IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

District Court Notice No 900018 of 2025 and Ors
District Court Notice No 900020 of 2025 and Ors

Public Prosecutor

Against

(1) JEM
(2) JEN

BRIEF REASONS

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Public Prosecutor

v

1) JEM
2) JEN

District Court Notice No 900018 of 2025 and Ors
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District Judge Sharmila Sripathy-Shanaz
19 December 2025 & 19 January 2026

19 January 2026

District Judge Sharmila Sripathy-Shanaz

Introduction

1 These are the brief reasons for my decision, which I may supplement with full grounds of decision, if necessary.

2 Educators and personnel in educational institutions bear an absolute and non-negotiable duty to safeguard the welfare of children under their care. This responsibility assumes heightened significance in preschools, where children, by virtue of their exceedingly young age and innocence, are uniquely vulnerable as they are unable to advocate for themselves or even comprehend the dangers they may face. It is therefore the educators' paramount duty to act as their protectors, shield them from harm and ensure that their environment is one that is safe. This duty transcends a mere moral obligation to act in the best interests of the child. It encompasses a legal imperative to act swiftly and decisively by reporting any suspicion or sign of child abuse, sexual or otherwise, to ensure

early intervention by the relevant authorities, prevent further harm and bring perpetrators to account before the law.

3 The conduct of the accused persons in the present case, is antithetical to this fundamental duty. Their wilful failure to report child sexual abuse, coupled with their deliberate destruction of material evidence, represents not only a complete abdication of their responsibilities but also a profound betrayal of the trust society places in those entrusted with the care and protection of its youngest, most defenceless and vulnerable members. In these circumstances, general deterrence is not merely a relevant consideration – it assumes paramount importance.

The Charges

4 JEM ("**Ms T**") and JEN ("**Ms M**"), together with Ms N, conspired to reformat the hard disk of the closed-circuit television system ("**CCTV**") at the preschool where they were employed, knowing that this would delete footage of a sexual offence committed by a school employee, Teo Guan Huat ("**Teo**"). For their respective roles in this conduct, Ms T and Ms M have each pleaded guilty to a charge of conspiracy to commit an act with a tendency to obstruct the course of justice, an offence under s 204A(a) read with s 109 of the Penal Code 1871 ("**the Penal Code**").[1]

5 Additionally, both Ms T and Ms M have consented to two further offences being taken into consideration for the purpose of sentencing:

[1] See DCN-900018-2025 in relation to Ms T and DCN-900020-2025 in relation to Ms M

a. Conspiracy to commit an act with a tendency to obstruct the course of justice, by deleting a video clip contained in a chat message which captured Teo committing an offence;[2] and

b. Intentionally omitting to give information of an outrage of modesty offence which they were legally bound to provide ("**Failure to Report Offence**"). This constitutes an offence under s 202 of the Penal Code.[3]

6 In these grounds, I set out the reasons for the sentences imposed on Ms T and Ms M. Ms N, who has pleaded guilty to her role in the offence of intentionally omitting to give information of Teo's outrage of modesty offence, will be sentenced separately at a later date.

The General Approach to Sentencing s 204A Offences

7 An offence under s 204A of the Penal Code is punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

8 As articulated in *Parthiban a/l Kanapathy v Public Prosecutor* [2021] 2 SLR 847 ("***Parthiban***") at [27], and subsequently distilled in *Public Prosecutor v S Iswaran* [2024] SGHC 259 ("***Iswaran***") at [110] to [120], the following principles guide the sentencing of such offences:

a. General deterrence is the primary sentencing consideration as these offences strike at the institutions of justice and contaminate the rule of law.

[2] See DCN-900019-2025 in relation to Ms T and DCN-900021-2025 in relation to Ms M

[3] See MCN-900118-2025 in relation to Ms T and MCN-900119-2025 in relation to Ms M

b. Such offences may be broadly categorised into two groups. First, situations where offenders seek to obstruct the course of justice by eradicating or fabricating evidence of their own wrongdoing or that of others, whether to conceal acts of another or of one's own transgressions. Second, situations where offenders ask others to assume criminal responsibility voluntarily.

c. There is no general principle that the court should impose a substantially lower sentence for the s 204A(a) offence, than for the predicate offence.

d. The following factors may be considered in determining the sentence to be imposed:

<u>In assessing harm</u>

i. The nature of the predicate charge upon which the offender had sought to thwart the course of justice. The more serious it is, the more serious the act of perverting the course of justice will be.

ii. The effect of the attempt to pervert the course of justice.

<u>In assessing culpability</u>

i. The true motivation of the offender in acting as he did, remains a primary consideration. The fact that the offender perverted the course of justice to protect his own perceived interests, is relevant.

ii. The court should eschew the generalisation that knowledge tends to be a less culpable mental state than intent. Each case should be assessed on its own facts and

regard may be had to the nature of the consequences that the offender knew they were likely to avoid.

iii. The degree of persistence, premeditation and sophistication in the commission of the offence.

9 I turn now, to apply the above approach to the present case.

The Assessment of Harm

The predicate offence

10 The egregiousness of Ms T and Ms M's actions cannot be understated. The act of obstruction was aimed at subverting the course of justice in relation to a predicate offence of outrage of modesty of a person below 14 years of age, committed on 9 November 2023 and punishable under s 354(2) of the Penal Code with imprisonment of up to five years, or a fine, or caning, or any combination of these punishments ("**aggravated outrage of modesty charge/offence**"). Teo was eventually sentenced to 40 months and three weeks' imprisonment for this offence.[4] That sentence, imposed well within the upper remit of the prescribed punishment, starkly underscores the gravity of the offence that Ms T and Ms M sought to conceal.

The effect of the obstruction

11 The harm flowing from their conduct is significant. First, by reformatting the hard disks of the preschool's CCTV system, *all footage*

[4] See sentence imposed for DAC-920020-2023 in Annex A to the Statement of Facts ("**SOF**") both Ms T and Ms M have pleaded guilty to, as well as Teo's Schedule of Offences and Charges. See also *Public Prosecutor v Teo Guan Huat* [2026] SGDC 14 at [47] to [50]. Teo was sentenced to 37 months and 3 weeks' imprisonment for this offence. But for his age, the court would also have imposed six strokes of the cane for this offence. Instead, an additional three months' imprisonment was imposed in lieu of caning.

recorded prior to 26 November 2023 was deleted.[5] This did not merely result in the loss of footage capturing the incident on 9 November 2023, which formed but a substratum of Teo's offending. It also led to the deletion of footage documenting *multiple* other incidents of sexual assault committed by Teo against no fewer than three toddlers over four days, which ultimately formed the basis for *five* distinct charges of aggravated outrage of modesty.[6] This is not in dispute.[7]

12 The submission that Ms T and Ms M only knew of the 9 November 2023 incident when they reformatted the hard disks, does not assist the Defence.[8] To limit the assessment of harm to that single incident would be overly restrictive and artificially narrow. The court must examine the real nature of the harm occasioned to gain a proper appreciation of the gravity of the offence. In doing so, it is entitled to have regard to all surrounding facts that are relevant and proved, even if they do not directly form part of the charge: *Newton, David Christopher v Public Prosecutor* [2023] SGHC 266 ("***Newton Christopher***") at [54], [63] to [64], citing *Public Prosecutor v Bong Sim Swan Suzanna* [2020] 2 SLR 1001 at [78]. Moreover, it would be perverse for Ms T and Ms M to rely on their own failure to determine whether the CCTV footage they were deleting contained other evidence of Teo's offending,[9] as a means of circumscribing the court's assessment of harm and reducing their blameworthiness for the offence.

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[5] SOF at [23] and [24]

[6] See Annex A and paragraph 5 of Teo's SOF, as well as Teo's Schedule of Offences and Charges, *viz.* Teo's 1st to 5th Charge

[7] Notes of Evidence ("**NE**") 19 December 2025, 30/10-17 and 33/22-13

[8] Ms M's Mitigation Plea ("**M-MP**") at 12(d)(ii) and NE 19 December 2025, 47/8-11 and 51/11-14

[9] NE 19 December 2025, 47/8-11 (in respect of Ms T) and 51/16-19 (in respect of Ms M)

13 Second, the accuseds' conduct also imposed an additional and entirely unnecessary investigative burden, requiring the police to undertake forensic recovery efforts to restore what should never have been destroyed. It was purely fortuitous that the full measure of harm was ultimately attenuated by the recovery of the deleted footage.[10] While this would necessarily bear on the court's calibration of sentence, it serves to underscore how perilously close the administration of justice came to being permanently and irrevocably compromised by their actions.

14 This leads me to the third point. Viewed in its proper context, Ms T and Ms M's conduct posed a very real and serious risk of irreversible harm to the course of justice. Their actions imperilled and threatened to permanently extinguish the *only* objective and contemporaneous evidence of Teo's sexual assaults – offences which are, by their very nature, exceedingly difficult to detect and prove, a difficulty further compounded in this case by the fact that the victims were toddlers who could neither articulate their experiences nor provide testimony.

15 In assessing the extent of wrongdoing in the present case, I therefore have regard not only to the harm that Ms T and Ms M actually caused, but also to the appreciable potential harm that was at risk of materialising.

The Assessment of Culpability

16 The manner in which the offence was committed, and the context in which it occurred, disclose culpability that is high. I explain.

Abuse of trust

[10] SOF at [28] and Annex A, paragraph 5 of Teo's SOF

17 First, Ms T and Ms M occupied senior leadership positions within the preschool. Ms T was its Executive Director, responsible for overseeing its operations and reporting to the School Management Committee.[11] Ms M was the Vice-Principal.[12] These were not peripheral or junior appointments. They were positions entrusted with setting the standards, tone and culture of the institution, and with safeguarding the welfare of the young children placed in its care. By virtue of their appointments, Ms T and Ms M stood in positions of trust vis-à-vis both the children and their parents.

18 Instead of honouring that trust, Ms T and Ms M chose to betray it by deliberately destroying evidence of sexual assaults committed against children under their care. In doing so, they trampled on parents' legitimate expectation that the preschool's leadership would act as vigilant custodians of their children's safety and well-being. This was an egregious abuse of the trust reposed in them.

Self-interest over child protection

19 Second, the accuseds' conduct was plainly motivated by a desire to protect their own interests. The context in which the offence took place, is highly material as it sheds light on their motivations for the subsequent decision to destroy the CCTV footage. The reformatting of the CCTV system was not an incidental act. It was the culmination of a series of deliberate steps taken by Ms T and Ms M to dissuade Ms SC (the Chairperson of the School Management Committee)[13] from reporting Teo's aggravated sexual assault to the police, and impress upon her their preference for the matter to be settled "quietly."[14] From

[11] SOF at [2]

[12] SOF at [1]

[13] SOF at [4a]

[14] SOF at [11] and [13]

the outset, their conduct was driven by self-preservation – specifically, by a desire to avoid the adverse consequences that would flow from disclosure of the preschool's negligence in allowing Teo to interact with children beyond his role as a cook.[15] Indeed, such was Ms T's desire to conceal the matter that she even explored the possibility of a non-disclosure agreement with Ms SC and the co-accused persons.[16]

20 By the time Ms SC had decided to report the matter, Ms T and Ms M knew that the implications would be serious and far-reaching,[17] and were concerned that they would not be able to cope with the fallout.[18] It was in this context, and with Ms N's agreement, that they decided to reformat the CCTV system's hard disks. They did so with full knowledge that their actions would erase recordings of Teo's offence of aggravated outrage of modesty.[19] Their actions were plainly aimed not only at concealing Teo's criminal conduct, but also at suppressing evidence of their own failures.

21 Such selfish and self-preserving motives are highly aggravating. Offences committed to shield oneself from scrutiny and accountability will rarely attract any sympathy. When those in leadership positions choose concealment over disclosure in the face of sexual abuse of children, it sends a deeply troubling signal – that perceived personal or institutional interests are prioritised over child protection. That inversion of priorities strikes at the very heart of the protective role that society expects of educational institutions and educators, and public interest demands that it markedly heighten culpability.

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[15] SOF at [14]

[16] SOF at [14]

[17] SOF at [11] to [13]

[18] SOF at [21]

[19] SOF at [23]

Considered law-breaking

22 Third, the accused persons acted with deliberation and premeditation. The WhatsApp exchanges between Ms T and Ms M reveal a considered and evolving plan to destroy the CCTV recordings. The idea was first mooted by Ms T, who contemplated altering the system settings so that the footage would auto-overwrite every two weeks. Ms M highlighted that the police might nonetheless be able to recover the footage but suggested that she could "try to delete" the recordings and then inform Ms T by text message that she had "accidentally deleted [it] all". The messages further show the sharing of videos on how the recordings could be erased.[20]

23 These were not idle or hypothetical discussions, nor was what followed a spontaneous or impulsive act. The discussions evince a considered and calculated plan to destroy evidence, which was subsequently undertaken through the methodical execution of seven separate steps to reformat *each* of the three hard disks.[21]

24 These factors, taken together, place Ms T and Ms M's culpability firmly at the high end and must weigh heavily in the calibration of sentence.

Relative culpability of Ms T and Ms M

25 I turn next to consider whether there is any material divergence in culpability between Ms T and Ms M. In my judgment, there is none of any real significance. I do not accept Ms M's characterisation of herself as a mere "instruction-taker",[22] nor her claim that she had simply "deferred to the better

[20] SOF at [22]

[21] SOF at [28]

[22] M-MP at 12(f)

collective judgment of her superiors"[23] as she "did not want to overstep any hierarchical boundaries for fear of losing her job".[24] The evidence does not support any portrayal of Ms M as a passive or peripheral participant.

26 On the contrary, the facts demonstrate that Ms M played an active role throughout. She was involved in dissuading Ms SC from reporting Teo's sexual offending and she advocated for the matter to be settled quietly.[25] She did not merely acquiesce to Ms T's proposal to delete the CCTV recordings; she endorsed it, proactively researched how the recordings could be erased, suggested that the intentional deletion be disguised as an accident, sourced for and shared instructional materials and thereafter personally executed the deletion. Her conduct was purposeful, informed and integral to the offending.

27 If Ms T may be described as the originator of the idea to destroy the CCTV recordings, Ms M was the hand that carried it into effect. Both accused persons were indispensable to the commission of the offence. I therefore do not regard Ms M's culpability as being materially lower on account of her claimed deference to authority or fear of workplace repercussions. In any event, these considerations do not meaningfully mitigate her responsibility for what was deliberate and serious criminal conduct.

28 That said, I accept that Ms T's sentence must necessarily reflect the fact that she exerted pressure on Ms N to secure her agreement to the overwriting and deletion of the CCTV footage.[26] The deliberate involvement of others in the commission of an offence is an aggravating factor warranting distinct

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[23] M-MP at 7(c)

[24] M-MP at 7(d)

[25] SOF at [13]

[26] SOF at [23]

recognition in sentencing, and is reflected in a modest uplift in Ms T's sentence as compared to Ms M's.

Offender-Specific Factors

29 I now turn to the offender-specific factors. It is an established principle of law that the presence of similar charges taken into consideration for the purpose of sentencing constitutes an aggravating factor, as it reflects a broader pattern of offending: *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 at [64] and *Public Prosecutor v UI* [2008] 4 SLR(R) 500 at [37] to [38]. In the present case, Ms T and Ms M committed an additional offence under s 204A arising from their deletion of a video clip from their WhatsApp chat which they knew captured Teo's aggravated outrage of modesty offence (*supra* at [5a]). This further act of deliberate evidence destruction attracts independent aggravating weight. It demonstrates that their obstruction of justice was not confined to a single act, but extended to a separate occasion, disclosing a degree of persistence in overall offending that must necessarily bear on sentence.

30 I do not, however, ascribe separate aggravating weight to the Failure to Report Offence as this stage, as this has already been taken into account in my assessment of Ms T and Ms M's culpability for the primary obstruction of justice offence (*supra* at [19]), and I have been careful to avoid any element of double counting.

31 Apart from the plea of guilt, which I address below, I find no other offender-specific mitigating factors. The accused persons' good character and past contributions to the preschool, however commendable they may have been, remain at best a neutral factor in sentencing. Such considerations are most relevant where rehabilitation is the dominant sentencing principle and there is no countervailing need for retribution, deterrence or prevention to feature prominently: *Stansilas Fabian Kester v Public Prosecutor* [2017] 5 SLR 755 at

[99] and [102], *Tan Sai Tiang v Public Prosecutor* [2000] 1 SLR(R) 33; Kow Keng Siong, *Sentencing Principles in Singapore* (Academy Publishing, 2nd Ed, 2019) at para 21.008, cited with approval in *Niranjan s/o Muthupalani v Public Prosecutor* [2023] SGHC 181 at [78]. As deterrence remains the central sentencing consideration for offences under s 204A of the Penal Code, Ms T and Ms M's good character and prior contributions to the preschool, do not operate to mitigate sentence.

32 The purported hardship to Ms M's family[27] is also neither exceptional nor extreme to warrant any mitigating weight. Similarly, although Ms T presently suffers from Major Depressive Disorder, this does not justify any reduction in sentence. An offender's mental condition is relevant to sentencing only where there is evidence of a causal link between the impairment of mind and the commission of the offence such that it lessens the offender's culpability: *Public Prosecutor Chia Kee Chen* [2018] 2 SLR 249 [112] and *Public Prosecutor v ASR* [2019] 1 SLR 941 at [71]. No such link arises on the present facts. There is no evidence before the court that Ms T was suffering from any psychiatric condition at the material time that had any causal connection to her offending; a fact conceded by Defence Counsel.[28]

33 I turn finally to the plea of guilt. Credit is often accorded to an early plea of guilt for two principal reasons. First, it allows victims to attain closure at an earlier stage, and spares victims and other witnesses the need to prepare for and testify at trial. Second, it conserves public resources which would otherwise have been expended by law enforcement agencies, the Prosecution and the Judiciary. In this regard, the Sentencing Advisory Panel's *Guidelines on Reduction in Sentences for Guilty Pleas* ("**PG Guidelines**"), which provide non-

[27] M-MP at 15(b)

[28] NE 19 December 2025, 46/17 – 47/4

binding guidance, recommend that the earlier the accused indicates an intention to plead guilty, the greater the reduction in sentence ought to be: *Iswaran* at [135] to [136]. I find that Ms T and Ms M's pleas of guilt warrant a 30% reduction in sentence. I am satisfied that Ms T's plea indication was made promptly once she became aware of the applicable guidelines.[29]

Distinguishing the Precedents

34 Sentencing is inherently fact-specific, and while precedents may provide useful guidance, care must be taken not to be unthinkingly bound by sentences imposed in cases with facts that are not analogous. Individualised justice requires a nuanced consideration of the amalgam of factors engaged in each case so that each assessment of criminality rests on its own facts: *Dinesh Singh Bhatia s/o Amarjeet Singh v Public Prosecutor* [2025] SGHC 64 at [24]. Thus, in assessing the gravity of an offence, it is essential that the court carefully examine and assess the nature of the harm occasioned by the offender in order to gain a proper appreciation of the true severity of the offence: *Newton Christopher* at [54] and [55], referring to *Wong Tian Jun De Beers v Public Prosecutor* [2022] 4 SLR 805.

35 In this regard, and contrary to the Defence's submission,[30] I would observe that the gravity of an offence will not always be readily discerned from the maximum prescribed punishment alone, though this often provides a useful starting point. It would be overly simplistic to compare the seriousness of predicate offences *solely* by reference to their statutory sentencing ceilings. To do so risks reducing sentencing to a mechanical arithmetic exercise divorced from the reality of the offending.

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[29] NE 19 December 2025, 25/17-28

[30] M-MP at 12(d)

36 I illustrate this point by comparing two offences under the Penal Code. Theft in dwelling under s 380 is punishable with imprisonment of up to seven years. By contrast, aggravated outrage of modesty under s 354(2) is punishable with imprisonment of up to five years. At first blush, a comparison of the prescribed punishments alone might suggest that theft in dwelling is necessarily more serious than aggravated outrage of modesty. However, whether one offence is truly more serious than the other depends on a granular assessment of the underlying facts. For example, the theft of a low-value item can scarcely be regarded as comparable in gravity to the sexual assault of a minor. The point is this – sentencing must respond to the actual criminality disclosed by the facts and not merely be driven by statutory labels or sentencing ranges.

37 Returning to the present enquiry, the precedents cited involve vastly different predicate offences. One concerns the destruction of evidence to conceal acts of cheating, while the other involves the destruction of evidence to conceal acts of harassment on behalf of an unlicensed moneylender: *Public Prosecutor v Joshua Tan Jun Liang* [2023] SGDC 2 ("***Joshua Tan***") and *Public Prosecutor v Chng Min Sheng* [2024] SGDC 102 ("***Chng Min Sheng****")*, respectively. In contrast, the present case involves the destruction of evidence to suppress aggravated sexual offending against very young children.

38 The harm engendered by the predicate offence here – and, by extension, by the secondary offence of obstruction – is *qualitatively different*, and materially so. Put simply, the harm flowing from the concealment of lewd and grievous intrusions into the bodily autonomy of toddlers who lack any capacity to advocate for themselves, is wholly incommensurate with the harm arising from the concealment of illegal moneylending activities (*Chng Min Sheng*) or the violation of a pecuniary or property interest (*Joshua Tan*). The sentence imposed in this case, must reflect this. That said, I remain mindful that the full measure of harm in the present case was ultimately attenuated by the fortuitous

forensic recovery of the deleted footage. I have been careful to factor this into my calibration of the sentence.

The Sentences Imposed

39 In my judgment, an indicative sentence of six months' imprisonment for Ms T and five months' and two weeks' imprisonment for Ms M would have been appropriate had they claimed trial. I stress that a materially higher starting point would have been warranted had there been evidence that their actions permanently compromised police investigations into Teo's offending. After applying a reduction to reflect their pleas of guilt, I sentence Ms T to four months' imprisonment, and Ms M to three months' and two weeks' imprisonment.

40 The sentence affirms the sanctity of the administration of justice, reflects the exceptional gravity of the wrongdoing and marks the court's unequivocal denunciation of the offending. The welfare of children and the integrity of justice must never be placed in jeopardy nor made subordinate to self-interest or expediency.

Sharmila Sripathy-Shanaz
District Judge

Deputy Public Prosecutors Claire Poh and Quek Lu Yi for the Public Prosecutor;
Defence Counsel Low Chun Yee for the accused JEM
Defence Counsel Josephus Tan and Cory Wong Guo Yean for the accused JEN.