

**Public Prosecutor**

**v**

**Goh You Sheng**

District Arrest Case No 912278 of 2022

District Judge James Elisha Lee

2 December 2025

**District Judge James Elisha Lee**

### **SENTENCING CONSIDERATIONS**

1 This is my decision on sentence with brief reasons, which I will supplement in the event full grounds are issued or necessary.

2 The accused Goh You Sheng (“the Accused”) has been convicted after trial on a charge under s 386 of the Penal Code 1871 (“Penal Code”). He has also pleaded guilty to 3 charges under s 420 of the Penal Code r/w s124(a) of the Criminal Procedure Code 2010 (“CPC”). Another 5 similar charges were taken into consideration (“TIC”) with the Accused’s consent.

#### **Prescribed penalty**

3 The prescribed punishment for the offence under section 386 of the Penal Code 1871 (“Penal Code”) is imprisonment for a term of not less than 2 years and not more than 10 years and with caning.

4 The prescribed punishment for the offence under section 420 of the Penal Code is imprisonment for a term which may extend to 10 years and shall also be liable to fine. S124(8)(a)(ii) of the CPC provides that where a charge is framed under s124(4), the court may sentence an accused to 2 times the amount of punishment to which that person would otherwise have been liable.

## **Prosecution's Address on Sentence**

5 The Prosecution has submitted for a sentence of between **8 to 9 years' imprisonment and 8 to 10 strokes of the cane** for the charge under s386 of the Penal Code. For the 3 charges under s 420 of the Penal Code, they have submitted for a sentence of between **5.5 and 7.5 months' imprisonment** after factoring in the sentencing discount under Stage 1 of the PG Guidelines.

6 They have further submitted for the sentence for 1 of the charges under s 420 to run consecutively with the sentence for the charge under s 386 for an aggregate sentence of **8 years and 5.5 months to 9 years and 7.5 months' imprisonment and 8 to 10 strokes of the cane**.

### ***S 386 of the Penal Code***

7 The Prosecution referred to the case of *PP v Muhammad Nazri Bin Sapar* [2023] SLR(StC) 460, sets out the approach to sentencing for the offence under s 386 of the Penal Code. The court in that case had held that the harm in connection with the extortionate conduct had the greatest influence on sentencing. There are 3 aspects to the harm, namely the nature of the harm threatened, the nature and value of the property extorted, and the level of fear and other harm suffered by the victim. A holistic assessment of the 3 types of harm would be required in determining the gravity of the extortionate conduct.

8 In terms of culpability, the relevant factors would be:

- a. The offender's purpose of making the threat;
- b. The way the offender conveys the threat;
- c. Whether the offence is premeditated and planned or is a part of an organised criminal activity;
- d. Whether a vulnerable victim has been targeted.

9 The court in *Muhammad Nazri* held that these culpability factors are secondary determinants with the primary focus on the harm caused by the extortionate conduct.

10 In *Muhammad Nazri* the offender had pleaded guilty to a charge under s 384 of the Penal Code for, inter alia, threatening to publish the victim's nude photographs on the internet and to show her sister her nude photographs to induce the victim to send the accused photographs of herself in underwear and of herself fellating a man. The offender was sentenced to 3 years and 6 months' imprisonment and 5 strokes of the cane. The court held that the harm involved was serious.

11 The Prosecution also referred to the following precedent case under s 384 of the Penal Code :

(a) *Sarjit Singh Rapati v PP* [2005] 1 SLR(R) 638 – the offender had, in furtherance of the common intention with the co-offender, had impersonated an immigration officer in order to inspect the work permit of one Faruq. When they discovered that Faruq was working illegally in breach of the conditions of his work permit, they had asked Faruq to follow them. Faruq subsequently called his cousin, the victim and told him that he had been arrested by “immigration officers” and that he would need to pay the “officers” \$500 or his work permit would be cancelled. The offender was convicted after trial on 1 charge under s384 r/w s34 of the Penal Code and was sentenced to 36 months' imprisonment and 6 strokes of the cane. In upholding the sentence on appeal, the High Court had noted that the offender had preyed on a foreigner, who was considered a vulnerable victim, and that the sentence was within the normal sentencing tariff for the offence of extortion;

(b) *Ng Chee Bing v PP* [2001] SGDC 266 – the offender had pleaded guilty to *inter alia* 2 charges under s 384 r/w s 34 of the Penal Code for threatening to beat the victim, a 13-year-old, if he did not allow the offender to take his belongings. The victim handed over his handphone and wallet with a combined value of more than \$300. The offender was sentenced to 3 years' imprisonment and 3 strokes of the cane.

12 Applying the sentencing approach in *Muhammad Nazri*, the Prosecution submitted that the level of harm was high in the present case in view of the following:

- a) the Accused had strangled the victim multiple times and threatened her with a knife;
- b) the high value of the property extorted;

c) the victim had suffered physical injuries and had experienced a high level of fear.

13 The level of culpability was also high in that the offence was premeditated – the Accused had donned an all-black attire and had brought along gloves to conceal his identity.

14 The Prosecution further highlighted the following aggravating factors:

- a) the duration of the ordeal and persistence of the Accused;
- b) the Accused's abuse of the trust the victim had reposed on him;
- c) the Accused had deceived the victim into believing that he had only transferred \$10,000 from her bank account, but had in fact transferred \$50,000;
- d) the Accused has a housebreaking charge under s 451 of the Penal Code TIC.

15 As the charge against the Accused is more serious, and the facts more egregious than the precedent cases cited, the Prosecution submitted that a higher sentence would be warranted.

***S 420 of the Penal Code r/w s 124(4) of the CPC***

16 The Prosecution referred to the sentencing approach in the case of *Prakash s/o Mathivanan v PP* [2025] SGHC 167 where the High Court has set out the sentencing approach for amalgamated charges under s 124(4) of the CPC:

- (a) First stage - identify the prescribed punishment for the base offence and consider the relevant sentencing frameworks and precedents;
- (b) Second stage – determine the appropriate starting point sentence based on a holistic assessment of the aggregate harm caused and overall culpability of the offender;
- (c) Third stage – consider the relevant offender-specific aggravating factors and mitigating factors before deciding whether any adjustment to the starting point would be required.

17 The Prosecution referred to the case of *PP v Husniyati Binte Omar* [2018] SGDC 255 where the court had provided guidance, based on the precedent cases cited, that where the benefit/loss is in the range of \$5,000 to \$10,000, the sentencing benchmark should be in the range of 2 to 6 months' imprisonment. The Prosecution submitted that the sentence should be

enhanced on account of the public interest in deterring rental scams. A starting point of 6 to 7 months per charge would be appropriate. A further uplift of 1 to 2 months' imprisonment would be warranted on account of the frequency of the occasions the Accused had cheated the victims. The Prosecution also proposed a further uplift of 1 to 2 months in view of the number of charges TIC. Taking into account the sentencing discount under Stage 1 of the PG Guidelines, the Prosecution submitted for a sentence of 5.5 to 7.5 months' imprisonment.

18 The Prosecution the submitted for the sentence for the s 386 charge to run consecutively with 1 of the sentences under s 420 on account that the offences arose out of separate transactions and involved different legal interests to be protected.

### **Mitigation and the Defence's Submissions on Sentence**

19 The Defence had submitted for a sentence of 4 years' imprisonment and 6 strokes of the cane for the charge under s 386 of the Penal Code and 2 months' imprisonment for each of the 3 charges under s 420 of the Penal Code r/w s 124(4) of the CPC. They have similarly submitted the sentence for 1 of the charges under s 420 run consecutively with the sentence for the charge under s 386, bringing the total sentence to 4 years and 2 months' imprisonment and 6 strokes of the cane.

20 With respect to the charge under s 386, the Defence pointed out that the Prosecution's sentencing position is similar to their position prior to the charge being amended from one under s 394 to the present charge under s 386 wherein the Prosecution had submitted for a sentence of between 7 years and 2 months and 9 years and 3 months' imprisonment and 12 strokes of the cane. This was when the Accused was prepared to plead guilty.

21 In support of their sentencing position then, the Prosecution had referred to the case of *PP v Salvi do Bhaskara Pillai* [2009] SGDC 205. In that case, the offender had, together with her co-offender, committed gruesome assault of the victim by slashing her multiple times, tying her up, covered her face with a plastic tablecloth, slammed her head with a bag, and left her bleeding without calling for help. They had also stolen jewellery from the victim. The victim sustained serious and permanent injuries. The offender was convicted after trial to a joint charge under s 394 and sentenced to 6 years' imprisonment while the co-offender was sentenced to 8 years' preventive detention.

22 The Defence submitted that the culpability of the offenders in Salvi's case was significantly greater than the present case. The offenders in that case were also prosecuted for the more serious offence of robbery with hurt. Yet the sentence the Prosecution has sought in the present case is higher than the sentence meted out in *Salvi's* case.

23 The Defence also referred to the case of *Chang Kar Meng v PP* [2017] SGCA 22 where the offender had attacked the victim from behind, hitting the back of her neck near the right shoulder several times with sufficient force to render her unconscious before proceeding to rape and rob her. The offender pleaded guilty inter alia to a charge under s 394 was sentenced to 5 years' imprisonment and 12 strokes of the cane. The Defence submitted that the Accused's culpability is much lesser in comparison.

24 The Defence also highlighted the following mitigating factors:

- a) the Accused had admitted to the harm caused to the victim and was remorseful. He had intended to plead guilty, even to the initial charge of Robbery with Hurt, but had to claim trial as he was unable to accept the Statement of Facts. Even after the charge had been reduced during trial, he had wanted to plead guilty, but after hearing the Prosecution's sentencing position, he elected to take the stand.
- b) The Accused did not downplay his role and had admitted to everything except that he had intended to extort money from the victim.
- c) A sum of \$47,000 had been recovered.

25 As for the s 420 charges, the Defence submitted that based on *Husniyati*, and given that the charges in the present case involved amounts of between \$1,600 to \$2,000, a sentence of 2 months' imprisonment would be appropriate.

## **Sentencing Considerations**

### ***Application of the Muhammad Nazri Sentencing Approach***

#### *Degree of harm serious*

26 I am of the view that the level of harm in the present case is serious. The Accused had strangled the Victim multiple times, resulting in her on some of the occasions, nearly passing

out. The Victim had also sustained injuries to her neck and vocal cord as a result. The total value of the property taken by the Accused, which was more than \$50,000, is substantial, although I note that a sum of \$47,000 had been recovered. The Victim had also been subjected to fear of grievous injury and death as a result of what she was put through by the Accused.

27 The Accused had also threatened to cause harm to the Victim's husband and had brandished a knife in doing so.

### *Culpability*

28 In terms of culpability, I reiterate my view that there was premeditation on the part of the Accused in his manner of dressing and the fact that he had brought along gloves and a knife, as well as the text messages he had sent her prior.

29 The Accused had also subjected the Victim to a 3-hour ordeal during which she had to suffer the indignity of defecating in her pants during one of the multiple acts of strangulation. Despite the distress the Victim was experiencing at the time, which would have been palpably obvious to the Accused, he persisted both in his presence and agenda. He had even brought her to the ATM, and when the Victim was unable to withdraw the amount he had requested for, he proceeded to transfer, without the Victim's knowledge and consent, a sum of \$50,000 from the Victim's bank account.

### *Offender-Specific Factors*

30 Although the Accused had claimed trial, this must be viewed in the context of the fact that the Prosecution had applied to amend the charge from one under s 394 initially for voluntarily causing hurt while committing robbery to a lower charge under s 386 for extortion by putting a person in fear of death or grievous hurt. I also note that the Accused was in fact, prepared to plead guilty even to the charge under s 394, but was unable to accept the statement of facts prepared by the Prosecution. This then led to him claiming trial.

31 I am therefore of the view that the Accused's act of claiming trial to the initial charge did not demonstrate any lack of remorse on his part. That said, he had maintained his position even after the charge had been reduced. I am, however, of the view that notwithstanding, there is a degree of remorse on the part of the Accused which can be gleaned from the manner in

which he had conducted his defence. He had readily admitted to the material facts and had only challenged the allegation of intention to extort money.

32 The Accused also has another charge under s 451 for housebreaking TIC.

33 I note further that the Accused is untraced.

### *Proportionality*

34 I agree with the Prosecution that the sentence in the present case ought to be higher than the sentences meted out in the precedent cases they have cited given that both the charge under which the Accused had been convicted and the facts in the present case are more serious.

35 That said, I agree with the Defence as well that in calibrating the appropriate sentence in the present case, consideration must be given to the sentences on the precedent cases under s 394. Based on the sentences meted out in *Salvi's* case and the case of *Chang Kar Meng*, which sentence in respect of the s 394 charge had been affirmed by the Court of Appeal (although the aggregate sentence had been reduced), I am of the view that the sentence proposed by the Prosecution in the present case is excessive.

36 In the circumstances, I am of the view that the appropriate sentence would be 5 years' imprisonment and 8 strokes of the cane.

### *Appropriate sentence for the S 420 charges*

37 I note that the Defence does not dispute the applicability of the guidance provided in the case of *Husniyati*. The amounts involved for the 3 proceeded charges ranged between \$1,600 and \$2,000. The amounts involved in the TIC charges are lower.

38 Based on the amounts involved for each charge, I am unable to agree with the starting point sentences the Prosecution had submitted, which is nearly 3 times of the benchmark sentencing range observed in *Husniyati*. Although the Prosecution has explained that it was to take into account the fact that the present case involved a rental scam, I am unable to see how the starting point proposed by the Prosecution is justified.



39 I am of the view that the appropriate approach would be to adopt a starting point based only on the quantum involved and thereafter apply the appropriate uplifts to address the aggravating factors, including the factor that the present case involved a rental scam. I agree that an uplift would be warranted as well to address the amalgamated nature of the charges and the TIC charges. I am, however, of the view that the uplifts proposed by the Prosecution are excessive..

40 Based on the amounts involved, I am of the view that the appropriate starting sentence per charge should be 2 month's imprisonment on a claim trial basis. I am of the view that a further uplift of 2 months' imprisonment would be appropriate in the circumstances.

41 As the Accused has pleaded guilty, the full sentencing discount under the PG Guidelines would be applicable.

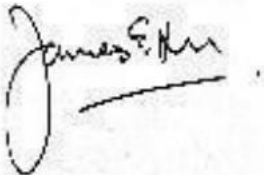
### **Sentence Imposed**

42 The sentences against the Accused, having considered all of the above, are therefore as follows:

DAC 912278-2022	5 years' imprisonment and 8 strokes of the cane
DAC 913808-2022	3 months' imprisonment
DAC 913808-2022	3 months' imprisonment
DAC 913808-2022	3 months' imprisonment

43 The sentences in DAC 912278-2022 and DAC 913808-2022 are to run consecutively.

44 The total sentence is therefore **5 years and 3 months' imprisonment and 8 strokes of the cane.**



James Elisha Lee  
District Judge

