

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

District Arrest Case No 900347 2026

Public Prosecutor

Against

Tan Kai Yuan

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**BRIEF REASONS ON SENTENCE**

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29 January 2026

### **Introduction**

- 1        These are brief reasons for the sentence.
- 2        Both the Prosecution and Defence sought a fine. I did not agree.
- 3        As the custodial threshold was crossed, I sentenced him to 5 days' imprisonment and a driving disqualification for all classes of licences for 5 years.
- 4        I will issue full grounds in due course, should the need arise.

### **Charge**

- 5        The Accused, Mr Tan Kai Yuan, pleaded guilty to the following charge:

You,

NAME : TAN KAI YUAN

GENDER / AGE : MALE / 63 YEARS OLD

NATIONALITY : SINGAPOREAN

are charged that on 4 March 2025, at about 12.04 p.m., along Ayer Rajah Expressway towards the direction of Central Expressway, Singapore, did drive a motor vehicle bearing registration number SCK7219Y without reasonable consideration for other persons using the road, to wit, by slowing down your car abruptly, resulting in Mohamed Mafaaz s/o Abdul Munag, who was riding a motorcycle bearing registration number FY682D, failing to take aversive action in time, and grievous hurt was caused by such driving to the victim in the form of multiple right hand/wrist fractures, and you have thereby committed an offence under s 65(1)(b) punishable under s 65(3)(a) read with s 65(6)(d) of the same Act.<sup>1</sup>

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<sup>1</sup>        DAC 900347 2026.

**Prescribed Punishment**

6 The prescribed punishment for causing grievous hurt under s 65(1) punishable under s 65(3)(a) read with s 65(6)(d) of the Road Traffic Act 1961 (“the Act”) is:

(a) s 65(3)(a): a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both;

(b) s 65(6)(d): for an offender or a repeat offender in s 65(3)(a) or s 65(3)(b) – a driving disqualification for a period of not less than 5 years.

7 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]).

8 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 Sentencing Submissions**

9 The Prosecution sought a fine of \$3,000 to \$5,000 and the mandatory minimum driving disqualification for all classes of licences for 5 years.

**Defence's Sentencing Submissions**

10 The Defence sought a fine of not more than \$3,000 and not more than 5 years' driving disqualification.

**Harm and Culpability**

11 The applicable sentencing framework is *Chen Song v Public Prosecutor and other appeals* [2025] 3 SLR 509.

12 Harm. Harm is a measure of the injury caused to society by the commission of the offence: *Public Prosecutor v Koh Thiam Huat* [2017] 4 SLR 1099 at [41].

13 For the nature and location of injury, the victim suffered multiple right hand/ wrist fractures:

- (a) Closed right distal radius unicortal break within the context of AOA2 classification;
- (b) Closed right 4<sup>th</sup> metacarpal base fracture with no dislocation of the carpometacarpal joint;
- (c) Open right RF P1 (proximal phalanx of the ring finger) base transverse fracture that extends to ulnar base; and
- (d) Closed right LF P1 (proximal phalanx of the Lateral Falangeal) neck fracture with ulnar deviation.<sup>2</sup>

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<sup>2</sup> SOF at [11].

14 The victim underwent surgery<sup>3</sup> which involved right RF wound debridement under local anaesthesia, MNR of right LF P1 fracture, volar wrist slab and ulnar gutter intrinsic plus slab on 4 March 2025.

15 For the impact of injury:

(a) The victim was warded in hospital from 4 to 6 March 2025.<sup>4</sup>

(b) His hospitalisation leave was for 99 days.<sup>5</sup>

16 The victim has no permanent disability.<sup>6</sup>

17 His motorcycle's front headlamp portion was ripped off and cracked with scratches.<sup>7</sup> There were also scratches on the right side of his motorcycle.<sup>8</sup>

18 2 primary harm factors were engaged: (a) nature and location of injury and (b) impact of injury.

19 Nevertheless, I bore in mind that there may be cases where even if two or more primary harm factors apply, if they present themselves to a limited degree, the court may nevertheless consider that "lesser harm" had been caused based on a holistic assessment of the harm caused: *Chen Song* at [127].

20 On a holistic assessment, there was lesser harm.

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<sup>3</sup> SOF at [12].

<sup>4</sup> SOF at [10].

<sup>5</sup> SOF at [13].

<sup>6</sup> SOF at [12].

<sup>7</sup> SOF at [9].

<sup>8</sup> SOF at [5]-[6].

21 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: *Ye Lin Myint v Public Prosecutor* [2019] 5 SLR 1005 at [58] (see also Andrew Ashworth, *Sentencing and Criminal Justice* (6th Ed, 2015, Cambridge University Press) at [4.3] and [4.5]).

22 Culpability. Culpability is a measure of the degree of relative blameworthiness disclosed by an offender's actions and is measured chiefly in relation to the extent and manner of the offender's involvement in the criminal act: *Public Prosecutor v Aw Tai Hock* [2017] 5 SLR 1141 at [35] (see Andrew Ashworth, *Sentencing and Criminal Justice* (Cambridge University Press, 6th Ed, 2015) at [4.5]).

23 There were 2 culpability factors.

24 First, the Accused flouted traffic rules by changing lanes across chevron markings: *Chen Song* at [131(b)(iv)].

25 Second, there was a high degree of carelessness: *Chen Song* at [131(c)]. The Accused's actions — filtering sharply across the 3<sup>rd</sup> lane on an expressway (among other things, he allowed a car travelling in the 3<sup>rd</sup> lane to pass him before he filtered sharply across the 3<sup>rd</sup> lane)<sup>9</sup> — show a sustained period of inattention (i.e. not a momentary lapse of attention). He was deliberately cavalier about certain mitigatable risks. The victim stayed within his own lane.

26 The Accused's act of filtering sharply across the 3<sup>rd</sup> lane<sup>10</sup> on a high-

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<sup>9</sup> SOF at [5].

<sup>10</sup> SOF at [5].

speed expressway showed a failure to maintain proper lane discipline and situational awareness.

27 His actions are intentional violations of specific safety rules designed to prevent high-speed collisions. A driver who chooses to ignore expressway<sup>11</sup> restrictions demonstrate a cavalier disregard for the significant risk of a high-impact crash. The risks he took are clearly mitigatable by simply following standard traffic rules and exiting at the next available opportunity instead of forcing the manoeuver.

28 The foremost inquiry is to assess holistically whether the offender's culpability considered as a whole should be classified as either "lower culpability" or "higher culpability": *Chen Song* at [123]. On a holistic assessment, the present case involved lower culpability.

29 Given the lesser harm and lower culpability, the case fell within Band 1 of *Chen Song*.

30 The custodial threshold would typically be crossed where there are 2 or more offence-specific harm and/or culpability factors present: *Chen Song* at [137].

31 As there are 2 or more offence-specific factors in the present case, the custodial threshold was crossed. The indicative starting point was a custodial sentence of about 1 week. Taking into account the offender-specific aggravating and mitigating factors, the custodial sentence was calibrated downwards to 5 days' imprisonment.

32 Alvan Erh's case. *Erh Zhi Huang Alvan v Public Prosecutor* ("Erh")

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<sup>11</sup> SOF at [3] and [6].

(MA 9204 of 2022) was one of the cases heard in the *Chen Song* decision. The High Court allowed the appeal in *Erh* and substituted a sentence of 10 weeks' imprisonment with a fine of \$4,000. There was also the minimum 5-year driving disqualification.

33 The offender in *Alvan Erh* was driving his motor car along an expressway. Due to heavy traffic, the car travelling in front of Erh braked and came to a stop. Consequently, Erh abruptly switched lanes, failing to keep a proper lookout. This led to a collision between Erh's motor car and the victim who was travelling on his motorcycle: *Chen Song* at [163].

34 In relation to harm, the victim in *Erh* suffered from: (a) a traumatic amputation of the right little finger; and (b) a right-sided clavicle fracture. He was given hospitalisation leave of 58 days: *Chen Song* at [165].

35 It was undisputed that permanent injury was caused to the victim in *Erh*, although there was no evidence before the High Court that the victim would suffer from any permanent hand disability as a result and he was assessed to be likely to be able to return to work. Therefore, in the High Court's view, taking into consideration also the victim's right-sided clavicle fracture, the damage caused to his motorcycle and the potential harm arising from his abrupt lane-change on the expressway during peak hour, this would place the harm caused in the higher end of the "low" category. This was so bearing in mind that the range of injuries classified as grievous hurt is broad and are by their nature serious: *Chen Song* at [165].

36 Erh's culpability was *low*. His offending conduct was simply a manifestation of the basic elements of the careless driving offence: *Chen Song*



at [165] (see also *Adri Satryawan Pratama v Public Prosecutor* [2024] SGHC 258 at [14]).

37 Based on the High Court’s determination that the harm caused was at the higher end of low and Erh’s culpability was low, the indicative sentence ought to be a fine based on the *Sue Chang* framework: *Chen Song* at [167].

38 After taking into account that *Erh* pleaded guilty and readily co-operated with the authorities, the High Court allowed the appeal in MA 9204 of 2022 and substituted *Erh*’s sentence of 10 weeks’ imprisonment with a fine of \$4,000: *Chen Song* at [169].

39 I noted that in *Erh*’s case:

(a) There was no evidence before the High Court that the victim would suffer from any permanent hand disability as a result and he was assessed to be likely to be able to return to work: *Chen Song* at [165].

(b) *Erh*’s culpability was *low*. His offending conduct was simply a manifestation of the basic elements of the careless driving offence: *Chen Song* at [165].

40 While the victim in *Erh* suffered a permanent loss of his little finger, the High Court noted that there was no indication of any permanent disability that resulted from this injury and that he had in fact been medically assessed as being likely to be able to return to work. Apart from this, he also suffered a right-sided clavicle fracture, though it was not apparent that there was any surgical intervention required for this injury. While the victim in *Erh* was given 58 days of hospitalisation leave, this included only one day of hospitalisation, as he was

discharged the day after the accident occurred (*Public Prosecutor v Hee Kwee Choy* [2024] SGDC 230 at [56]).

41 For completeness, it may be argued that Erh's sentence was based on the framework in *Sue Chang* (instead of *Chen Song*): see *Chen Song* at [165] and [167]. However, as the High Court observed in *Chen Song* at [120], applying both frameworks would likely result in the same or similar outcomes. A similar observation was made by the High Court in *Adri Satryawan Pratama v Public Prosecutor* [2024] SGHC 258 at [3] and [15] and in *Loh Kaine Tong Nicholas v Public Prosecutor* (HC/MA 9037/2023/01).

42 In the present case:

(a) There were 2 culpability factors.

(i) The Accused flouted traffic rules by changing lanes across chevron markings.

(ii) There was a high degree of carelessness. The Accused's actions — filtering sharply across the 3<sup>rd</sup> lane on an expressway (among other things, he allowed a car travelling in the 3<sup>rd</sup> lane to pass him before he filtered sharply across the 3<sup>rd</sup> lane)<sup>12</sup> — show a sustained period of inattention (i.e. not a momentary lapse of attention). He was deliberately cavalier about certain mitigatable risks. The victim stayed within his own lane.

(b) The victim underwent surgery<sup>13</sup> which involved right RF wound debridement under local anaesthesia, MNR of right LF P1 fracture, volar

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<sup>12</sup> SOF at [5].

<sup>13</sup> SOF at [12].

wrist slab and ulnar gutter intrinsic plus slab on 4 March 2025. In *Erh*'s case, for the right-sided clavicle fracture, it was not apparent that there was any surgical intervention required for this injury.

(c) The victim was warded in hospital from 4 to 6 March 2025.<sup>14</sup> In *Erh*'s case, the victim was discharged the day after the accident.

(d) His hospitalisation leave was for 99 days.<sup>15</sup> This was longer than the 58 days of hospitalisation leave in *Erh*.

### **Mitigating Factors**

43 Given that his compounded offences took place before 1 November 2019,<sup>16</sup> I did not consider them relevant for sentencing purposes.

44 No weight was placed on his dated conviction for failing to give driver's particulars under s 81(1)(a) of the Act, as this took place in 1996, which was 3 decades ago.

45 In his personal mitigation letter, the Accused said that he is "willing to contribute to the community by participating in or supporting community service initiatives, including sharing awareness on road safety and responsible road use".

46 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].

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<sup>14</sup> SOF at [10].

<sup>15</sup> SOF at [13].

<sup>16</sup> Section 139AA of the Road Traffic Act.

47 The SAP Guidelines for Guilty Pleas applied: *Ng En You Jeremiah v Public Prosecutor* [2025] SGHC 135 at [110]-[111] and [115]-[117] (see also Edwin Lim Wei Keat, *A Critical Analysis of the Application of Guidelines on Reduction in Sentences for Guilty Pleas in Singapore*, SAcLJ (10 October 2025, e-First) at [37]-[43]).

48 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.

49 Accordingly, I gave the Accused the full 30% discount (Stage 1) for his early plea of guilt. The Defence Counsel, Mr Josephus Tan, had stated on the first mention that the Accused was ready to plead guilty that day.

50 All things considered, including the harm and culpability factors, the starting point for the sentence was about 1 week's imprisonment. After considering the mitigating factors and the PG discount, in the round, the sentence would be 5 days' imprisonment.

### **No Special Reasons**

51 In the present case, I agreed with both the Prosecution and Defence that a driving disqualification for 5 years (mandatory minimum) was appropriate.

52 When a defendant 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 a defendant 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, (32<sup>nd</sup> Ed, 2025, General Editor: Kevin McCormac) at [21-62])

53 There was no special reason to dispense with the driving disqualification, which was appropriate in the present case.

### **Sentence**

54 The sentence imposed is 5 days' imprisonment and a driving disqualification for all classes of licences for 5 years.

55 I am grateful to the Prosecution and Defence for their hard work and assistance.

Shawn Ho  
District Judge

Stephen Yeo (Attorney-General's Chambers) for the Prosecution;  
Josephus Tan and Cory Wong Guo Yean (Invictus Law Corporation) for the  
Defence.

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