

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 319

District Arrest Case No. 907030/2024 and others

Magistrate's Appeals No. 9207/2026/01

Public Prosecutor

And

Jayaraman s/o Ramasamy

GROUND OF DECISION

[Criminal Procedure and Sentencing] – [Sentencing]

- Sections 5(1)(a) and 33(1) of the Misuse of Drugs Act 1973 and Second Schedule to the MDA.
- Sections 8(a) and 33(1) of the Misuse of Drugs Act 1973 and Second Schedule to the MDA.
- Section 8(b)(ii) and 33(4AA) of the Misuse of Drugs Act 1973.

[Criminal Procedure and Sentencing] – [Sentencing]

- Consecutive sentences under section 307(1) of the Criminal Procedure Code 2010.

TABLE OF CONTENTS

INTRODUCTION.....	1
CHARGES AND SENTENCES IMPOSED BY THE COURT	1
CHARGES TAKEN INTO CONSIDERATION	3
NOTICE OF APPEAL	4
MATERIAL FACTS	4
ADMISSION TO THE DRUG REHABILITATION CENTRE	4
FACTS PERTAINING TO DAC-919485-2024 (DRUG CONSUMPTION OFFENCE)	4
FACTS PERTAINING TO DAC-907030-2024 (DRUG TRAFFICKING OFFENCE)	5
FACTS PERTAINING TO DAC-919484-2024 (DRUG POSSESSION OFFENCE)	6
ANOTHER MATERIAL FACT.....	7
THE ACCUSED’S ANTECEDENT	7
SUMMARY OF THE PROSECUTION’S AND DEFENCE’S RESPECTIVE POSITIONS ON SENTENCE.....	8
THE PROSECUTION’S ADDRESS ON SENTENCE	9
DAC-919485-2024 (DRUG CONSUMPTION OFFENCE).....	9
PROSECUTION’S POSITION ON CONSECUTIVE AND CONCURRENT SENTENCING.....	10
MITIGATION PLEA	11
BACKGROUND OF THE ACCUSED.....	11
APPLICABLE SENTENCING DISCOUNT FOR THE DRUG POSSESSION AND DRUG CONSUMPTION CHARGES	12
DAC-919485-2024 (DRUG CONSUMPTION OFFENCE).....	13

DEFENCE’S POSITION ON CONSECUTIVE AND CONCURRENT SENTENCING.....	14
COURT’S DECISION AND THE SENTENCES IMPOSED	15
DAC-907030-2024 (DRUG TRAFFICKING OFFENCE).....	16
DAC-919484-2024 (DRUG POSSESSION OFFENCE)	16
<i>The applicable sentencing discount</i>	<i>17</i>
DAC-919485-2024 (DRUG CONSUMPTION OFFENCE).....	19
CONSECUTIVE AND CONCURRENT SENTENCING	20
REVIEW OF THE AGGREGATE SENTENCE.....	21
BACKDATING OF THE SENTENCE	23

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

Public Prosecutor
v
Jayaraman s/o Ramasamy

[2026] SGDC 319

District Arrest Case No. 907030/2024 and others

Magistrate's Appeal No. 9207/2026/01

District Judge Ng Cheng Thiam

28 August 2026

2 October 2026

District Judge Ng Cheng Thiam:

Introduction

1 On 28 August 2026, the Accused, 41 years old, pleaded guilty to three charges and was sentenced to an aggregate sentence of eight years' imprisonment and five strokes of caning.

Charges and sentences imposed by the Court

2 The proceeded charges, the individual sentences and the aggregate sentence are set out in Table A below:

Table A

No.	Charge Number (Date of Offence)	Offence Description Statutory Provision(s)	Sentence
1	<u>1st charge</u> DAC-907030-2024 (14 April 2024)	Trafficking in a controlled drug (not less than 2.86 grams of methamphetamine). Section 5(1)(a) of the Misuse of Drugs Act (“the MDA”) punishable under s 33(1) of the MDA read with the Second Schedule.	Eight years’ imprisonment. (Consecutive) Five strokes of caning.
2	<u>2nd charge</u> DAC-919484-2024 (16 April 2024)	Possession of a controlled drug (not less than 26.71 grams of cannabis). Section 8(a) of the MDA punishable under s 33(1) of the MDA read with the Second Schedule.	15 months’ imprisonment. (Concurrent)
3	<u>3rd charge</u> DAC-919485-2024 (On or before 21 November 2023)	Consumption of a specified drug (methamphetamine) Section 8(b)(ii) of the MDA punishable under s 33(4AA) of the MDA.	Three years’ imprisonment. (Consecutive)
	Aggregate sentence: Eight years’ imprisonment and five strokes of caning.		

Charges taken into consideration

3 The Accused admitted to the following ten charges (see Table B) and gave his consent for these charges to be taken into consideration (“the TIC charges”) for the purpose of sentencing.

Table B

No.	Charge Number (Date of Offence)	Description of the Offence(s) Statutory Provision(s)
1	DAC-919486-2024 (16 April 2024)	Consumption of a specified drug (methamphetamine) Section 8(b)(ii) of the MDA punishable under s 33(4AA) of the MDA.
2	DAC-919487 to DAC-919493-2024 (16 April 2024)	Seven (7) counts of possession of a controlled drug. Section 8(a) of the MDA punishable under s 33(1) of the MDA read with the Second Schedule.
3	DAC-919494-2024 (16 April 2024)	Possession of apparatus or other article intended for the consumption of a controlled drug. Section 9 of the MDA punishable under s 33(1) of the MDA read with the Second Schedule.
4	DAC-920156-2024 (16 April 2024)	Possession of s scheduled weapon, namely, a knuckleduster. Section 7 of the Corrosive and Explosive Substances and Offensive Weapons Act 1958 (“CESOWA”).

Notice of Appeal

4 The Accused, being dissatisfied with the sentence, lodged an appeal against sentence. The Notice of Appeal was lodged on 1 September 2026.

Material Facts

5 The Accused admitted to the Statement of Facts¹ prepared by the Prosecution without qualification. The material facts are set out in [6] to [21] below.

Admission to the Drug Rehabilitation Centre

6 On 15 December 2020, the Accused was admitted under s 34(2)(b) of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) to an approved institution, namely, the Drug Rehabilitation Centre (“DRC”), for a period of 12 months.²

Facts pertaining to DAC-919485-2024 (Drug consumption offence)

7 The Accused was arrested by officers from the Central Narcotics Bureau (“CNB”) on 21 November 2023. Pursuant to the said arrest, the Accused provided two bottles of his urine samples which were sent to the Health Sciences Authority (“HSA”) for analysis.

8 On 27 November 2023, two analysts from the Analytical Toxicology Laboratory of the HSA issued two certificates³ under s 16 of the MDA stating that the Accused’s urine samples were found to contain methamphetamine.

¹ See Exhibit P2.

² See Exhibit P7 at Page 12 – serial number 1.

³ See Exhibits P3 and P4.

9 The Accused admitted that he consumed methamphetamine on or before 21 November 2023 without any authorisation under the MDA or the Regulations made thereunder.

10 As the Accused had been admitted to a DRC in December 2020, he was therefore liable for enhanced punishment under s 33(4AA) of the MDA.

11 The Accused was released on bail on 28 November 2023. The Accused failed to report to CNB as required under his bail. He absconded until he was re-arrested on 16 April 2024 (see [17] to [20] below).

Facts pertaining to DAC-907030-2024 (Drug trafficking offence)

12 On 14 April 2024, at Block 93, [redacted], Singapore, the Accused sold one packet of ‘ice’ for \$250 to Ng Tze Chiet (“Ng”). ‘Ice’ is the street name for methamphetamine.

13 On 16 April 2024, Ng was arrested by CNB officers. The CNB officers seized a packet of crystalline substance from Ng. The said packet of crystalline substance was sealed in a tamper-proof bag and marked as “N3B”. The exhibit “N3B” was submitted to the HSA for analysis on 19 April 2024.

14 Ng reported that he consumed about half of the packet of ‘ice’ which he had purchased from the Accused on 14 April 2024. The exhibit, “N3B”, which was seized from him, contained the leftover of ‘ice’ from the said purchase. Ng also reported that between January 2024 and 14 April 2024, he had purchased ‘ice’ from the Accused about four times.

15 On 15 May 2024, an analyst from the HSA issued a certificate under s 16 of the MDA stating that “N3B” was analysed and found to contain not less than 2.86 grams of methamphetamine.⁴

16 The Accused has therefore trafficked in not less than 2.86 grams of methamphetamine. Methamphetamine is a Class A controlled drug listed in the First Schedule to the MDA. The Accused was not authorised under the MDA or the Regulations made thereunder to traffic in methamphetamine.

Facts pertaining to DAC-919484-2024 (Drug possession offence)

17 The Accused was arrested by CNB officers on 16 April 2024 at Block 93, [redacted], Singapore. From the said unit, the CNB officers found and seized several types of controlled drugs, two of which were sealed in tamper-proof bags and marked as “C1” and “C2A”. All the seized controlled drugs, including “C1” and “C2A”, were submitted to the HSA for analysis on 19 April 2024.

18 On 15 May 2024, an analyst from the HSA issued two certificates⁵ stating that “C1” and “C2A” contained vegetable matter which were analysed and found to contain not less than 11.24 grams and 15.57 grams of cannabis respectively.

19 During investigations, the Accused admitted to having “C1” and “C2A” in his possession at the time of his arrest on 16 April 2024. Cannabis is a Class A controlled drug listed in the First Schedule to the MDA. The Accused was

⁴ See Exhibit P5.

⁵ See HSA certificates (Lab. No. 2406018-ID-012 and Lab. No. 2406018-ID-013) which were marked as Exhibit P6 collectively.

not authorised under the MDA or the Regulations made thereunder to have the said two packets of cannabis in his possession.

20 The Accused was in CNB's custody from 16 April 2024 to 18 April 2024 and then remanded in Prisons from 18 April 2024 onwards.

Another material fact

21 The Accused has committed multiple offences (see Table B above) which included one count of consumption of methamphetamine (DAC-919486-2024).

The Accused's Antecedent

22 The Accused has numerous criminal convictions⁶ for non-MDA offences dating as far back as March 1997. The relevant antecedents of note are stated below:

Table C

No.	Offence	Date of Conviction	Sentence Imposed
1	Possession of a scheduled weapon under s 7(1)(a) of the CESOWA.	7 September 2012	6 months' imprisonment and 6 strokes of caning
2	Consumption of a controlled drug (methamphetamine)	NA	Admitted to DRC (see [6] above).

⁶ See Exhibit P7 for the complete listing of the Accused's criminal antecedents.

23 The Accused was placed under drug supervision for 60 months in February 2022.⁷

Summary of the Prosecution's and Defence's Respective Positions on Sentence

24 Table D sets out a summary of the Prosecution and the Defence respective positions on sentence.

Table D

Charge Number (Brief description of the offence)	Prosecution's proposed sentence	Defence's proposed sentence
DAC-907030-2024 (Drug Trafficking)	Five years' imprisonment and five strokes of caning. (Consecutive)	Five years' imprisonment and five strokes of caning. (Consecutive)
DAC-919484-2024 (Drug Possession)	Between 14 to 15 months' imprisonment. (Concurrent)	Between 14 to 15 months' imprisonment. (Consecutive)
DAC-919485-2024 (Drug Consumption)	Between three years' imprisonment and three years and three months' imprisonment. (Consecutive)	Three years' imprisonment. (Concurrent)
Aggregate sentence	Between eight years' imprisonment and eight years and three months' imprisonment and five strokes of the cane.	Five years and 14 to 15 months' imprisonment and five strokes of caning.

⁷ See Exhibit P7 at page 12.

25 The Prosecution and the Defence were aligned in their respective submissions on sentence for DAC-907030-2024 (drug trafficking offence) and DAC-919484-2024 (drug possession offence). As such, it is not necessary for me to deal with their submissions on these two charges in detail. I shall deal with the other aspects of their submissions where they have proposed different positions on sentence.

The Prosecution's Address on Sentence

DAC-919485-2024 (Drug consumption offence)

26 The drug consumption offence in DAC-919485-2024 carried a mandatory minimum sentence of three years' imprisonment. Another charge (DAC-919486-2024) for the same offence was taken into consideration for the purpose of sentencing. The Prosecution highlighted that the Accused has committed the offence in DAC-919486-2024 when he had absconded from reporting to the CNB for the first offence in DAC-919485-2024. This was an aggravating factor. The Prosecution thus submitted that an uplift on the mandatory minimum sentence was warranted. The Prosecution further submitted that, on a claim trial basis, the indicative starting sentence should be between three years and six months' imprisonment and four years' imprisonment.

27 As the Accused has pleaded guilty within Stage 2 of the Sentencing Advisory Panel's Guidelines on Reduction in Sentences for Guilty Pleas ("SAP PG Sentencing Guidelines"), the Prosecution applied a sentencing discount not exceeding 20% to the indicative starting sentence. The Prosecution thus submitted that an appropriate sentence should be between three years'

imprisonment (*i.e.* the mandatory minimum) and three years and three months' imprisonment.

Prosecution's position on consecutive and concurrent sentencing

28 The Prosecution submitted that the terms of imprisonment for DAC-907030-2024 (drug trafficking offence) and DAC-919485-2024 (drug consumption offence) should run consecutively. The Prosecution gave two reasons:

- (a) The two offences were committed on different occasions. Hence, they were not committed in the same transaction; and
- (b) The offences relate to separate legally protected interests.

29 The Prosecution also submitted that the aggregate sentence it has proposed (see Table D above) could not be said to be crushing and it was in keeping with the Accused's past conduct and future prospects. The Prosecution highlighted the Accused's repeated transgression of the law despite having multiple antecedents from 1997, 1999, 2003, 2008, 2012, and 2017. The Accused has failed to lead a drug-free life after his release from the DRC. The Accused's criminality has progressed to a higher level by committing serious offences such as trafficking in a controlled drug.

30 The Prosecution argued that the Defence's submission to run the imprisonment terms for DAC-907030-2024 (drug trafficking offence) and DAC-919484-2024 (drug possession offence) consecutively would lead to an outcome which grossly understated the Accused's overall criminality. Such an outcome would be ignoring the fact that the Accused committed repeat drug

consumption offences, which carry a minimum of three years' imprisonment, not once, but on two separate occasions.

31 In conclusion, the Prosecution submitted that its sentencing position was not only appropriate, but in fact necessary to deter like-minded offenders, protect the public, and rehabilitate the Accused.

Mitigation Plea

Background of the Accused

32 The Defence submitted that the Accused was extremely remorseful for his actions. He would like to be released from Prisons as soon as possible to reunite with his son who is presently nine years' old. The Accused hoped to be present during his son's growth and to build a meaningful relationship with him.

33 The Accused, who has worked as a chef, holds a diploma in culinary art. He planned to complete a Food and Beverage Course in Prison. He plans to pursue culinary courses at the HCSA Academy upon his release from Prisons and resume his career as a chef.

34 The Defence highlighted two areas of difficulties that the Accused was facing when he committed the offences:

- (a) The Accused's mother was severely ill in May 2023 and passed away in July 2023. The Accused was severely affected by the passing of his mother. He fell into a depression and could not cope with the sadness he was facing and thus turned to drugs.

(b) The Accused was providing financial help to his older sister, who is a single mother of three children. The pressure of supporting his older sister and her children were crushing on the Accused, and he felt unable to cope.

Applicable sentencing discount for the drug possession and drug consumption charges

35 The Defence acknowledged that Stage 1 of the SAP PG Guidelines had elapsed on 22 January 2025. The Defence further acknowledged that the Accused indicated his intention to plead guilty on 19 June 2026.

36 However, the Defence argued that a large part of the delay was due the Accused's difficulties in obtaining legal representation. For approximately seven months between 22 January 2025 and 19 June 2026, the legal aid afforded to the Accused from the Public Defender's Office ("the PDO") was being reconsidered and the PDO withdrew aid to the Accused on 4 April 2025. The Accused was left unrepresented. Despite this setback, the Accused continued to seek legal representation and counsel from Pro Bono SG were assigned on 19 August 2025.⁸ The Defence further submitted that at no time did the Accused indicate that he wished to claim trial to his charges.⁹ The Defence also highlighted that public resources were not wasted because the court had not given any direction for the filing of the Case for the Prosecution.¹⁰ Lastly, the Prosecution revised its PG offer on 13 May 2026¹¹ which the Accused then accepted.

⁸ See Exhibit D1 at [12] to [13].

⁹ See Exhibit D1 at [14].

¹⁰ See Exhibit D1 at [14].

¹¹ See Exhibit D1 at [15].

37 The Defence submitted that, based on the aforesaid reasons, the court could exercise its discretion to accord a sentencing discount at Stage 1 of the SAP PG Guidelines: *Public Prosecutor v JFR* [2026] SGMC 44 at [75] and *Ismail bin Jamaludin v Public Prosecutor* [2025] 4 SLR 388 at [57]. The Defence urged the court to exercise its discretion in favour of the Accused.

38 The Prosecution disagreed. The Prosecution informed that the SAP PG Sentencing Guidelines states that a sentencing discount at Stage 1 is applicable where an accused person indicates his intention to plead guilty within 12 weeks from the time the prosecution states that it was ready. In the present case, the Prosecution was ready on 30 October 2024 and the Accused indicated his intention to plead guilty on 19 June 2026. The Accused had far exceeded the 12 weeks' time norm for a sentencing discount at Stage 1.¹² Even though there was a change in the PG offer, it should not affect the timelines and such a situation was provided for in the SAP PG Sentencing Guidelines.¹³ The Prosecution was referring to paragraph 12 of the SAP PG Sentencing Guidelines at footnote 8.¹⁴

DAC-919485-2024 (Drug consumption offence)

39 The Defence submitted that the court should impose the mandatory minimum sentence of three years' imprisonment. The Defence further submitted that the mere presence of one TIC charge, namely DAC-919486-2024, was insufficient to justify an uplift on the mandatory minimum sentence.

¹² See Notes of Evidence ("NE") at Day 1, Page 8, Lines 4 to 8.

¹³ See NE at Day 1, Page 8, Lines 8 to 10.

¹⁴ The said footnote in the SAP PG Sentencing Guidelines reads: "Subject to the discretion of the court, this paragraph generally does not apply to: (a) any change in the plea offer that does not involve an amendment to the charge (e.g. to proceed on a lesser number of charges); or (b) any change in the prosecution's sentencing position."

The Defence cited the cases of *Yap Kian Sing v Public Prosecutor* [2023] SGHC 349 and *Public Prosecutor v Muhamad Farhan bin Mohamed Rashid* [2022] SGDC 137 in support of its submission. The offender in both cases pleaded guilty to, amongst other charges, one charge for consumption of methamphetamine under s 8(b)(ii) of the MDA punishable under s 33(4AA) of the MDA. A similar charge was taken into consideration for the purpose of sentencing. In both cases, the sentencing judge imposed the mandatory minimum sentence of three years' imprisonment.

Defence's position on consecutive and concurrent sentencing

40 The Defence submitted that the terms of imprisonment for DAC-907030-2024 (drug trafficking offence) and DAC-919484-2024 (drug possession offence) should run consecutively. The Defence gave three reasons:

(a) First, there is no presumption or rule that the two most severe sentences should ordinarily be selected to run consecutively. Nor is it a rule that the most severe individual sentence of imprisonment must be selected as one of the sentences to run consecutively, so long as the aggregate of the sentences that are so selected exceeds the longest individual sentence: *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 ("*Mohamed Shouffee*") at [25].

(b) Second, as the aggravating factors raised by the Prosecution have already been considered when it assessed the individual sentence for each charge, these same aggravating factors should not be considered again at this stage to determine which terms of imprisonment to run consecutively. To do so would be double counting. The Defence cited *Public Prosecutor v Seng Kian Hong Philip* [2016] SGDC 289 at [24],

where the District Court held that “in choosing which of the multiple sentences of imprisonment should run consecutively and which concurrently, the sentencing judge should *not* take into account aggravating factors that were already taken into account at the first stage of sentencing for the individual offences and to decide that on account of those factors a combination of longer sentences is called for: [Mohamed] Shouffee at [78], [79], [81(f)], [88] and [89].”

(c) Third, it would be crushing on the Accused if the Court were to order the terms of imprisonment for DAC-907030-2024 (drug trafficking offence) and DAC-919485-2024 (drug consumption offence) to run consecutively. The Defence argued that the court should take guidance from *Public Prosecutor v Soon Kin Liang Joseph* [2017] SGDC 1413 (“*Soon Kin Liang Joseph*”). In *Soon Kin Liang Joseph*, the offender pleaded guilty to one trafficking charge, one enhanced consumption charge and one possession charge. Six other drug-related charges were taken into consideration for the purposes of sentencing. Despite the offender being heavily traced for drug offences, the court ordered the sentences for the drug trafficking and possession charge to run consecutively. The court declined to run the two longest sentences, namely the sentences for the drug trafficking and enhanced consumption charges, consecutively as the court did not wish to impose a crushing sentence on the offender (see *Soon Kin Liang Joseph* at [12]).

Court’s decision and the sentences imposed

41 I shall now proceed to deal with the issues of sentencing for each charge and the aggregate sentence.

DAC-907030-2024 (Drug trafficking offence)

42 Based on the facts of this case (see [13] and [14] above), Ng has reported that he had consumed half the amount of methamphetamine when the said controlled drug (*i.e.* exhibit marked “N3B”) was seized from him by the CNB officers. Therefore, extrapolating the amount of methamphetamine found on Ng on a straight-line basis, the amount that the Accused had sold to Ng would amount to not less than exceed 5.72 grams (*i.e.* two times of 2.86 grams) of methamphetamine. Given the low quantity of methamphetamine involved and that this was the Accused’s first conviction for a drug trafficking offence, it was my assessment that the mandatory minimum sentence of five years and five strokes of caning would suffice. I therefore imposed the said sentence.

43 As this sentence is the mandatory minimum sentence prescribed by law there could not be any further reduction of the sentence.¹⁵

DAC-919484-2024 (Drug possession offence)

44 I agree with the DPP’s submission that the indicative starting sentence should be between 14 to 15 months’ imprisonment. In my assessment, I have placed the indicative starting sentence at 14 months’ imprisonment.

45 I then gave weight to the nine TIC charges at serial numbers 2, 3 and 4 of Table B and assessed that an uplift of four months was warranted. At this stage of the sentencing process, the tentative sentence for this charge stood at 18 months’ imprisonment.

¹⁵ See also SAP PG Sentencing Guidelines at [8] – “If the law provides for a mandatory minimum sentence, the sentence cannot be reduced below the mandatory minimum sentence.” (Last paragraph of Step 3 at Table 1)

The applicable sentencing discount

46 The next issue was to consider the appropriate sentencing discount. The Defence urged the Court to accord a sentencing discount of up to 30% at Stage 1 of the SAP PG Sentencing Guidelines (see [35] to [37] above). The Prosecution argued that the applicable sentencing discount was not more than 20% at Stage 2 of the SAP PG Sentencing Guidelines (see [38] above).

47 For the reasons stated below, I found that the applicable sentencing discount was not more than 20% at Stage 2 of the SAP PG Sentencing Guidelines:

(a) I did not agree with the Defence’s submission on this issue. In particular, the Defence has submitted that the Accused had never indicated that he wished to claim trial to his charges. To verify the Defence’s claim, I checked the court’s records of the Pre-Trial Conferences (“PTC”) that were held for this case. The court’s records showed that the Prosecution was ready with its case on 30 October 2024. For the purpose of the Asynchronous Pre-Trial Conference (“APTC”) held on 20 November 2024, the Accused’s counsel, who were from the PDO, had stated in the defence’s PTC checklist that the Accused would not be pleading guilty to his charges. The Defence’s submission was found to be incorrect.

(b) On 4 April 2025, the PDO withdrew aid to the Accused and the present team of counsel was assigned on 19 August 2025. However, as late as 26 May 2026, the Accused has yet to indicate that he would like to plead guilty. Again, I referred to the court’s records. In particular, I refer to the APTCs held on 7 April 2026, 28 April 2026 and 26 May

2026. On each of these APTCs, the District Judge having conduct of these APTCs has specifically stated that: *“If the Accused does not indicate that he will PG, CCDC¹⁶ directions will be given.”* It was clearly evident that the Accused had no intention of pleading guilty till a revised PG offer was given by the Prosecution.

(c) The Prosecution has correctly pointed to the passage within the SAP PG Sentencing Guidelines (see [38] above) which was applicable to this case. The Prosecution has rightly submitted that the Accused had far exceeded the 12 weeks’ time norm to be accorded a sentencing discount at Stage 1 of the SAP PG Sentencing Guidelines.

(d) The objective of the SAP PG Sentencing Guidelines “is to encourage accused persons who are going to plead guilty to do so as early in the court process as possible”.¹⁷ From 30 October 2024 to 19 June 2026, the Accused has delayed his decision by one year and five months. The Accused’s action did not achieve what the SAP PG Sentencing Guidelines seeks to promote.¹⁸ The Defence has failed to give good grounds for the Accused’s delay. I could not find any valid reason to exercise my discretion in favour of the Accused.

48 In conclusion, I applied a sentencing discount of 20% on the tentative sentence of 18 months’ imprisonment and this came out to 15 months’ imprisonment (rounded up). I meted out a sentence of 15 months’ imprisonment for this charge.

¹⁶ “CCDC” is the abbreviation for Criminal Case Disclosure Conferences.

¹⁷ See SAP PG Sentencing Guidelines at [1].

¹⁸ See NE at Day 1, Page 12, Lines 24 to 32.

DAC-919485-2024 (Drug consumption offence)

49 In assessing the appropriate sentence for this charge, it is pertinent to highlight the following:

(a) The offence in DAC-919485-2024 was committed by the Accused on or before 21 November 2023. Thereafter, the Accused absconded from his bail and did not report to the CNB.

(b) The offence in DAC-919486-2024 was committed by the Accused on 16 April 2024. This offence was committed during the period when the Accused had absconded. The Accused has failed to mend his way and re-offended by committing the same offence. The Accused has admitted to this charge and gave his consent for it to be taken into consideration for the purpose of sentence.

50 In *Public Prosecutor v Raveen Balakrishnan* [2018] SGHC 148; [2018] 5 SLR 799 (“*Raveen*”) at [46], Sundaresh Menon CJ stated that:

46 Fourthly, and perhaps most intuitively, allowing a multiple offender to be punished less seriously, or even not at all, for a second or further offending would be a perverse outcome that flies in the face of any notion of justice. As I will elaborate at [81] below, public confidence in the administration of criminal justice requires the court to avoid any suggestion or impression that a multiple offender may benefit from some sort of bulk discount in sentencing. Indeed, it seems especially wrong in circumstances such as the present – where the offender committed the second offence while on bail for having committed the first offence, but the first sentence is longer in duration than the second sentence – to run the second sentence concurrently with the first. This would effectively mean imposing no consequence in terms of imprisonment for the second offence, when the fact that the second offence was committed on bail would ordinarily have been an offence-specific aggravating factor.

51 In view of the guidance obtained from *Raveen*, and on account of the TIC charge (DAC-919486-2024) being an aggravating factor, an uplift on the mandatory minimum sentence was warranted. In my assessment, an uplift of eight months was adequate.

52 Next, I considered the sentencing discount to be given. I accorded a sentencing discount of 20% to the uplift of eight months. The reduced uplift was six months' (rounded down). At the end of the sentencing process for this charge, I arrived at a tentative sentence of three years and six months' imprisonment. The said tentative sentence was further reduced after I applied the totality principle (see [59] below).

Consecutive and concurrent sentencing

53 Pursuant to s 307(1) CPC, it is mandated that the court must order at least two of the three terms of imprisonment to run consecutively. In *Raveen*, at [41], it was held that “.... *as a general rule*, a multiple offender who has committed unrelated offences should be separately punished for each offence, and this should be achieved by an order that the individual sentences run consecutively.”

54 Applying this rule to the present case, I agreed with the Prosecution that the terms of imprisonment in DAC-907030-2024 (drug trafficking offence) and DAC-919485-2024 (drug consumption offence) should run consecutively. I so ordered. The term of imprisonment for DAC-919484-2024 (drug possession offence) was ordered to run concurrently with the other two charges.

55 I rejected the Defence's submission to run the terms of imprisonment in DAC-907030-2024 (drug trafficking offence) and DAC-919484-2024 (drug possession offence) consecutively for two reasons:

(a) The Accused is effectively not punished at all for consuming a controlled drug as the sentence for DAC-919485-2024 (drug consumption offence) would be subsumed under the aggregate sentence. Such an outcome is perverse and has no deterrent effect on the Accused and like-minded offenders. It sends a wrong message to would be offenders that it is possible to commit a litany of drug offences comprising of drug trafficking, drug possession and drug consumption and yet get away from being punished for drug consumption.

(b) The aggregate sentence based on the Defence's submission was manifestly inadequate to account for the overall criminality of the Accused.

56 At this stage of the sentencing process, the aggregate sentence was eight years and six months' imprisonment and five strokes of caning.

Review of the aggregate sentence

57 I was mindful that my decision on the aggregate sentence must not fall foul of the sentencing principles (*i.e.* the one-transaction rule and the totality principle) laid down in *Mohamed Shouffee* (see [25], [77] and [78] of *Mohamed Shouffee*).

58 In *Mohamed Shouffee*, it was held that:

- (a) The totality principle was a principle of limitation and a manifestation of the requirement of proportionality that ran through the gamut of sentencing decisions. There were two limbs: first, whether the aggregate sentence was substantially above the normal level of sentences for the most serious of the individual offences involved; and second, whether its effect was to impose on the offender a crushing sentence not in keeping with his record and prospects.¹⁹
- (b) The totality principle was a consideration that was applied at the end of the sentencing process and required the court to take a last look at the facts and circumstances to assess whether the sentence looked wrong. If so, the aggregate sentence might be reduced by re-assessing which of the sentences ought to be run consecutively, or by re-calibrating the individual sentence to arrive at an appropriate aggregate sentence. Where this was done, the sentencing judge should state this transparently. In either case, care should be taken to ensure that any mandatory sentences imposed were not rendered nugatory.²⁰

59 I reviewed the individual sentences and the aggregate sentence again bearing in mind the above principles. I did not wish to impose a crushing sentence on the Accused. Accordingly, I altered the tentative sentence for DAC-919485-2024 (drug consumption charge) from three years and six months'

¹⁹ See Headnote (5) of *Mohamed Shouffee* [2014] 2 SLR at page 999.

²⁰ See Headnote (6) of *Mohamed Shouffee* [2014] 2 SLR at page 999.

imprisonment to the mandatory minimum sentence of three years' imprisonment. I did not alter the sentences for the other two charges. I maintained my decision to run the terms of imprisonment for DAC-907030-2024 (drug trafficking offence) and DAC-919485-2024 (drug consumption offence) consecutively. The finalised sentences are found in Table A above.

Backdating of the sentence

60 I ordered the Accused's imprisonment term to take effect from 16 April 2024.



Ng Cheng Thiam
District Judge



Mr Wayde Chan
Deputy Public Prosecutor
Attorney-General's Chambers
For the Prosecution

Ms Alyha Sarawathy Ratnam and Mr Sujesh Anandan
Pro Bono SG
For the Accused (Defence)