MVA.⁹

⁸ DAC No. 921735 of 2024.

⁹ DAC No. 921736 of 2024.

You,

NAME : NATARAJAN MOHANRAJ

GENDER / AGE : MALE / 28 YEARS OLD

NATIONALITY : INDIAN

are charged that you, on 19 May 2024 in the afternoon before 3.30pm, at 36 Penjuru Place, Singapore, did take and drive away a motor lorry bearing registration number YP5012C, without having the consent of the owner thereof, one John David Ramesh s/o John Peter, or other lawful authority, and you have thereby committed an offence punishable under s 96(1) of the Road Traffic Act 1961.¹⁰

21 Four charges were taken into consideration for sentencing:

(a) Driving without due care causing grievous hurt under s 65(1)(a) punishable under s 65(3)(a) read with s 65(6)(d) of the Act,¹¹

(b) Driving without due care under s 65(1)(a) punishable under s 65(5)(a) of the Act,¹²

(c) Failing to wear a seat belt/ lap belt under rule 4(1) of the Road Traffic (Motor Vehicles, Wearing of Seat Belts) Rule 2011,¹³ and

(d) Failing to drive on the left-hand lane of expressway under rule 12(1) Road Traffic (Expressway Traffic) Rules, punishable under s 131(2)(a) of the Act.¹⁴

¹⁰ DAC No. 921737 of 2024.

¹¹ DAC No. 921730 of 2024.

¹² DAC No. 921731 of 2024.

¹³ DAC No. 921734 of 2024.

¹⁴ DAC No. 921738 of 2024.

Statement of facts

22 The Accused is Natarajan Mohanraj, a 28-year-old male Indian National. At the material time, he was a Singapore work permit holder and a construction worker.¹⁵

Facts relating to the 1st charge (DAC 921729 2024)

23 The 1st victim is Tan Yock Lin (deceased), a 70-year-old male. He was the driver of a black motorcar with registration number SDF3773D (“Black Car”) at the material time. He died as a result of injuries sustained during a motor vehicle collision that the Accused caused.¹⁶

24 The 2nd victim is Chua Yu Jie, a 28-year-old male. He was the driver of a grey van with registration number GBJ3080Y (“Grey Van”).¹⁷

25 The involved party is Teo Tong Peng, a 61-year-old male. He was the driver of a grey bus with registration number PZ933G (“Grey Bus”).¹⁸

26 On 7 July 2023, the Accused was instructed by his employer to take the company’s lorry with registration number YP5441Y (“Lorry”), which was parked near Jalan Buroh, Singapore. The Accused’s employer instructed him to drive the Lorry to Ang Mo Kio and pick somebody up there at 10am. The Accused took the Lorry from where it was parked. He drove it to a location in Jurong East for breakfast. After that, the Accused drove towards Ang Mo Kio.¹⁹

¹⁵ SOF at [1].

¹⁶ SOF at [2].

¹⁷ SOF at [3].

¹⁸ SOF at [4].

¹⁹ SOF at [5].

27 The Accused drove the Lorry along Upper Thomson Road in the direction of Sembawang Road. As the Lorry was approaching the junction of Upper Thomson Road and Marymount Lane, the Accused changed lanes three times to the rightmost lane to make a right turn at the upcoming junction. As the Lorry was entering the rightmost lane, the Accused took his eyes off the road to look at his mobile phone. He had placed his mobile phone on a phone holder attached to the Lorry's front windscreen.²⁰

28 The Accused failed to notice the Lorry veering right towards the center divider. The Lorry was traveling at or about the speed limit of the road, being 60km/h. The Accused neither slowed down nor corrected the Lorry's course. Due to the Accused's failure to keep proper control of the Lorry, at about 10am, the Lorry mounted the kerb of the center divider, smashed through the green metal railings, and uprooted two trees before emerging onto the opposite of the road, directly against the flow of oncoming traffic and in its path.²¹

29 At this time, the 1st victim was driving the Black Car in the rightmost lane in the opposite direction of the dual carriageway. The 2nd victim was driving the Grey Van in the same direction as the Black Car, one lane to its left (i.e. the second lane from the right) and slightly behind the Black Car.²²

30 The Lorry collided head-on into the Black Car. The Lorry's hard impact to the Black Car caused the Black Car to spin around, and its rear collided with the front of the Grey Van, which was travelling in the next lane. The Grey Van

²⁰ SOF at [6].

²¹ SOF at [7].

²² SOF at [8].

veered two lanes leftwards from the force of the collision with the Black Car and hit the side of the Grey Bus.²³

31 At the time of the collisions, the weather was fine, the road surface was dry, and the general visibility was good. The traffic flow on the road in the direction that the Black Car and Grey Van were travelling was heavy. The traffic flow in the direction that the Lorry was initially travelling was light. There were no known mechanical faults or defects in the Lorry, the Black Car, the Grey Van, and/or the Grey Bus on 7 July 2023 prior to the collision.²⁴

32 The in-vehicle camera footage from an unknown white car which was travelling behind the Black Car captured the collision between the Lorry and the Black Car. The in-vehicle camera of the Grey Bus partly captured the aftermath of the collision between the Lorry and the Black Car, the collision between the Black Car and the Grey Van, and the collision between the Grey Van and the Grey Bus.²⁵

(a) Injuries and death of the 1st victim

33 The Black Car was severely damaged because of the collision. The 1st victim was trapped within it behind the dashboard. To extricate the 1st victim, officers from the Singapore Civil Defence Force (“SCDF”) had to, among other things, cut through the side pillars of the Black Car’s cabin and remove its roof. The process took about one hour, during which SCDF officers rendered medical

²³ SOF at [9].

²⁴ SOF at [10].

²⁵ SOF at [11].

support to the 1st victim. The 1st victim was successfully removed from the Black Car at 11.03am.²⁶

34 The 1st victim was conscious with a pulse, but his vital signs were deteriorating. He was immediately conveyed to Tan Tock Seng Hospital (“TTSH”) by ambulance and arrived at 11.19am. Dr Koh Shao Hong Shaun from the Department of Emergency Medicine of TTSH stated in his medical report dated 4 September 2023 that:

(a) the 1st victim was noted on arrival to have had a large forehead laceration with open skull fracture, bilateral thigh and ankle deformities with bruising, left wrist small puncture wound over the ulna side, and a laceration over the right elbow.²⁷

(b) the 1st victim was intubated due to low oxygen levels and unrecordable blood pressure. Chest tubes were inserted on both sides. However, he went into traumatic cardiac arrest. All efforts at resuscitation failed and he was later pronounced dead at 11.50am^{28, 29}

35 Dr Belinda Lee Wai Leng, forensic pathologist of the Forensic Medicine Division of Health Sciences Authority (HSA) conducted the post-mortem on the 1st victim and prepared the Autopsy report 23-002616-CR dated 8 July 2023. Dr Lee noted the presence of multiple injuries, including a neck fracture, several skull fractures, severe lacerations and contusions to the cerebral surface, and multiple fractures to the trunk, upper limbs, and lower limbs. Dr Lee certified

²⁶ SOF at [12].

²⁷ SOF at [13(a)].

²⁸ Time of death stated in Autopsy Report.

²⁹ SOF at [13(b)].

that the 1st victim's death was caused by multiple injuries. Dr Lee commented that the injuries were consistent with being due to a road traffic accident.³⁰

(b) Injuries to the 2nd victim

36 The 2nd victim remained conscious after the collision. Later the same day, he proceeded to the 24 hours Urgent Care Centre at Mount Alvernia Hospital ("Mt A") to seek treatment for his injuries. Dr Ho Li Chin from Mt A stated in the medical report dated 7 September 2023 that the 2nd victim was diagnosed with the following injuries:

- (a) Chest wall contusions
- (b) Low back sprain
- (c) Neck sprain
- (d) Left upper arm strain
- (e) Right upper lip minor abrasion.³¹

37 The 2nd victim was treated conservatively. He received outpatient medical leave from 7 -13 July 2023 on his first visit (7 days) and from 24 - 28 July 2023 (5 days).³²

38 The 2nd victim consulted a specialist at Ortholimb Bone and Joint Surgery Pte Ltd at Gleneagles Medical Centre on 25 July 2023. Dr Lim Yi-Jia, Consultant Orthopaedic Surgeon, stated in the medical report dated 5 September

³⁰ SOF at [14].

³¹ SOF at [15].

³² SOF at [16].

2023 that a CT scan of the thorax and an MRI scan of the whole spine revealed the following injuries due to the collision:

- (a) chest contusion with comminuted left manubrial fracture, and left 2nd to 6th rib fractures;
- (b) whiplash injury of the cervical spine (Quebec Taskforce Classification Grade 3), with aggravation of cervical spondylosis;
- (c) back contusion with sprain; and
- (d) left shoulder strain.³³

39 Dr Lim recommended conservative treatment. The 2nd victim received outpatient medical leave from 25th July 2023 till 8th August 2023 (15 days) and light duties from 9 August to 6 September 2023³⁴

(c) Vehicle Damage

40 After the collision:

- (a) The front of the Black Car was crumpled, its rear was crumpled and ripped off, and its top was ripped off.
- (b) The front of the Lorry was crumpled and ripped off and its front windscreen was cracked. There were scratches and dents to its rear side.

³³ SOF at [17].

³⁴ SOF at [18].

(c) The front of the Grey Van was crumpled. The rear side of the Grey Bus was dented and scratched.³⁵

41 Elton Seet, technical investigator with LKK Auto Consultants Pte Ltd, inspected the Black Car at the Traffic Police vehicle pound on 31 August 2023. His detailed findings on the damage to the Black Car are recorded in his report dated 4 September 2023.³⁶

42 Elton Seet also inspected the Lorry at the Traffic Police vehicle pound on 31 August 2023. His detailed findings on the damage to the Lorry are recorded in his report dated 5 September 2023.³⁷

43 The cost of repairs for the Grey Bus is \$3,200/-. The cost of repairs for the Grey Van is \$35,752/-.³⁸

44 In respect of the Black Car, its estimated value at the time of the accident was not less than \$70,000/-. It will not be repaired. The 1st victim's estate is expected to receive rebates for Preferential Additional Registration Fee and Certificate of Entitlement adding up to about \$43,854/-.³⁹

³⁵ SOF at [19].

³⁶ SOF at [20].

³⁷ SOF at [21].

³⁸ SOF at [22].

³⁹ SOF at [23].

(d) Disruption to Other Road Users

45 As a result of the difficult efforts to (i) to extract the first victim; (ii) retrieve and preserve evidence at the scene of the collision; and (iii) remove the three damaged vehicles and debris, the road had to be closed off for almost 3 hours. Heavy traffic in the area persisted for more than 3.5 hours.⁴⁰

(e) Conclusion

46 The Accused drove without due care and attention by failing to keep proper control of the Lorry. Due to the Accused's lapse, the Lorry collided into the Black Car, which in turn collided into the Grey Van. The 1st victim sustained multiple injuries due to the collisions caused by the Accused's lapse, which led to his death. The Accused has thereby committed an offence under s 65(1)(a) of the Road Traffic Act 1961 ("Act"), punishable under s 65(2)(a) of the Act, read with s 65(6)(a) of the Act.⁴¹

⁴⁰ SOF at [24].

⁴¹ SOF at [25].

Facts relating to the 4th charge (DAC 921732 2024), 5th charge (DAC 921733 2024), 7th charge (DAC 921735 2024), 8th charge (DAC 921736 2024), & 9th charge (DAC 921737 2024)

47 Prior to the fatal collision on 7 July 2023, the Accused was awarded the following demerit points for driving infractions:⁴²

Date of Award of Demerit Points	Nature of Offence	Demerit Points
1 April 2023	Careless driving without due care and attention under s 65(1)(a) of the RTA (Light Vehicle)(Accident)	6
19 May 2023	Careless driving without due care and attention causing hurt under s 65(1)(a) of the RTA (Light Vehicle)	9

48 On 26 June 2023, the Traffic Police sent a notice by Registered Post to the Accused's place of work to inform him that his license was liable for revocation and that the revocation would take effect from 25 July 2023. The Accused was notified to surrender his driving license before 25 July 2023.⁴³

49 As the Accused failed to surrender his license, a follow-up notice was sent on 25 July 2023 to inform him that his license had been revoked and that it would cease to be valid. The Accused was notified that continued failure to surrender his license would be an offence.⁴⁴

⁴² SOF at [26].

⁴³ SOF at [27].

⁴⁴ SOF at [28].

50 On 3 January 2024 sometime after 6am, the Accused went to 36 Penjuru Place, Singapore. He looked for a parked lorry with registration number YP5012C belonging to one John David Ramesh s/o John Peter (“David”). The Accused had obtained permission from David to use the lorry that day. The Accused knew that the lorry’s key would be left inside it for drivers to use.

51 The Accused drove the lorry from Penjuru Place towards Paya Lebar to pick someone up.⁴⁵

52 Shortly after 8am, the Accused was driving the lorry along Sims Avenue towards Sims Avenue East. The Accused was driving on lane 4 of the 5-lane road and was stopped by a traffic police officer as he was spotted not wearing a seatbelt.⁴⁶

53 Subsequent checks by the attending traffic police officer revealed that the Accused’s driving licence had been revoked from 25 July 2023 to 24 July 2024 under s 35A of the Act.⁴⁷

54 On 19 May 2024 in the afternoon, the Accused went to 36 Penjuru Place, Singapore. He looked for the same parked lorry belonging to David that he had driven on 3 January 2024. David had not given the Accused permission to use the lorry that day. The Accused drove the lorry from Penjuru Place towards Tuas to pick some friends up.⁴⁸

⁴⁵ SOF at [29].

⁴⁶ SOF at [30].

⁴⁷ SOF at [31].

⁴⁸ SOF at [32].

55 Shortly after 3.30pm, the Accused was driving the lorry along the Ayer Rajah Expressway towards the Marina Coastal Expressway. The Accused was not driving on the leftmost lane of the expressway and was thus stopped by a traffic police officer near the 20km mark.⁴⁹

56 Subsequent checks by the attending traffic police officer revealed that the Accused's driving licence had been revoked from 25 July 2023 to 24 July 2024 under s 35A of the Act.⁵⁰

57 By driving a motor vehicle when his driving licence had been revoked on two occasions, the Accused committed two counts of an offence under s 35C(4) of the Act, punishable under s 131(2)(a) of the Act.⁵¹

58 The Accused had also driven the motor vehicle on two occasions when there was not in force in relation to the use of the said vehicle, such a policy of insurance or such a security in respect of third-party risks that complies with the requirements of the Motor Vehicles (Third-Party Risks and Compensation) Act 1960 ("MVA"), and he has thereby contravened s 3(1) of the MVA twice, which contraventions are each punishable under s 3(2) read with s 3(3) of the MVA.⁵²

59 By taking and driving away a motor vehicle without the owner's consent, the Accused has committed one count of an offence under s 96(1) of the Act.⁵³

⁴⁹ SOF at [33].

⁵⁰ SOF at [34].

⁵¹ SOF at [35].

⁵² SOF at [36].

⁵³ SOF at [37].

Prescribed punishment

60 The prescribed punishment for s 65(1)(a) punishable under s 65(2)(a) read with s 65(6)(a) of the Act is:

- (a) A fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both, and
- (b) A driving disqualification of not less than 8 years, unless there are special reasons.

61 An offender under s 65(1)(a) punishable under s 65(2)(a) read with s 65(6)(a) of the Act is subject to separate components of punishment – a fine and/or imprisonment *and* the mandatory disqualification of at least 8 years unless special reasons are provided. Increasing the quantum of the fine imposed or even imposing a custodial sentence should not be taken to mandate the imposition of a reduced disqualification period than would otherwise have been ordered.

62 An offence's statutory maximum sentence signals the gravity in which Parliament views such offences. A sentencing judge ought to take this into account when determining precisely where the offender's conduct falls within the entire range of punishment set by Parliament: *Public Prosecutor v Kwong Kok Hing* [2008] 2 SLR(R) 684 at [44] (Benny Tan, *Assessing the Effectiveness of Sentencing Guideline Judgments in Singapore Issued Post-March 2013 and A Guide to Constructing Frameworks*, (2018) 30 SAcLJ 1004 at [46]).

63 The court should ensure that the full spectrum of sentences enacted by Parliament is carefully explored in determining the appropriate sentence, *viz.* Completeness principle (*Poh Boon Kiat v Public Prosecutor* [2014] 4 SLR 892 at [60]).

Prosecution's submissions on sentence

64 The Prosecution sought the following sentence:⁵⁴

DAC No	Offences	Sentence	Status
921729 2024	Driving without due care causing death (7 July 2023)	21 months' imprisonment + DQ for Life	Consecutive
921732 2024	Driving with revoked license (3 Jan 2024)	2 months' imprisonment + DQ for 24 months	Consecutive
921733 2024	Driving with no insurance (3 Jan 2024)	\$1,000 + DQ for 12 months	
921735 2024	Driving with revoked license (19 May 2024)	2 months' imprisonment + DQ for 24 months	Consecutive
921736 2024	Driving with no insurance (19 May 2024)	\$1,000 + DQ for 12 months	
921737 2024	Taking vehicle without consent (19 May 2024)	2 months' imprisonment + DQ for 24 months	Concurrent
Total: 25 months' Imprisonment, Fine of \$2,000 and Driving Disqualification for Life			

⁵⁴ Prosecution's Address on Sentence at [1].

65 The Prosecution stated the following in relation to the first charge:

- (a) It relied on the sentencing framework in *Selvakumar Ranjan*.⁵⁵
- (b) The Accused's culpability was high.⁵⁶ He was looking at his mobile phone while filtering across three lanes instead of paying attention to the road.⁵⁷
- (c) The Prosecution submitted on aggravating factors, including:
 - (i) There were two similar TIC charges arising out of the same transaction. One of the charges was for causing grievous hurt.⁵⁸
 - (ii) There was high potential harm.⁵⁹
 - (iii) There was significant property damage.⁶⁰
 - (iv) There was significant disruption to the public due to the congestion for over three hours.⁶¹
- (d) The Prosecution submitted that a starting point imprisonment term of 24 – 30 months' imprisonment was condign. On account of the Stage 1 reduction, this would be reduced to 17 – 21 months' imprisonment.⁶²

⁵⁵ Prosecution's Address on Sentence at [2].

⁵⁶ Prosecution's Address on Sentence at [6].

⁵⁷ Prosecution's Address on Sentence at [6(c)].

⁵⁸ Prosecution's Address on Sentence at [7(a)].

⁵⁹ Prosecution's Address on Sentence at [7(b)].

⁶⁰ Prosecution's Address on Sentence at [7(c)].

⁶¹ Prosecution's Address on Sentence at [7(d)].

⁶² Prosecution's Address on Sentence at [8].

- (e) The Prosecution sought a lifetime disqualification order because:
 - (i) His license was due to be revoked due to two counts of careless driving.⁶³
 - (ii) Shortly before the revocation, the Accused caused a massive collision on 7 July 2023.⁶⁴
 - (iii) After the said collision and after his license was revoked, the Accused continued to drive twice and flouted basic traffic rules when doing so.⁶⁵

66 For the remaining charges, the Prosecution sought the maximum imprisonment terms and/or fines for these charges on a claim trial basis.⁶⁶

67 For the aggregate sentence, the Prosecution sought three consecutive imprisonment terms as there were three transactions. The global imprisonment term of 21 - 25 months' imprisonment was not crushing as it did not substantially exceed the imprisonment term for the most serious single offence.⁶⁷

⁶³ Prosecution's Address on Sentence at [9(a)].

⁶⁴ Prosecution's Address on Sentence at [9(b)].

⁶⁵ Prosecution's Address on Sentence at [9(c)].

⁶⁶ Prosecution's Address on Sentence at [11].

⁶⁷ Prosecution's Address on Sentence at [13].

Mitigation plea

68 The Defence sought the following sentence:⁶⁸

DAC No	Offences	Sentence	Status
921729 2024	Driving without due care causing death (7 July 2023)	14 months' imprisonment + DQ for 12 years	Consecutive
921732 2024	Driving with revoked license (3 Jan 2024)	2 months' imprisonment + DQ for 24 months	Consecutive
921733 2024	Driving with no insurance (3 Jan 2024)	\$1,000 + DQ for 12 months	
921735 2024	Driving with revoked license (19 May 2024)	2 months' imprisonment + DQ for 24 months	Concurrent
921736 2024	Driving with no insurance (19 May 2024)	\$1,000 + DQ for 12 months	
921737 2024	Taking vehicle without consent (19 May 2024)	2 months' imprisonment + DQ for 24 months	Concurrent
Total: 16 months' Imprisonment, Fine of \$2,000 and Driving Disqualification of 18 years			

⁶⁸ Mitigation Plea at [14]-[17], [31] and [33].

69 The Defence stated the following in relation to the first charge:⁶⁹

(a) The Accused was careless but he did not exhibit dangerous driving behaviour.⁷⁰ He was neither speeding nor swerving in and out.⁷¹

(b) After the accident, the Accused did not flee the scene and waited for the police to arrive.⁷²

(c) The highest end of the sentencing range for low culpability in the *Selvakumar Ranjan* framework, viz. an imprisonment term of 12 months would be an indicative starting point.⁷³

(d) Potential harm should not be taken into account. As stated in *Selvakumar Ranjan* at [119], the only eventuality of the harm caused in fatal accidents is death, and there is no distinction in the level of harm. The fact that death occurred has already been accounted for in the sentencing framework and potential harm should not be factored in.⁷⁴

⁶⁹ DAC No. 921729 of 2024.

⁷⁰ Mitigation Plea at [21].

⁷¹ Mitigation Plea at [21] and [27].

⁷² Mitigation Plea at [12(d)].

⁷³ Mitigation Plea at [28].

⁷⁴ Mitigation Plea at [29(a)].

Sentencing

The Law

Legislative history of s 65 of the Act

70 As was observed by Sundaresh Menon CJ in *Wu Zhi Yong* at [15] (albeit in the related context of s 64 of the Act), the Road Traffic (Amendment) Act 2019 (Act 19 of 2019) envisaged a new scheme of penalties for careless or inconsiderate driving in a tiered structure calibrated according to the degree of hurt caused. This is codified in the Act as ss 65(2) to 65(5). The maximum punishments which may be imposed for each category of harm increase concomitantly with the seriousness of the harm caused; this translates into wider ranges of punishments where more serious harm is occasioned (*Sue Chang* at [38]).

71 For instance, where death is caused, s 65(2)(a) provides that a first-time offender is liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding three years or to both. In contrast, the residual category (where no actual physical harm is caused, but which includes cases of non-personal injury or potential harm) captured in s 65(5)(a) provides that a first-time offender is liable to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding six months or to both (*Sue Chang* at [38]).

72 By tiering the punishment provisions in accordance with the type of harm suffered, Parliament has given clear expression to the need to give explicit consideration to the outcomes that result from instances of careless or inconsiderate driving. This is a stark departure from the structure of s 65 of the pre-2019 Act, where there was a single range of punishment with no differentiation based on the type and/or degree of harm caused (*Sue Chang* at [39]).

Decision on sentence

73 As a preliminary point, the Defence sought a driving disqualification of 18 years.⁷⁵ This appears to be a sum of all the driving disqualification periods sought by the defence in the mitigation plea at [31]:⁷⁶

$$12 \text{ years} + 2 \text{ years} + 2 \text{ years} + 2 \text{ years} = 18 \text{ years}$$

74 However, this was inaccurate because driving disqualification orders do not run consecutively and the disqualification orders in question start from the date of the person's release from prison (where the person is sentenced to imprisonment).

Public Prosecutor v Selvakumar Ranjan

75 Given that both the Prosecution and the Defence applied *Public Prosecutor v Selvakumar Ranjan* [2020] SGDC 252 to the present case,⁷⁷ this judgment will proceed on the basis of *Selvakumar*'s sentencing bands.

⁷⁵ Mitigation Plea at [31] and [33].

⁷⁶ DAC No. 921729 of 2024, 921732 of 2024, 921735 of 2024 and 921737 of 2024.

⁷⁷ Prosecution's Address on Sentence at [2]. Mitigation Plea at [17]-[30].

(1) Culpability

76 Based on the assessed level of culpability, *Selvakumar Ranjan* set out the following framework (for claim trial cases):

Level of Culpability	Sentencing Range under s 65(2)(a) of the Act
Low	6 to 12 months' imprisonment (a fine of up to \$10,000 or a lower sentence may be imposed in exceptional circumstances)
Moderate	12 to 24 months' imprisonment
High	24 to 36 months' imprisonment

77 In so far as the Defence relied on *Selvakumar's* reference to *Cullen's* suggested working or functional definition on culpability,⁷⁸ this would be inappropriate. This was because the High Court in *Sue Chang* at [91]-[92] had concerns that the descriptions for each level of culpability in *Cullen* significantly conflated the offences of careless or inconsiderate driving (in s 65 of the Act) with that of reckless or dangerous driving (in s 64 of the Act).

(see also *Public Prosecutor v Lim Wei Liang William* [2022] SGDC 229 at [37]-[38] and *Public Prosecutor v Lim Hee Joo* [2023] SGDC 159 at [65]-[66])

78 In the circumstances, I did not rely on *Cullen's* suggested working or functional definition in relation to the level of culpability (see *Selvakumar Ranjan* at [120]).

⁷⁸ Mitigation Plea at [20]-[27].

79 The High Court decision of *Sue Chang* at [93] was helpful. It set out the factors for culpability for offences under s 65 of the Act: (a) circumstances which required the offender to exercise extra care or consideration; (b) the manner of driving; and (c) the offender’s conduct following the offence.

80 First, in assessing an offender’s culpability, due regard must be had to circumstances surrounding the incident which call for the exercise of extra care or consideration. Some examples of these circumstances include where the offender drives: (a) within a school or residential zone; (b) a heavy vehicle that is more difficult to control and requires a quicker reaction time; or (c) in poor road conditions (*eg*, heavy rain or heavy traffic) (*Sue Chang* at [94]).

81 Second, the offender’s manner of driving is also a relevant factor going to culpability. Under this factor, it is apposite to consider any dangerous driving behaviour exhibited by the offender. This would include, for example, driving against the flow of traffic, speeding, sleepy driving, drink-driving, driving while under the influence of drugs, driving while using a mobile phone, flouting traffic rules, or “hell-riding” situations: see *Tang Ling Lee v Public Prosecutor* [2018] 4 SLR 813 at [28]. In addition, considerations pertaining to the duration of the offender’s inattention (*eg*, momentary or prolonged/sustained), the avoidability of the offender’s distraction or the reasonableness of the offender’s misjudgment are also relevant (*Sue Chang* at [95]).

82 Third, the offender’s conduct following the commission of the offence is also relevant. In particular, it has been said that an offender’s conduct that is “belligerent or violent” upon arrest would constitute an aggravating factor: see *Edwin s/o Suse Nathen* [2013] 4 SLR 1139 at [32]. In a similar vein, where the offender fails to stop in an attempt to evade arrest or to avoid apprehension by

the authorities, this should also weigh against him: *Public Prosecutor v Lee Meng Soon* [2007] 4 SLR(R) 240 at [33] (*Sue Chang* at [96]).

83 In the present case, the fact that the Accused was neither speeding nor swerving in and out⁷⁹ is a neutral factor since the mere absence of an aggravating factor is a neutral factor for sentencing (*Edwin s/o Suse Nathen* at [24] and *Poh Boon Kiat v Public Prosecutor* [2014] 4 SLR 892 at [99]).

84 I considered, amongst other things, the following factors:

(a) The Accused was driving a heavy vehicle that is more difficult to control, viz. Lorry.⁸⁰

(b) As the Lorry was entering the rightmost lane, the Accused took his eyes off the road to look at his mobile phone. He had placed his mobile phone on a phone holder attached to the Lorry's front windscreen.⁸¹

(c) The Accused failed to notice the Lorry veering right towards the center divider. The Lorry was traveling at or about the speed limit of the road, being 60km/h. The Accused neither slowed down nor corrected the Lorry's course.⁸²

(d) Due to the Accused's failure to keep proper control of the Lorry, the Lorry mounted the kerb of the center divider, before emerging onto

⁷⁹ Mitigation Plea at [21] and [27].

⁸⁰ SOF at [5]. Prosecution's Address on Sentence at [6(a)]. Prosecution's Reply to Mitigation at [2(a)].

⁸¹ SOF at [6].

⁸² SOF at [7].

the opposite of the road, directly against the flow of oncoming traffic and in its path.⁸³

(e) The Lorry collided head-on into the Black Car.⁸⁴

85 Given that the culpability was high, the applicable sentencing range was 24 to 36 months’ imprisonment. All things considered, the starting point sentence within the indicative sentencing range was about 30 months’ imprisonment, which was at the middle of the “high” band in the *Selvakumar Ranjan* framework.

(2) Harm

86 Given that the element of harm under s 65(2) of the Act is constant since death is always the outcome, there is no harm element incorporated in the framework: *Selvakumar Ranjan* at [119].

87 I paused here to reiterate the points made above at [9]-[10].

(a) *Property Damage*

88 For property damage, I considered the following points:

(a) The Lorry smashed through the green metal railings and uprooted two trees.⁸⁵

⁸³ SOF at [7].

⁸⁴ SOF at [9].

⁸⁵ SOF at [7].

(b) The rear side of the Grey Bus was dented and scratched.⁸⁶ The cost of repairs for the Grey Bus was \$3,200.⁸⁷

(c) The front of the Grey Van was crumpled.⁸⁸ The cost of repairs for the Grey Van was \$35,752.⁸⁹

(d) The Black Car was severely damaged because of the collision.⁹⁰ The front of the Black Car was crumpled, its rear was crumpled and ripped off, and its top was ripped off.⁹¹ The Black Car's estimated value at the time of the accident was not less than \$70,000. It will not be repaired. The 1st victim's estate was expected to receive rebates for Preferential Additional Registration Fee and Certificate of Entitlement adding up to about \$43,854.⁹²

89 To be clear, I am mindful that the damage to the Accused's own vehicle should not be treated as an aggravating factor (*Ching Kelvin v Public Prosecutor* [2024] SGHC 297 at [15]).

(b) Potential Harm

90 The Defence argued that potential harm should not be taken into account.⁹³ As stated in *Selvakumar Ranjan* at [119], the only eventuality of the

⁸⁶ SOF at [19].

⁸⁷ SOF at [22].

⁸⁸ SOF at [19].

⁸⁹ SOF at [22].

⁹⁰ SOF at [12].

⁹¹ SOF at [19].

⁹² SOF at [23].

⁹³ Mitigation Plea at [29(a)].

harm caused in fatal accidents is death, and there is no distinction in the level of harm. The fact that death occurred has already been accounted for in the sentencing framework and potential harm should not be factored in.⁹⁴

91 I disagreed with the Defence that potential harm should not be taken into account for three reasons.

92 First, the District Court in *Cullen* made it clear that the sentencing framework was “not cast in stone and it (was) subject to reconsideration and refinement as our case law develops” (at [117]).

93 Second, taking into account “potential harm” would be consistent with the views of the recent decision of the 3-Judge Panel of the High Court in *Jeremiah Ng*.

94 In *Jeremiah Ng*, for the offence of dangerous driving causing *death* under s 64(1) punishable under s 64(2)(a) read with ss 64(2)(c) and 64(2D)(b) of the Act, the High Court stated that it would be necessary to also consider any serious harm other than the harm which is the subject of the charge — this included harm which is intrinsically related to the charge such as the *potential harm* that could have been caused (at [80(a)]).

95 Third, not considering potential harm would go against the Supreme Court jurisprudence. I elaborate.

96 Harm and culpability are the pillars on which we place the cross-beams of aggravating and mitigating factors for sentencing. Harm is a cornerstone of the offence-specific factors and its handmaiden is potential harm.

⁹⁴ Mitigation Plea at [29(a)].

97 On potential harm, the arc of the Supreme Court jurisprudence can be traced as follows:

Case	Date/ Coram Road Traffic Act Offences	Supreme Court's Views on Potential Harm
<i>PP v Koh Thiam Huat</i> [2017] SGHC 123 at [41]	25 May 2017 See Kee Oon J s 64(1)	It was important to have regard to both the actual and potential harm caused (see also <i>Public Prosecutor v Aw Tai Hock</i> [2017] SGHC 240 at [33]).
<i>Wu Zhi Yong v PP</i> [2022] 4 SLR 587 at [36(a)]	19 Nov 2021 Sundaresh Menon CJ s 67(1)(b) read with s 67(2)(a) & s 64(1) punishable under s 64(2C)(a) read with ss 64(2C)(c) and 64(2D)(i)	The High Court provided a non-exhaustive list of offence-specific aggravating factors, which included “serious potential damage”: (a) Apart from actual harm, it has long been accepted that regard should also be had to the potential harm that can result from the act of dangerous or reckless driving (see <i>Stansilas</i> at [47]; <i>Koh Thiam Huat</i> at [41]). (b) The level of potential harm would be “assessed against facts which would include . . . the condition of the road, the volume of traffic or number of pedestrians actually on or which might reasonably be expected to be on the road at the relevant time, the speed and manner of

		<p>driving, visibility at the relevant time, the type of vehicle, and any particular vulnerabilities (eg, a truck or car colliding into a motorcycle or pedestrian)”: <i>Neo Chuan Sheng v Public Prosecutor</i> [2020] SGHC 97 at [22]. As is evident, these relate to the circumstances of driving that could increase the danger posed to road users (see <i>Edwin Suse Nathen</i> at [28]).</p> <p>(c) Where an assessment of these facts reveal that the potential harm occasioned to road users would have been serious, this would be an aggravating factor (at [36(a)]).</p>
<p><i>Sue Chang v PP</i> [2022] SGHC 176</p> <p>at [90]</p>	<p>25 July 2022</p> <p>Vincent Hoong J</p> <p>s 65(1)(a) punishable under s 65(3)(a) read with s 65(6)(d)</p>	<p>The High Court stated as follows:</p> <p>(a) Potential harm that might have resulted is also a relevant factor going towards harm.</p> <p>(b) However, the High Court also highlighted the pertinent observations by Menon CJ in <i>Logachev</i> at [38], where he noted that the categorisation of the relevant sentencing considerations is simply intended to provide a convenient framework for identifying and analysing such sentencing considerations as may arise. Consequently, not too much should be made of the labels used, and the categories may not always be watertight.</p>

		<p>(c) For instance, where circumstances arise which call for the offender to exercise special care such as when he is driving through a school zone and the offender fails to do so, this has been treated as an offence-specific factor going towards the offender's culpability. Yet, in some situations it may also relate to the harm caused by the offence in so far as it affects the likelihood of harm (i.e. potential harm).</p> <p>(d) Ultimately, how a sentencing judge takes into account these factors would turn on the precise facts of the case.</p>
<p><i>PP v Cheng Chang Tong</i> [2023] SGHC 119 at [56]-[57]</p>	<p>3 May 2023</p> <p>See Kee Oon J</p> <p>s 65(1)(a) punishable under s 65(5)(b) read with s 65(5)(c), s 65(6)(i) and s 67A(1)(a), & s 67(1)(b) punishable under s 67(1) read with s 67(2)(a)</p>	<p>The High Court stated that:</p> <p>(a) It was cognisant that the <i>Wu Zhi Yong</i> framework lays out the consideration of potential harm and actual harm as distinct considerations.</p> <p>(b) Consideration of actual harm focuses on the moment of a collision. Potential harm looks at the wider circumstances before and after a collision.</p>

<p><i>Chen Song v PP and other appeals</i> [2024] SGHC 129 at [124]-[125] and [128]-[129]</p>	<p>14 May 2024</p> <p>Sundaresh Menon CJ, Tay Yong Kwang JCA and Vincent Hoong J</p> <p>ss 65(1)(a) and 65(1)(b) punishable under s 65(4)(a) & s 65(1)(a) punishable under s 65(3)(a)</p>	<p>The 3-Judge Panel stated that:</p> <p>(a) Primary harm factors are factors which pertain directly to the bodily injury suffered by the victim(s) in each case. These factors include: the nature and location of the injuries, the degree of permanence of the injuries, and the impact of the injuries. This is in contrast to secondary harm factors which are unrelated to the physical injury suffered by the victim(s), but which nonetheless go towards the extent of harm caused in a particular case. These factors include property damage and potential harm.</p> <p>(b) It is trite that potential harm ought to feature as a consideration in the court's exercise of its discretion in sentencing for Road Traffic Act offences: <i>Wu Zhi Yong</i> at [36(a)]; <i>Stansilas Fabian Kester v Public Prosecutor</i> [2017] 5 SLR 755 at [47]; <i>Public Prosecutor v Koh Thiam Huat</i> [2017] 4 SLR 1099 at [41].</p> <p>(c) It would only be appropriate to have regard to potential harm if there was a sufficient likelihood of the harm arising and this in turn should be assessed in the light of the gravity of the harm risked (<i>Neo Ah Luan v Public Prosecutor</i> [2018] 5 SLR 1153 at [67]).</p>
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<p><i>Seah Ming Yang Daryle v PP</i> [2024] SGHC 152 at [45]</p>	<p>14 June 2024 Sundaresh Menon CJ, Tay Yong Kwang JCA and Vincent Hoong J s 35</p>	<p>The 3-Judge Panel stated that the guiding principle should be the actual or potential harm that an offender causes to other road users, and not the class of vehicle being driven.</p> <p>Many other factors, such as the manner in which the offender was driving, the presence of passengers in the vehicle, the place where the offender drove, and the occurrence of an accident, all went towards the actual or potential harm analysis as well.</p>
<p><i>Chan Chow Chuen v PP</i> [2024] SGHC 294 at [24]</p>	<p>10 Oct 2024 See Kee Oon JAD s 67(1)(b) punishable under s 67(1) read with s 67(2)(a) & s 65(1)(b) punishable under s 65(5)(c) read with s 65(5)(a) and s 65(6)(i)</p>	<p>The High Court stated that the potential for harm has to be assessed with reference not only to the actual distance travelled, but the distance which the offender intended to travel.</p>
<p><i>Fan Lei v PP</i> [2024] SGHC 278 at [10]</p>	<p>30 Oct 2024 Aidan Xu @ Aedit Abdullah J s 65(1)(b)</p>	<p>The High Court stated that travelling a distance of 17km was not enough to point to increased potential harm.</p> <p>In <i>Fan Lei</i>, there was no evidence that the offender was driving in a careless manner over that 17km.</p>

98 In the present case, I was of the view that there was potential harm. I agreed with the Prosecution that it was fortuitous that other vehicles close to the victims' vehicles were not also involved.⁹⁵ For example, the white car behind the 1st victim's Black Car and a yellow taxi in the lane next to the 2nd victim's Grey Van barely stopped in time.⁹⁶ The traffic flow on the road in the direction that the Black Car and Grey Van were travelling was heavy.⁹⁷

99 I was mindful that in assessing the level of harm or potential harm, the sentencing court should be careful not to double-count any factors which may already have been taken into account in assessing the level of culpability: *Neo Ah Luan* at [70] (see also Andrew Ashworth, *Sentencing and Criminal Justice* (6th Edition, 2015, Cambridge University Press) at [4.3] and [4.5]).

(3) Antecedents

100 The Accused's driving record was not unblemished.

101 I gave due weight to his two driving-related compounded offences in 2023 for driving without due care and attention under s 65(1)(a) of the Act.⁹⁸

102 An offender's compounded offences are a relevant sentencing consideration for road traffic violations: *Teo Seng Tiong v Public Prosecutor* [2021] SGCA 65 at [80]-[81] and [99]-[108].

⁹⁵ Prosecution's Address on Sentence at [7(b)]. Prosecution's Reply to Mitigation at [5(a)].

⁹⁶ Prosecution's Address on Sentence at [7(b)]. Prosecution's Reply to Mitigation at [5(a)].

⁹⁷ SOF at [10]. Prosecution's Address on Sentence at [6(b)(i)]. Prosecution's Reply to Mitigation at [5].

⁹⁸ Mitigation Plea at [7].

(See also *Public Prosecutor v Ong Heng Chua* [2018] SGHC 95 at [39]-[47] and *Koh Thiam Huat* at [56]-[60])

(4) TIC charges

103 The effect of taking into consideration outstanding charges is to enhance the sentence that would otherwise have been imposed for the proceeded charges: *Public Prosecutor v UI* [2008] 4 SLR(R) 500 at [38] (see also s 148 of the Criminal Procedure Code).

104 In the present case, four charges were taken into consideration for sentencing purposes (“TIC”).⁹⁹ I agreed with the Prosecution that it was aggravating that for the charge of driving without due care and attention causing death, there were two similar TIC charges arising out of the same transaction, with one of the charges being for causing grievous hurt.¹⁰⁰

105 In this regard, the 2nd victim was treated conservatively.

106 He received outpatient medical leave from 7 -13 July 2023 (7 days),¹⁰¹ 24 July 2023 (1 day),¹⁰² and 25 July 2023 to 8 August 2023 (15 days) and light duties from 9 August to 6 September 2023.¹⁰³

107 The 2nd victim suffered the following injuries due to the collision:

⁹⁹ DAC No. 921730 of 2024, DAC No. 921731 of 2024, DAC No. 921734 of 2024 and DAC No. 921738 of 2024.

¹⁰⁰ Prosecution’s Address on Sentence at [7(a)].

¹⁰¹ SOF at [16].

¹⁰² SOF at [16].

¹⁰³ SOF at [18].

- (a) chest contusion with comminuted left manubrial fracture, and left 2nd to 6th rib fractures,
- (b) whiplash injury of the cervical spine (Quebec Taskforce Classification Grade 3), with aggravation of cervical spondylosis,
- (c) back contusion with sprain, and
- (d) left shoulder strain.¹⁰⁴

(5) Cooperation with the authorities

108 I gave due weight to the Accused's cooperation with the authorities: *Public Prosecutor v Siew Boon Loong* [2005] 1 SLR(R) 611 at [16]-[18].¹⁰⁵

(6) Personal circumstances

109 The Defence alluded to the fact that as he was the sole breadwinner, incarceration would bring hardship to the Accused's family.¹⁰⁶

110 However, personal circumstances such as financial difficulties and hardship caused to family by their incarceration have no mitigating value save in the most exceptional cases (*Lai Oei Mui Jenny v Public Prosecutor* [1993] 2 SLR(R) 406 at [10]-[11] and *Chua Ya Zi Sandy v Public Prosecutor* [2021] SGHC 204 at [11]-[14]).

111 In the present case, I saw no cogent reasons to consider the Accused's personal financial and family circumstances as valid mitigating factors.

¹⁰⁴ SOF at [17].

¹⁰⁵ Mitigation Plea at [5]-[6] and [12(c)].

¹⁰⁶ Mitigation Plea at [10].

(7) Guilty plea

112 The SAP Guidelines for Guilty Pleas applied (*Jeremiah Ng* at [110]-[111] and [115]-[117]). I gave full weight to the Accused's guilty plea: *Angliss Singapore Pte Ltd v Public Prosecutor* [2006] 4 SLR(R) 653 at [77]. This saved the criminal justice system resources that would have been expended with a full trial.

113 Accordingly, I gave the Accused the full 30% discount (Stage 1) for his early plea of guilt.¹⁰⁷

114 All things considered, for the charge of driving without due care and attention causing death, the starting point for the sentence was about 30 months' imprisonment. After the PG discount, the sentence would be about 21 months' imprisonment.

115 To be clear, the full plead guilty discount of 30% also applied to his other charges, i.e. the two proceeded charges under s 35C(4) of the Act,¹⁰⁸ and one charge under s 96(1) of the Act.¹⁰⁹

(8) Driving disqualification order

116 Driving disqualification orders meld the three sentencing objectives of punishment, protection of the public and deterrence: *Edwin s/o Suse Nathen v Public Prosecutor* [2013] 4 SLR 1139 at [13]-[14], *Koh Thiam Huat* at [64] and *Chen Song v Public Prosecutor* [2024] SGHC 129 at [143].

¹⁰⁷ Mitigation Plea at [2]-[4], [12(a)] and [18].

¹⁰⁸ DAC No. 921732 of 2024 and DAC No. 921735 of 2024.

¹⁰⁹ DAC No. 921737 of 2024.

117 The most important sentencing principles engaged in driving disqualification orders are to:

- (a) *protect society*, because disqualification orders are meant to prevent future harm that the offender may cause to the public, and to
- (b) *deter*, because such orders deprive offenders of the freedom to drive: *Public Prosecutor v Ong Heng Chua* [2018] SGHC 95 at [61].

118 As stated in *Public Prosecutor v Mohd Isa* [1963] MLJ 135, the “most satisfactory penalty for most motoring offences is disqualification” because a fine is paid once and then forgotten. For instance, a 12-month disqualification order would mean that for the entire year in which the order is in effect, the offender is reminded every day of his offence and the unwarranted risks in which he had placed ordinary members of the public: *Sivakumar s/o Rajoo v Public Prosecutor* [2002] 1 SLR(R) 265 at [28].

119 Where a person is disqualified for a period of 12 months or longer, that person’s driving licence shall be “of no effect” and the person is further prevented from driving a motor vehicle after the disqualification period unless he passes the prescribed test of competence to drive: s 43(1)(b) of the Road Traffic Act.

120 In the present case, I agreed with the Prosecution that a driving disqualification for life was appropriate because:

- (a) The Accused’s driving licence was due to be revoked due to two counts of careless driving.¹¹⁰

¹¹⁰ Prosecution’s Reply to Mitigation at [6].

(b) Shortly before the revocation, he caused a massive collision on 7 July 2023.

(c) After the fatal collision and after his license was revoked, the Accused *continued to drive twice* and flouted basic traffic rules when doing so¹¹¹ — this was beyond the pale.

121 When an offender seeks to come within the special reasons exception, the facts to back up such circumstances must be proved to the court's satisfaction: *Toh Yong Soon v Public Prosecutor* [2011] 3 SLR 147 at [5]. The onus lies on an accused to raise special reasons for the court's consideration, if such reasons exist: *Chue Woon Wai v Public Prosecutor* [1996] 1 SLR(R) 725 at [13], *Siti Hajar bte Abdullah v Public Prosecutor* [2006] 2 SLR(R) 248 at [12], and *Prathib s/o M Balan v Public Prosecutor* [2017] SGHC 303 at [12].

(See also *Wilkinson's Road Traffic Offences*, Sweet & Maxwell, (30th Ed, 2021, General Editor: Kevin McCormac) at [21-62])

122 There was no special reason to dispense with the driving disqualification, which was appropriate in the present case. This was because in the Malaysian Criminal Appeal Court case of *Public Prosecutor v Hiew Chin Fong* [1988] 1 MLJ 467 – which was endorsed in *Chua Chye Tiong v Public Prosecutor* [2004] 1 SLR(R) 22 at [61] and [62] – a 12-month disqualification period was imposed on the offender despite the fact that his livelihood depended on him having a driving licence.

¹¹¹ Prosecution's Address on Sentence at [9].

Section 35C(4) of the Act

123 I turn next to the offence under s 35C(4) of the Act of driving a motor vehicle on a road when the driving licence has been revoked.

124 There are three reasons for punishing these offenders. The first reason is the offender’s deliberate disregard of the revocation of his driving licence.

125 Second, bringing this to sharper focus is the danger posed to the public.

126 Third, not only does the offender compromise the safety of our roads, luckless victims of traffic accidents are at risk of being without compensation because the offender would not be covered by insurance.

127 In the present case, for each of the 2 proceeded charges under s 35C(4) of the Act,¹¹² the Prosecution sought 2 months’ imprisonment and a driving disqualification of 24 months.¹¹³ The Defence “agree(d) with the quantum of the submitted sentences” by the Prosecution.¹¹⁴

128 I agreed with the Prosecution that even after the disastrous consequences of his offences on 7 July 2023, the Accused showed his cavalier attitude towards driving by continuing to drive on two occasions when his licence had been revoked.¹¹⁵

129 All things considered, I agreed with both the Prosecution and Defence that an appropriate sentence for each of the 35C(4) offences was 2 months’

¹¹² DAC No. 921732 of 2024 and DAC No. 921735 of 2024.

¹¹³ Prosecution’s Address on Sentence at [1].

¹¹⁴ Mitigation Plea at [15] and [31].

¹¹⁵ Prosecution’s Address on Sentence at [10].

imprisonment and a driving disqualification of 24 months.

Other Proceeded Charges

130 There were three other proceeded charges:

(a) Two charges under s 3(1)(a) punishable under s 3(2) read with s 3(3) of the Motor Vehicles (Third-Party Risks and Compensation) Act 1960 (“MVA”),¹¹⁶ and

(b) One charge under s 96(1) of the Act.¹¹⁷

131 In the present case, for each of the 2 proceeded charges under s 3 of the MVA,¹¹⁸ the Prosecution sought a fine of \$1,000 and a driving disqualification of 12 months.¹¹⁹ For the charge under s 96(1) of the Act,¹²⁰ the Prosecution sought 2 months’ imprisonment and a driving disqualification of 24 months.¹²¹

132 The Defence had “no objections to the Prosecution’s above-submitted sentences for the 5th, 8th and 9th Charges”.¹²²

133 All things considered, given that the proposed sentences for these proceeded charges are consistent with that meted out in similar cases, I agreed with both the Prosecution and Defence that their proposed sentences for the offences under s 3 of the MVA and s 96(1) of the Act were appropriate.

¹¹⁶ DAC No. 921733 of 2024 and DAC No. 921736 of 2024.

¹¹⁷ DAC No. 921737 of 2024.

¹¹⁸ DAC No. 921733 of 2024 and DAC No. 921736 of 2024.

¹¹⁹ Prosecution’s Address on Sentence at [1].

¹²⁰ DAC No. 921737 of 2024.

¹²¹ Prosecution’s Address on Sentence at [1].

¹²² Mitigation Plea at [14] and [31].

Consecutive Sentences

134 There is a general rule of consecutive sentences for unrelated offences: Court of Appeal in *Muhammad Sutarno bin Nasir v Public Prosecutor* [2018] 2 SLR 647 at [22] endorsing *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 at [41]-[46], [54] and [98(b)].

135 In exceptional cases, the sentencing judge may consider imposing more than two sentences consecutively, which may be appropriate in such circumstances as where the offender is shown to be a persistent or habitual offender, where there are extraordinary cumulative aggravating factors, or where there is a particular public interest: *Mohamed Shouffee Bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [80] and [81(j)].

136 In the present case, three of the proceeded charges¹²³ arose from separate incidents and were committed on different dates. In particular, the offence of driving without due care and attention causing death violated a completely different legally-protected interest from the driving with a revoked licence charges. There was no unity of purpose or design in the commission of the offence of driving without due care and attention causing death vis-à-vis the other charges. The offender is a persistent and habitual offender.

137 Accordingly, I agreed with the Prosecution to have three of his custodial sentences run consecutively.¹²⁴

Totality Principle

138 The sentences were in line with both limbs of the totality principle:

¹²³ DAC 921729 of 2024, DAC 921732 of 2024 and DAC 921735 of 2024.

¹²⁴ Prosecution's Address on Sentence at [13].

Mohamed Shouffee Bin Adam v Public Prosecutor [2014] 2 SLR 998 at [54]-[57].¹²⁵

(see also *Public Prosecutor v ASR* [2019] 1 SLR 941 at [150] where the Court of Appeal considered that the sentence sought by the Prosecution would have violated both limbs of the totality principle)

Total sentence

139 For the above reasons, the Accused's sentence was as follows:

DAC No	Offences	Sentence	Status
921729 2024	Driving without due care causing death (7 July 2023)	21 months' imprisonment + DQ for Life	Consecutive
921732 2024	Driving with revoked license (3 Jan 2024)	2 months' imprisonment + DQ for 24 months	Consecutive
921733 2024	Driving with no insurance (3 Jan 2024)	\$1,000 i/d 2 days + DQ for 12 months	
921735 2024	Driving with revoked license (19 May 2024)	2 months' imprisonment + DQ for 24 months	Consecutive

¹²⁵ Prosecution's Reply to Mitigation at [7].

921736 2024	Driving with no insurance (19 May 2024)	\$1,000 i/d 2 days + DQ for 12 months	
921737 2024	Taking vehicle without consent (19 May 2024)	2 months' imprisonment + DQ for 24 months	Concurrent

140 The Accused was imprisoned for 25 months. He was fined \$2,000 in default 4 days' imprisonment. He was disqualified for life from holding or obtaining a driving license for all vehicle classes.

Conclusion

Summary

141 A summary of my Grounds of Decision is as follows:

- (a) Culpability. Culpability was high. For the charge of driving without due care and attention causing death, the applicable sentencing range was 24 to 36 months' imprisonment. The starting point sentence within the indicative sentencing range was about 30 months' imprisonment, which was at the middle of the "high" band in the *Selvakumar Ranjan* framework (at [76]-[85]).
- (b) Harm. Harm included property damage and potential harm (at [86]-[99]).
- (c) Antecedents. Due weight was given to his driving-related compounded offences (at [100]-[102]).

(d) TIC Charges. It was aggravating that for the charge of driving without due care and attention causing death, there were two similar TIC charges arising out of the same transaction, with one of the charges being for causing grievous hurt (at [103]-[107]).

(e) Cooperation with the Authorities. Due weight was given to his cooperation with the authorities (at [108]).

(f) Personal Circumstances. There were no cogent reasons to consider his personal financial and family circumstances as valid mitigating factors (at [109]-[111]).

(g) Guilty Plea. The Accused was given the full 30% discount for his early plea of guilt. For the charge of driving without due care and attention causing death:

(i) The starting point for the sentence is about 30 months' imprisonment.

(ii) After the PG discount, the sentence would be about 21 months' imprisonment (at [112]-[115]).

(h) Driving Disqualification Order. For the charge of driving without due care and attention causing death, the Accused was disqualified from driving for life; there were no special reasons (at [116]-[122]).

(i) Consecutive Sentences. Three of the proceeded charges¹²⁶ arose from separate incidents and were committed on different dates. In particular, the offence of driving without due care and attention causing death violated a completely different legally-protected interest from the driving with a revoked licence charges. There was no unity of purpose or design in the commission of the offence of driving without due care and attention causing death vis-à-vis the other charges. The offender is a persistent and habitual offender. Accordingly, three of his custodial sentences were ordered to run consecutively (at [134]-[137]).

(j) Totality Principle. The sentences were in line with both limbs of the totality principle (at [138]).

142 I am grateful for the hard work of both sides.

Shawn Ho
District Judge

Sunil Nair (Attorney-General's Chambers) for the Prosecution;
Sarbrinder Singh (Sanders Law LLC) for the Defence.

¹²⁶ DAC 921729 of 2024, DAC 921732 of 2024 and DAC 921735 of 2024.