

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGDC 211

District Arrest Case No 919908 of 2024 and 1 Other

Public Prosecutor

Against

Ong Beng Seng

JUDGMENT

[Criminal Law] — [Offences] — [Section 204A Penal Code 1871]

[Criminal Procedure and Sentencing] — [Sentencing] — [Judicial Mercy]

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Public Prosecutor

v

Ong Beng Seng

[2025] SGDC 211

District Arrest Case No 919908 of 2024 and 1 Other
District Judge Lee Lit Cheng
4, 15 August 2025

15 August 2025

Judgment reserved.

District Judge Lee Lit Cheng:

Introduction

1 A just and humane society is characterised by its ability to temper justice with mercy: deserved punishment must be balanced with principled leniency to achieve fairness that reflects our humanity.

2 This underpins the conceptual basis for the exercise of judicial mercy where an offender suffers from ill health. The High Court in *Chew Soo Chun v Public Prosecutor and another appeal* [2016] 2 SLR 78 (“*Chew Soo Chun*”) (at [21]-[22]) explained:

21 Judicial mercy tempers the imposition of a punishment in the light of the offender’s personal circumstances. It is borne out of a humanitarian concern, one which reacts to the suffering of the offender of “some grave misfortune which will be cruelly exacerbated by the infliction in full measure of his just deserts” ... In these exceptional circumstances, the court

ameliorates the harshness of the punishment as a reflection of how society will react in the face of the offender's plight and express its humanity ...

22 The conceptual basis for judicial mercy, which is humanity, should be emphasised. It explains the way the courts have in very serious situations, *ie*, where the medical condition of the offender is dire, found it just to alleviate the punishment that would otherwise have been warranted by the gravity of the offence committed ...”

3 The central question in this case is whether the exercise of judicial mercy is warranted due to the accused's ill health. Based on the clear and undisputed medical evidence before this court, the accused suffers from advanced multiple myeloma (an incurable cancer of plasma cells), and a sentence of imprisonment would carry a high and increased risk of endangering his life.

4 I therefore agree with the submissions by both the Prosecution and the Defence that the exercise of judicial mercy is warranted, and I impose the maximum fine of \$30,000 rather than a custodial sentence that the gravity of the offence would ordinarily demand.

Dramatis personae

5 The 79-year-old accused, Ong Beng Seng, is a successful and well-known businessman. At the time of the offences, he was the majority shareholder of Singapore GP Pte Ltd (“SGP”), the company responsible for organising and promoting the Singapore Formula 1 Grand Prix (“Singapore F1”) between 2008 and 2023.

6 The co-offender, S Iswaran, was Minister-in-charge of Trade Relations at the time of the offences. He was also the Minister responsible for overseeing the Singapore F1 and the Chairman of the F1 Steering Committee.

Charges

7 The accused pleaded guilty to a charge under s 204A(a) read with s 109 of the Penal Code 1871 (2020 Rev Ed) (“the Penal Code 1871”) for abetting Iswaran to commit an act which had a tendency to obstruct the course of justice (“the proceeded charge”). The offence is punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

8 One other charge under s 165 read with s 109 of the Penal Code 1871 was taken into consideration for the purpose of sentencing (“the TIC charge”).

Facts

The TIC charge: abetting Iswaran to obtain a valuable thing without consideration

9 In December 2022, the accused invited Iswaran and others to attend the 2022 FIFA World Cup matches in Doha, Qatar. The accused informed Iswaran that all expenses would be covered by him, and Iswaran accepted the invitation. On 10 December 2022, Iswaran travelled from Singapore to Doha on the accused’s private jet, a flight valued at about \$10,410.40. The accused also covered Iswaran’s accommodation in Doha, which cost \$4,737.63, and his return flight to Singapore on 11 December 2022, which cost \$5,700 (“the Doha-Singapore flight”).

10 In so doing, the accused had abetted Iswaran, a public servant, to obtain flights and accommodation for no consideration from him, being a person whom Iswaran knew was concerned in organising the Singapore F1, which had a connection with Iswaran’s official functions as Minister and Chairman of the F1 Steering Committee. This constituted the subject matter of the TIC charge under s 165 read with s 109 of the Penal Code 1871.

The proceeded charge: abetting Iswaran to commit an act knowing it was likely to obstruct course of justice

11 During an unrelated investigation on 17 May 2023, the Corrupt Practices Investigation Bureau (“CPIB”) seized the flight manifest of the flight from Singapore to Doha on the accused’s private jet which Iswaran took on 10 December 2022.

12 On 18 May 2023, the accused was informed that the CPIB had seized the flight manifest and questioned his associates about the trip to Doha. Thereafter, the accused informed Iswaran that the flight manifest had been seized by the CPIB in the course of its investigations into a separate matter.

13 The following day, Iswaran requested that the accused arrange for SGP to bill him for the expenses incurred during the Doha trip. The accused agreed and instructed SGP to proceed with billing Iswaran.

14 On 24 May 2023, SGP issued an invoice to Iswaran for the Doha-Singapore flight taken on 11 December 2022. Iswaran settled the payment the following day. This retrospective payment, made more than five months after the flight, had a tendency to obstruct the course of justice by reducing the likelihood of CPIB carrying out investigations against Iswaran regarding the Doha trip.

15 The accused knew that Iswaran’s *ex post facto* payment for the Doha-Singapore flight was likely to obstruct the course of justice. By facilitating the payment, he had abetted Iswaran to commit an act which had a tendency to obstruct the course of justice. This formed the basis of the proceeded charge under s 204A(a) read with s 109 of the Penal Code 1871.

Iswaran's conviction and sentence

16 Iswaran faced a total of 35 charges:

(a) 34 charges under s 165 of the Penal Code¹ for obtaining various valuable things without consideration from the accused and one other person, Lum Kok Seng, despite knowing that they were concerned in business transacted which had a connection with his official functions; and

(b) one charge under s 204A(a) of the Penal Code 1871 for doing an act which had a tendency to obstruct the course of justice, namely, making payment for the Doha-Singapore flight (“the related charge”).

17 On 24 September 2024, Iswaran pleaded guilty in the High Court to five charges: four charges under s 165 of the Penal Code and the related charge under s 204A(a) of the Penal Code 1871. He received an aggregate sentence of one year's imprisonment.

18 For the related charge under s 204A(a) of the Penal Code 1871, which corresponds to the proceeded charge against the accused, Iswaran was sentenced to four months' imprisonment.

19 For the charge under s 165 of the Penal Code 1871, which corresponds to the TIC charge against the accused, Iswaran was sentenced to three months and three weeks' imprisonment.

¹ Offences committed before 31 December 2021 were under the Penal Code (Cap 224, 2008 Rev Ed), and offences committed on or after that date were under the Penal Code 1871 (2020 Rev Ed).

The parties' positions on sentence

The Prosecution's position

20 The Prosecution submits that a custodial sentence of eight weeks' imprisonment would ordinarily be warranted for the proceeded charge against the accused. The High Court in *Public Prosecutor v S Iswaran* [2025] 3 SLR 403 ("*S Iswaran*") (at [123]) assessed that the appropriate starting point for Iswaran's related charge was 18 weeks' imprisonment. The Prosecution submits that the accused's culpability is significantly lower than that of Iswaran, who was a sitting Minister and who made the request to make belated payment for the Doha-Singapore flight. Consequently, a lower starting sentence of 12 weeks' imprisonment would be appropriate for the accused. Applying the Sentencing Advisory Panel's Guidelines on Reduction in Sentences for Guilty Pleas ("the SAP Guidelines"), a 30% reduction in sentence applies for the accused's early plea of guilt, resulting in a sentence of eight weeks' imprisonment.

21 However, given the severity and complexity of the accused's incurable multiple myeloma, the Prosecution accepts that imprisonment would pose an increased risk of endangering his life. Therefore, the Prosecution submits that the exercise of judicial mercy is warranted in this case and does not object to the imposition of the maximum fine of \$30,000 instead of imprisonment.

22 The Prosecution submits that even if the court finds judicial mercy unwarranted, the accused's medical conditions may still be considered as a mitigating factor justifying a substantial reduction in sentence.

The Defence's position

23 The Defence tendered numerous medical reports detailing the accused's medical conditions, including reports by the following doctors:

(a) Professor Chng Wee Joo (“Professor Chng”), Senior Consultant at the Department of Haematology-Oncology of the National University Cancer Institute, Singapore (“NCIS”), which is a cancer specialty centre under the National University Health System; and the Yoo Loo Lin Professor of Medical Oncology at the National University of Singapore. Professor Chng’s expertise is in the treatment of multiple myeloma and is ranked as the top Asian expert for myeloma in Asia. Professor Chng has been treating the accused for multiple myeloma since he was first diagnosed in 2020.

(b) Professor John E L Wong (“Professor Wong”), Senior Consultant at the Department of Haematology-Oncology of NCIS; and the Isabel Chan Professor in Medical Sciences at the National University of Singapore. Professor Wong first diagnosed the accused with multiple myeloma in August 2020 and have been coordinating his overall medical care, especially within Singapore.

(c) Professor Paul G Richardson (“Professor Richardson”), Clinical Program Leader and Director of Clinical Research at the Jerome Lipper Multiple Myeloma Center; and the RJ Corman Professor of Medicine at Harvard Medical School. The accused was first referred to Professor Richardson in November 2021. Professor Richardson regularly reviews the accused both in person and via telemedicine, and he works closely with the accused’s doctors in NCIS.

(d) Dr Kum Wei Cheong, Steven (“Dr Kum”), Consultant Surgeon and Medical Director of Novena Vascular and Varicose Vein Centre. The accused first consulted the Principal Podiatrist at Novena Vascular and Varicose Vein Centre from October 2024 to February 2025 for pain in his foot and a non-healing wound over his right second toe. He consulted Dr Kum in March 2025 for the non-healing wound as well as bilateral overriding toes.

Judicial mercy should be exercised

24 The Defence submits that the exercise of judicial mercy is warranted in the present case on account of the accused’s multiple myeloma for the following reasons:

- (a) Multiple myeloma is an incurable cancer with infection being the leading cause of death in this disease.
- (b) Professor Richardson who has a global perspective as one of the leading experts on multiple myeloma has stated that the accused “represents one of the most complex and high-risk cases” of multiple myeloma.²
- (c) The accused is immunocompromised and faces an extraordinarily high risk of contracting severe infections which could be fatal to him, especially given that his condition represents one of the most complex and high-risk cases of multiple myeloma. Professor Chng and Professor Wong both stated that the accused is particularly

² Medical Report of Professor Richardson dated 29 November 2024 (“Professor Richardson’s First Report”), Defence Bundle of Documents (“DBOD”) Tab 36, p 177.

susceptible to life-threatening infections.³ Professor Richardson also stated that as result of his cancer drug regimen, the accused is “immunocompromised, increasing the likelihood that a simple infection could progress to sepsis (*ie*, a life-threatening condition that occurs when the body’s response to infection causes widespread inflammation, leading to tissue damage, organ failure, and potentially death) without significant warning”.⁴

(d) The accused’s risk of infection is exacerbated by multiple medical conditions that are presently affecting his feet, including a non-healing wound.⁵

(e) The accused’s multiple myeloma has compromised his skeletal system. The cancer has hollowed out the bone material in the accused’s spine resulting in significant portions of the spine being empty holes.⁶

(f) The accused is at a high risk of falls or injury that could result in catastrophic consequences such as paralysis and permanent disability due to the fact that the accused’s skeletal system is severely compromised as a result of his multiple myeloma.⁷ Professor Chng also

³ Medical Report of Professor Chng dated 21 March 2025 (“Professor Chng’s Second Report”) at [6(a)], DBOD Tab 43, p 224; and Medical Report of Professor Wong dated 16 January 2025 (“Professor Wong’s Report”), DBOD Tab 38, p 188.

⁴ Medical Report of Professor Richardson dated 5 June 2025 (“Professor Richardson’s Second Report”) at [6(b)(ii)], DBOD Tab 46, p 238.

⁵ Medical Report of Dr Kum dated 2 April 2025 (“Dr Kum’s Report”), DBOD Tab 44, p 227.

⁶ Medical Report of Professor Chng dated 25 November 2025 (“Professor Chng’s First Report”) at [1], DBOD Tab 35, p 165.

⁷ Professor Richardson’s First Report, DBOD Tab 36, p 178.

explained that the treatment for multiple myeloma predisposes a patient to bruising and bleeding especially from falls or trauma.⁸

(g) The accused now experiences marked imbalance and loss of proprioception, placing him at significantly elevated risk for falls and injury. Professor Richardson opined that the accused’s “safety depends on maintaining a quiet, structured environment and consistent support” and without “such control, he becomes vulnerable to a fall or mental misjudgement that may be a life-threatening injury”.⁹

(h) The accused suffers from disabling neuromuscular episodes that render his hands and legs functionally paralyzed, thereby amplifying his already high fall risk.¹⁰ His fall risk will dramatically increase in a prison setting.

(i) As result of his cancer medication, the accused suffers from intractable and relentless diarrhoea, which places him at immediate risk for hypovolemia, hypotension, and possibly acute kidney injury. The accused is wholly dependent on medication to control this condition, which even if skipped once risks “dehydration severe enough to lead to hospitalization or trigger another syncopal collapse”. Professor Richardson described this dependence as a “daily, life-threatening liability that requires rigid discipline and unbroken attention to timing and intake”.¹¹

⁸ Professor Chng’s First Report at [9], DBOD Tab 35, p 167.

⁹ Professor Richardson’s Second Report at [6(f)(ii)], DBOD Tab 46, p 240.

¹⁰ *Ibid*, at [6(c)(i)].

¹¹ *Ibid*, at [6(c)(ii)].

25 The Defence submits that the accused’s life would be endangered in prison by the severe risks of life-threatening infections and falls. The accused is presently living within a “narrow physiologic margin”¹² and any deviation may result in “catastrophic”, even “fatal”, outcomes.¹³

26 The accused has been able to survive thus far due to his specialist medical team, led by Professor Chng and Professor Wong in NCIS, as well as Professor Richardson, who have the experience of looking after him for the past four to five years, closely monitoring him and keeping him within this very narrow survival margin. The accused has immediate and constant access to this specialist team, and they can quickly analyse any medical episodes in light of their deep knowledge of the accused’s conditions and medical history. This is a comprehensive range of world-class medical expertise which has been educated over four to five years and primed to monitor the accused and intervene swiftly when needed.

27 The accused needs this extraordinary level of care because of his severe ill health caused by one of the most complex and high-risk cases of multiple myeloma. This level of care is higher than the standard level of care available in public healthcare institutions in Singapore, which the Singapore Prison Service can provide through close coordination with the institutions. That is precisely why the accused has gone beyond that and has had to curate for himself this unique and world-class medical care that keeps him within the very narrow survival margin. Professor Chng has stated that it is “absolutely imperative” that the accused continues to receive the same standard of care and access to his specialist medical team or “it could undo all the intense work that

¹² Professor Richardson’s Second Report at [3], DBOD Tab 46, p 231.

¹³ *Ibid*, at [6].

the specialist medical team has put in over the last 4 to 5 years to stabilise [the accused's] cancer. Given [the accused's] advanced age, this could be debilitating and even life-threatening for him.”¹⁴

28 Given the clear medical evidence that the accused suffers from an incurable disease and a sentence of imprisonment would carry a high risk of endangering his life, the Defence urges this court to exercise judicial mercy and impose a fine.

A fine is appropriate even if judicial mercy is not exercised

29 In the alternative, the Defence argues that a fine should be imposed on account of the offence-specific and offender-specific factors in this case, even if the court is not minded to exercise judicial mercy.

30 The Defence submits that a substantially lower starting sentence of nine weeks' imprisonment is appropriate compared to starting sentence of 18 weeks' imprisonment for Iswaran's related charge. This is because none of the aggravating factors cited by the High Court in *S Iswaran* (at [122]) in arriving at the starting sentence of 18 weeks apply to the accused, namely:

- (a) It was Iswaran who requested the accused to have SGP bill him for the expenses associated with the Doha trip.
- (b) Iswaran had acted with deliberation and premeditation.
- (c) Iswaran's actions stemmed from his personal perceived interest of avoiding CPIB's investigations into gifts received by him.

¹⁴ Professor Chng's Second Report at [7], DBOD Tab 43, p 225.

(d) Iswaran was a Minister.

31 Based on a starting sentence of nine weeks' imprisonment, the Defence submits that the accused should be given the full one-third discount as he had indicated his intention to plead guilty during Stage 1 of the SAP Guidelines. This brings the sentence down to six weeks' imprisonment.

32 Next, the Defence submits that the accused's ill-health should be considered a mitigating factor, as a term of incarceration would have a greater and disproportionate impact on him, given his severe medical conditions and advanced age of 79 years. The Defence further submits that the accused is a first offender who has cooperated with the authorities in the investigations. Furthermore, the Defence highlights the accused's exemplary character and outstanding contributions to Singapore to demonstrate that his actions relating to the proceeded charge are completely out of character. Accordingly, the Defence contends that significant weight should be accorded to these mitigating factors. In light of the various mitigating factors, the Defence submits that the appropriate sentence should be reduced from six weeks' imprisonment to a fine.

33 The Defence also submits that no uplift in the sentence is warranted on account of the TIC charge because the accused's culpability is extremely low and the charge concerns entirely separate conduct from the proceeded charge.

Decision on sentence

A custodial sentence is warranted in the absence of ill health

34 Both parties agreed that the accused's criminal conduct would warrant a custodial sentence but for his ill health.

35 I begin by considering the offence-specific factors.

The starting sentence based on offence-specific factors

36 Having regard to the High Court’s starting sentence of 18 weeks’ imprisonment for Iswaran’s related charge (see *S Iswaran* at [123]), I find that a starting sentence of 15 weeks’ imprisonment is appropriate in this case given the accused’s lower culpability, as Iswaran was the one who requested the accused to bill him for the Doha trip.

37 Next, I consider the offender-specific factors.

Exemplary character and contributions to Singapore

38 As regards the accused’s exemplary character and contributions to Singapore, the High Court in *Stansilas Fabian Kester v Public Prosecutor* [2017] 5 SLR 755 (at [94]) established that it is necessary to justify the mitigating value of public service and contributions by reference to the four established principles of sentencing, namely, retribution, prevention, deterrence (both specific and general), and rehabilitation. Chief Justice Sundaresh Menon explained (at [92]) why this must be so:

... It is emphatically not the role of the sentencing court to adjudicate or pass judgments on moral worth, nor is the court well-equipped to do so. While it is true that the court’s assessment of culpability involves an examination of the moral blameworthiness of the offender ... this is not a broad inquiry into the way the offender has lived his life and the good or bad deeds that have marked his years. The inquiry has a far narrower scope than this; it concerns only the blameworthiness of the offender in the commission of the offence of which he has been convicted ... In addition, there are serious issues of fairness with taking such matters into account ... acts of social contribution not only have an adventitious element in that such opportunities may arise only by chance, such opportunities are also not equal across social strata. In other words, those with resources to make such contributions tend to be better placed and more likely to avail themselves of such an argument, as compared to less privileged offenders ...

39 I find that the accused's exemplary character and contributions to Singapore, however significant, are at best a neutral factor in sentencing in this case. They may indicate that he is unlikely to re-offend, thus negating the need to impose a higher sentence to address specific deterrence. However, they are not in any way mitigating and provide no basis for any reduction in sentence.

Plea of guilt and TIC charge

40 Next, for the accused's early plea of guilt, I apply a 30% reduction as recommended by the SAP Guidelines.

41 As for the TIC charge, an uplift in sentence is warranted to account for the fact that the accused had committed an additional offence.

42 After the adjustments for his plea of guilt and the TIC charge, the appropriate sentence would be three months' imprisonment, absent the accused's medical condition.

43 This court must now determine how the accused's medical condition affects the appropriate sentence to be imposed.

The law on ill health and judicial mercy

44 The decision of the three-judge *coram* of the High Court in *Chew Soo Chun* is the *locus classicus* on the relevance of ill health in sentencing and the doctrine of judicial mercy. The High Court states (at [38]):

In summary, ill health is relevant to sentencing in two ways. First, it is a ground for the exercise of judicial mercy. Judicial mercy is an exceptional recourse available for truly exceptional cases and which will likely result in an exceptional sentence. Where mercy is exercised, the court is compelled by humanitarian considerations arising from the exceptional circumstances to order the minimum imprisonment term or a

non-custodial sentence where appropriate. Secondly, it exists as a mitigating factor. The cases where ill health will be regarded as a mitigating factor include those which do not fall within the realm of the exceptional but involve markedly disproportionate impact of an imprisonment term on an offender by reason of his ill health. The court takes into account the fact that ill health may render an imprisonment term that will not otherwise be crushing to one offender but may be so to another, and attenuates the sentence accordingly for the latter offender so that it will not be disproportionate to his culpability and physical condition.

45 In *Chew Soo Chun* (at [22]), the High Court considered when judicial mercy ought to be exercised:

... As was noted in *Lim Kay Han Irene v PP* [2010] 3 SLR 340 at [46], judicial mercy had been exercised in these two situations. First, where the offender was suffering from terminal illness. Second, where the offender was so ill that a sentence of imprisonment would carry a high risk of endangering his life. There may be other situations arising in the future which also call for the exercise of mercy, but we need not and should not pronounce on them at this stage. Suffice it to say, it would not be right to anticipate or circumscribe the circumstances which would justify the exercise of mercy by the court. Given the wide and varied nature of human conditions, it is not possible to exhaustively state what are the exceptional circumstances or fully explain every circumstance which would qualify as exceptional. Each case stands on its own facts and has to be guided ultimately by the general principle that mercy is extended as a matter of humanity.

46 It is insufficient for an offender to merely show that he is ill. As the High Court in *Chew Soo Chun* explained at [39], where adverse health consequences would occur regardless of incarceration, or where the risk of them transpiring is not significantly enhanced by imprisonment, then the offender's health conditions are "a neutral factor as imprisonment would make no difference to the offender's state of health or the suffering he will sustain in prison".

47 In assessing whether judicial mercy ought to be exercised in this case, the pertinent issue to be determined is twofold: whether imprisonment would

carry a high risk of endangering the accused's life, and whether the risk would be significantly enhanced in prison.

48 I accord primary weight to the expert opinions of Professor Chng and Professor Wong of NCIS, who have been the lead physicians treating the accused since his multiple myeloma diagnosis in 2020. Their opinions are also consistent with the opinion rendered by Professor Richardson.

Imprisonment would carry a high risk of endangering the accused's life

49 The undisputed medical evidence shows that a sentence of imprisonment would carry a high risk of endangering the accused's life given his serious medical conditions.

The accused suffers from multiple myeloma, an incurable cancer

50 First, the accused suffers from multiple myeloma which is incurable. It is a malignant and life-threatening cancer of plasma cells, which are a type of white blood cell crucial to the human body's immune response. Infections are the leading cause of death among patients with this disease.¹⁵ Professor Richardson described the accused's condition as "one of the most complex and high-risk cases" of multiple myeloma.¹⁶

51 Multiple myeloma also destroys the skeletal system of a patient. The malignant plasma cells secrete substances that stimulate osteoclasts (bone-destroying cells) while suppressing osteoblasts (bone-forming cells). This

¹⁵ Professor Richardson's First Report, DBOD Tab 36, p 175.

¹⁶ *Ibid*, at p 177.

results in extensive bone destruction, characterised by lytic lesions, fractures and debilitating bone pain.¹⁷

52 The accused's diagnosis in August 2020 emerged precisely from such skeletal complications. He initially presented with severe back pain, which investigations revealed to be caused by a vertebral collapse of T4, with at least 50-70% loss of bone height with wedge compression of T4 vertebra. He also had extensive lytic lesions (holes in the bone caused by destruction of bone tissue) in his vertebral spine which necessitated surgical implants of rods and screws to stabilise the thoracic spine from T1 to T7.¹⁸

The accused is very vulnerable to infections

53 Second, due to the accused's advanced multiple myeloma and the side-effects of his treatment regimen, the accused is immunosuppressed and very vulnerable to infections. He is not only more susceptible to infections than a normal person, but he is also more prone to unusual and severe infections which could be fatal to him.¹⁹

54 Professor Wong has stated in his report that infections, if undiagnosed or diagnosed late, would have a significant chance of complications given the accused's immunocompromised state. For instance, Professor Wong recorded an episode of significant hypotension in November 2024 when the accused's blood pressure dropped to 60/40 mmHg when he was infected with influenza A.²⁰

¹⁷ Professor Richardson's First Report, DBOD Tab 36, p 176.

¹⁸ Professor Chng's First Report, DBOD Tab 35, p 165.

¹⁹ *Ibid*, at p 167; Professor Richardson's First Report, DBOD Tab 36, p 176.

²⁰ Professor Wong's Report, DBOD Tab 38, p 189.

55 The accused’s risk of infection is exacerbated by a non-healing wound on his right foot. The accused is at risk of developing infection of the wound and gangrene due to his Peripheral Vascular Disease with the non-healing wound.²¹

56 In addition, the presence of permanent foreign bodies, namely, the rods and screws implanted to stabilise the accused’s spine, pose a significant and ongoing infection risk particularly given his immunosuppressed state. Should the accused be exposed to a pathogen, “the implanted material may function as a nidus (a focal point or site where bacteria can anchor and begin to grow) for hematogenous bacterial seeding, enabling biofilm formation and deep-seated infection”.²²

The accused is susceptible to falls

57 Third, in addition to risk of infections, the accused is susceptible to falls due to the extensive damage to his skeletal system caused by multiple myeloma. Any trauma or physical injury, whether arising from a fall or otherwise, could result in catastrophic consequences, including paralysis or permanent disability due to spinal cord compression, sustained bleeding (due to the cancer drugs which the accused is required to take), and even death.²³

58 The accused also experiences marked imbalance and loss of proprioception (the body’s ability to sense its position, movement and balance even without visual input) consistent with peripheral neuropathy (damage or

²¹ Dr Kum’s Report at [5], DBOD Tab 44, p 227.

²² Professor Richardson’s Second Report at [6(a)], DBOD Tab 46, p 236.

²³ Professor Chng’s Second Report at [6(b)], DBOD Tab 43, p 224; and Professor Richardson’s First Report, DBOD Tab 36, p 178.

dysfunction of the peripheral nerves) induced by chemotherapy. The accused's ability to walk, stand or reorient without assistance is compromised, placing him at significantly elevated risk of falls and injury. His cognitive function is also notably impaired, and he exhibits episodes of confusion, delayed processing and mental fatigue. Professor Richardson has stated that the "combination of physical instability and cognitive blunting leaves him unfit for unsupervised or high-stress situations, where even minor disorientation or environmental triggers may result in missteps, poor judgment, or collapse".²⁴

59 The accused's fall risk is also amplified by unexpected "disabling neuromuscular episodes that include sudden cramps in the lower extremities that render his legs and hands functionally paralyzed, often leaving him bedridden and immobile". These episodes cannot be predicted, and the accused could suddenly lose control over his body and collapse.²⁵

Imprisonment would significantly enhance the risk of endangering the accused's life

60 I have explained how the accused's severe illness and fragile condition render him particularly susceptible to infections and falls, either of which could prove fatal. These risks would be significantly enhanced in prison, even if he were to be housed in a medical ward, for the following reasons:

- (a) The risk of infections would increase significantly due to unavoidable interactions with rotating shifts of prison officers and medical staff, thereby expanding his exposure to potential pathogens.

²⁴ Professor Richardson's Second Report at [6(f)], DBOD Tab 46, p 240.

²⁵ *Ibid*, at [6(c)(i)], DBOD Tab 46, p 238.

(b) The risk of falls would likewise be significantly heightened, as the accused would face disorientation in an unfamiliar environment and different routines, without the assistance of his usual caregivers who understand his specific needs.

61 While the Singapore Prison Service has an adequate healthcare system to manage inmates with complex and serious medical conditions through close coordination with public healthcare institutions (including NCIS), this does not address the enhanced risks of potentially fatal infections and falls. Even assuming seamless coordination between the prison authorities and NCIS, post-incident medical attention from his usual doctors at NCIS cannot guarantee the accused's survival given his fragile condition arising from both his disease and advanced age.

The accused's overseas trips

62 I have considered the two overseas trips that the accused had undertaken in the past year (31 October to 9 November 2024; and 28 April to 15 May 2025) and am satisfied that they do not detract from the severity of his medical condition and the significantly enhanced risk of endangering his life in prison.

63 Both journeys were carefully managed to minimise health risks through private aviation, which significantly reduced exposure to infections compared to commercial travel. The accused travelled on his private aircraft accompanied by a familiar crew and his regular caregivers who understand his medical regime and needs. This allowed him to maintain his established routines and support systems. Throughout the travels, the accused continued to have direct access to Professor Wong and Professor Chng of NCIS, as well as Professor Richardson for medical supervision.

64 The accused's second journey to consult Professor Richardson in the United States further demonstrates his medical fragility. His inability to endure a direct flight necessitated multiple stops along the route. This serves to underscore, rather than diminish, the gravity of his condition.

65 One may consider it unfair that an offender who can afford a higher standard of healthcare is better positioned to avoid imprisonment than a less privileged offender. This view is misguided and misconstrues the court's focus. The critical question is not whether an offender may receive a lower standard of healthcare in prison, but whether imprisonment would create heightened risks to the offender's life. If a lower standard of healthcare in prison would not significantly increase the risk to the offender's life, there is no basis for exercising judicial mercy. The court's focus is instead on comparing the risk an offender currently faces with the risk he would face in prison. Where evidence clearly establishes that imprisonment would pose a significant increase in risk to the offender's life, the exercise of judicial mercy would be warranted.

66 I am satisfied that the circumstances in this case are exceptional and meet the high threshold for the grant of judicial mercy.

Balancing humanitarian considerations with other public interests

67 Even where there are exceptional circumstances that meet the threshold for exercising judicial mercy, the court must ultimately consider whether the humanitarian considerations supporting the exercise of judicial mercy ought to outweigh the public interests in punishing crimes. The High Court in *Chew Soo Chun* (at [25]) explained:

In the final analysis, the grant of judicial mercy is always a question of weighing the relative interests concerned – the public interests in punishing crimes in order to denounce it and to benefit and safeguard society, and the interests against

punishment that would unduly place gravely ill offenders at risk. This requires the court to undertake a holistic review of the circumstances before making its finding of whether humanitarian considerations supporting the exercise of judicial mercy should ultimately, if they exist, prevail over other interests of society.

68 The offences committed by the accused in this case are undoubtedly serious. The proceeded charge involves conduct likely to obstruct the course of justice. The gravamen of the offence relating to the TIC charge is, as noted in *S Iswaran* at [75], “the damage to the trust in and integrity of public institutions stemming from the perception that patronage of public servants may be cultivated by offers of valuable items from interested persons”.

69 While the offences warrant condemnation, CPIB was ultimately not impeded in the investigations, as evidenced by the successful prosecution of both Iswaran and the accused. Moreover, while the accused did accommodate Iswaran’s request for belated payment of the cost of the Doha-Singapore flight, he had directed that proper documentation be maintained with no attempt to conceal the five-month delay between the trip and the payment made by Iswaran in May 2023.

70 On balance, I find that the humanitarian considerations supporting the exercise of judicial mercy ought to prevail in this case. The medical evidence unequivocally shows that a custodial sentence would place the accused’s life at substantial risk through increased exposure to potentially fatal infections and falls.

Conclusion

71 Applying the established legal principles on judicial mercy, a non-custodial sentence should be imposed due to humanitarian considerations. I

therefore order the accused to pay a fine of \$30,000, which is the maximum fine that a District Court may impose pursuant to s 303(2)(b) of the Criminal Procedure Code 2010 (2020 Rev Ed).

Lee Lit Cheng
District Judge

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(Attorney-General's Chambers) for the Public Prosecutor;
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Journe Fu (Drew & Napier LLC) and
Jason Chan SC, Lee Bik Wei and Cheryl Chong
(Allen & Gledhill LLP) for the Accused.
