

**IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[2026] SGHC 113

Magistrate's Appeal No 9183 of 2025

Between

JEH

... Appellant

And

Public Prosecutor

... Respondent

GROUND'S OF DECISION

[Criminal Law — Statutory offences — Penal Code 1871 — Offences against public servants — Giving false information to a public servant]

[Criminal Law — Statutory offences — National Registration Regulations — False reporting of change of address]

[Criminal Procedure and Sentencing — Sentencing — Custodial threshold]

[Criminal Procedure and Sentencing — Sentencing — Amalgamated offence]

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JEH
v
Public Prosecutor

[2026] SGHC 113

General Division of the High Court — Magistrate's Appeal No 9183 of 2025
Sundaresh Menon CJ
22 April 2026

22 May 2026

Sundaresh Menon CJ:

Introduction

1 This appeal concerned an appellant (“Appellant”) who had made several false statements regarding her and her daughter’s residential address over a prolonged period to secure priority admission for her daughter at a school (“School”). The daughter had been admitted through the priority admission scheme under Phase 2C of the Primary 1 registration exercise, which grants priority to students based on the proximity of their residential address to the school.

2 The Appellant pleaded guilty to: (a) one amalgamated charge under s 182 of the Penal Code 1871 (2020 Rev Ed) (“PC”) read with ss 124(4) and 124(8)(a)(ii) of the Criminal Procedure Code 2010 (2020 Rev Ed) (“CPC”), of giving false information about her daughter’s residential address to a public

servant (namely, the vice principal (“VP”) of the School) on at least five occasions between 6 August 2024 and 7 October 2024 (“False Information Offence”); and (b) one charge under s 20(a) of the National Registration Regulations (1990 Rev Ed) (“NRR”), of giving false information when reporting a change in her residence to a registration officer (“NRA Offence”). Another similar NRR offence was taken into consideration for the purpose of sentencing (“TIC”).

3 In essence, the TIC charge concerned the Appellant’s false reporting of her residential address just prior to the commencement of the Primary 1 registration exercise, whilst the two proceeded charges related to the Appellant’s efforts to mislead the VP in order to enable her daughter to remain enrolled at the School after investigations had been initiated.

4 In *Public Prosecutor v JEH* [2025] SGMC 68 (“Judgment”), the District Judge (“DJ”) sentenced the Appellant to one week’s imprisonment for each offence, and ordered that both sentences run concurrently (Judgment at [73], [80] and [82]). HC/MA 9183/2025/01 was the Appellant’s appeal against the sentences imposed on her. In broad terms, she submitted that the custodial threshold had not been crossed, and that her sentence should be substituted with an aggregate fine of \$9,100. In relation to the False Information Offence, she relied heavily on the High Court’s observations in *Koh Yong Chiah v Public Prosecutor* [2017] 3 SLR 447 (“*Koh Yong Chiah*”) (at [52] and [53]) that:

52 We would add that in our view, there is good basis to rely *essentially* on the *degree of harm* to define the custodial threshold as a **starting point**. ...

53 This approach is generally consistent with the sentencing precedents. In [*Wong Yi Hao Henry v Public Prosecutor* [2015] SGHC 232 (“*Henry Wong HC*”)] for example, a fine was justified because **no appreciable harm was caused** by the offender lying to the primary school about his residential address. But we must emphasise that should an offence of such a nature

become more prevalent, the public interest may well dictate otherwise. ...

[emphasis in original in italics; emphasis added in bold]

As to the NRA Offence, she submitted that the sentence of one week's imprisonment was inconsistent with the precedents.

5 After hearing the parties, I dismissed the appeal with brief reasons. I now set out the grounds of my decision in detail.

Facts

Facts relating to the False Information Offence

6 The Appellant owned a unit ("Flat"), which she leased out for a two-year period from 1 January 2023 to 31 December 2024 to six tenants. As a result, the Appellant and her daughter did not reside at the Flat for the entire duration of the lease. Instead, they resided primarily with the Appellant's partner in another apartment ("Partner's Flat"). Hence, on 25 May 2022, the Appellant reported a change in her residential address from the Flat to the Partner's Flat (see [18] below).

7 On 17 June 2023, the Appellant reported a change in her residential address from the Partner's Flat to the Flat (see [18] below). Shortly after, the Appellant successfully registered her daughter at the School during the Primary 1 registration exercise, which commenced on 4 July 2023. She managed this by securing priority admission based on the home-school distance category, using the address of the Flat, which was within a one-kilometre radius of the School. The daughter started her studies at the School in January 2024.

8 On 24 June 2024, the VP was alerted that the Appellant had e-mailed the School regarding a change of her residential address from the Flat to the

Partner's Flat. The latter address was outside a two-kilometre radius from the School, and this violated a condition of her daughter's admission, namely, that her daughter had to reside at the Flat for a minimum period of 30 months from the start of the exercise. Given that the registration exercise commenced on 4 July 2023 (see [7] above), the minimum period of residence would have ended only on 4 January 2026. The School informed the Appellant that the change of address could lead to the Ministry of Education ("MOE") transferring her daughter to a different school with vacancies. The Appellant replied that in view of this, she and her daughter would remain at the Flat.

9 However, prompted by this correspondence, the School undertook efforts to verify the actual residence of the Appellant and her daughter. On 1 August 2024, staff members from the School visited the Flat. They were met by the tenants who were at home. The Appellant and her daughter were absent. When the staff members identified themselves and explained that they were looking for the Appellant's daughter, the tenants stated that there were no children living in the Flat with them.

10 On 6 August 2024, the VP met the Appellant in the presence of another staff member to make further inquiries into her residential address. The Appellant falsely stated that she and her daughter stayed at the Flat from Mondays to Thursdays along with her mother, a helper, and two tenants who were relatives of her mother. This was the first false statement to the VP, which formed part of the False Information Offence.

11 Around this time, the Appellant contacted the real estate agent ("Agent") who represented the six tenants leasing the Flat from the Appellant. She asked that the tenants be told not to speak to anyone who visited the Flat, to shut all the windows from 7am to 11pm, and to move the two beds in the living room

back into the bedrooms. This was to try to conceal the true state of how the Flat was being occupied. She also spoke to the tenants directly and told them to say that she and her daughter lived in the Flat if they were asked this by anyone. In short, she asked the tenants to back up her lies.

12 On 20 August 2024, representatives from the School visited the Flat a second time. Again, the Appellant and her daughter were absent. When asked about the Appellant and her daughter, the tenants were evasive.

13 On 20 September 2024, the principal and VP of the School met the Appellant and her partner. During the meeting, the Appellant lied that they always returned to the Flat in the evenings after spending the day at the Partner's Flat. This was the second false statement to the VP.

14 In an e-mail dated 24 September 2024 to the principal and the VP, the Appellant repeated her claims that the Flat was her daughter's primary residence, and that she always returned there at night. She maintained that her daughter only lived at the Partner's Flat when she was away on overseas trips, and that they had just happened to be otherwise engaged, away from the Flat, on the two occasions when the School's representatives visited the Flat. This was the Appellant's third false statement to the VP.

15 On 3 October 2024, after the Appellant was informed that her daughter would be transferred to another school, she met the principal and VP again, and repeated that the Flat was her daughter's primary residence. She also informed them that she was going to terminate the lease of the Flat. This was the Appellant's fourth false statement to the VP.

16 On 7 October 2024, the Appellant sent another e-mail to the principal and the VP, stating that her daughter would continue residing at the Flat, and that the tenants' lease would be terminated by 1 November 2024. She also maintained that the presence of the tenants in the Flat did not mean that her daughter did not reside there. This was her fifth false statement to the VP.

17 By these actions, the Appellant committed the False Information Offence.

Facts relating to the NRA Offence

18 From May 2022 to April 2025, the Appellant reported several changes in her residential address to a registration officer. Two of these changes were false, and made as part of her plan to maintain the appearance that she was living in the Flat when she was not. A summary of the Appellant's changes in residential address is as follows:

<u>S/N</u>	<u>Date of Change</u>	<u>New Address Reported</u>	<u>Remarks</u>
1	25 May 2022	The Partner's Flat	This was prior to the Primary 1 registration exercise in 2023, and is accurate (see [6] above).
2	17 June 2023	The Flat	This was shortly before the commencement of the Primary 1 registration exercise on 4 July 2023 (see [7] above). This change was false, and is the subject of the TIC charge.
3	5 June 2024	The Partner's Flat	This change was accurate, and appeared to be what sparked the School's investigations (see [8] above).
4	3 July 2024	The Flat	This appeared to have occurred after the School informed the Appellant that her daughter could be transferred to another school, but before the School's first house visit on 1 August 2024 (see [8]–[9] above). This change was false, and is the subject of the NRA Offence.
5	18 April 2025	Another unit	This change was accurate.

19 On 15 November 2024, the principal of the School lodged a police report stating that the Appellant had provided false information to a public servant in connection with the 2023 Primary 1 registration exercise.

Arguments below

20 In the proceedings below, the Prosecution took the position that by operation of s 124(8) of the CPC, the Magistrate’s Court had the power to impose a fine of up to \$20,000 for the amalgamated False Information Offence. This was on the basis that the court’s sentencing jurisdiction in relation to the imposition of fines would double when sentencing an amalgamated offence.

21 In relation to the False Information Offence, the Prosecution argued, referencing *Henry Wong HC* (where the maximum fine, which at the time was \$5,000, had been imposed), that a \$10,000 fine was warranted in the present case because the Appellant: (a) lied on at least five occasions; and (b) attempted to implicate others by asking the Agent to instruct, and by also directly instructing, the tenants to lie about her daughter’s residence at the Flat.

22 The Prosecution nonetheless maintained before the DJ that the custodial threshold had not been crossed. In this regard, it highlighted that: (a) as clarified in *Koh Yong Chiah* at [20], Parliament had increased the maximum sentence for offences under s 182 of the PC not because it wanted the courts to calibrate all sentences upwards, but to give the courts more flexibility to impose higher fines instead of a custodial term; (b) while there might have been some harm caused to a student who was rightfully deprived of the place in the School that had been taken by the Appellant’s daughter, this was temporary in nature and could be remedied by the School at any point it chose to do so; and (c) there was no “burgeoning prevalence in recent prosecutions or imprisonment terms imposed” of cases of a similar nature. In fact, there were only four such cases prosecuted

from 2013 to 2015 (namely, *Henry Wong HC*, *Lee Siong Boo v Public Prosecutor* (unreported), *Ng Yimin v Public Prosecutor* (unreported), and *Dinesh Kumar v Public Prosecutor* (unreported), and in all of these, the offenders had been fined between \$4,000 and \$5,000), and there was no evidence of further cases having been prosecuted since then.

23 Related to the last point, the Prosecution also stated, in response to a query from the DJ, that the MOE had confirmed that the following information published in an article in *The Straits Times* titled “False Address Cases Rise Over Past Five Years as P1 Registration Exercise Fuels Housing Demand” (“Article”) was accurate and based on information provided by the MOE:

- (a) “More parents have been caught providing false residential addresses in the past five years to secure spots for their children in popular primary schools”;
- (b) “While the Ministry of Education (MOE) used to investigate an average of around one case a year between 2008 and 2018, this figure jumped to about nine cases annually from 2020 to 2024. There were no cases reported in 2019”;
- (c) “It added that the increase in cases of non-compliance in the past five years could be due to a ‘combination of factors’”; and
- (d) “Under the P1 registration exercise, MOE uses a home-school distance priority system to allocate places when demand exceeds vacancies. Priority is given first to Singapore citizens living within 1km of the school, then those between 1km and 2km, and lastly those outside 2km.”

24 The Prosecution further clarified that the annual average of nine cases as stated in (b) above referred to cases reported to and investigated by the MOE, and not to cases which had been prosecuted. There had, in fact, been no prosecutions of such cases since 2020. The Prosecution accordingly submitted that it would be difficult to construe the statistics provided by the MOE as suggesting the increasing prevalence of such offences that might warrant revisiting the sentencing approach to be taken in relation to the Appellant.

25 As to the NRA Offence, the Prosecution submitted that a \$3,000 fine was appropriate, having regard to: (a) the Appellant's culpability in perpetrating other falsehoods to public servants outside of those who were the target of the False Information Offence; and (b) the presence of a related TIC charge.

26 The Appellant, who was self-represented in the proceedings below, similarly sought a fine for her offences. She emphasised her personal circumstances, and further contended that the fine sought by the Prosecution was too high.

Decision below

27 The DJ held that in relation to an amalgamated charge, the effect of the doubling provision under s 124(8)(a)(ii) of the CPC was to double the permitted range of each type of prescribed punishment, subject only to the statutory limit on caning stipulated in s 328 of the CPC. This meant that s 124(8)(a)(ii) of the CPC also applied to fines for which no maximum ceiling is stipulated for the base offence. Such a construction was further reinforced by s 124(9) of the CPC, which provides that the court retains the power to award the full punishment authorised under s 124(8) of the CPC for an amalgamated charge. Accordingly, the maximum sentence which the court could impose on the Appellant for the

False Information Offence was a \$20,000 fine (that is, double the Magistrate's Court's limit) and/or a four-year imprisonment term (Judgment at [48]–[51]).

28 In relation to the False Information Offence, the DJ drew guidance from *Koh Yong Chiah* and considered that harm in the present case manifested in the following ways: (a) the Appellant's deception caused actual harm as it conferred upon her daughter a benefit which was not legitimately due to her, and this continued for a not insubstantial period, beginning when the Appellant first falsely declared her residential address during the 2023 Primary 1 registration exercise (Judgment at [53]–[56]); (b) the School had to expend time and resources that were not insignificant to ascertain the actual place of residence of the Appellant's daughter (Judgment at [57]); and (c) the Appellant's conduct had the broader potential consequence of undermining the MOE's primary school admissions framework, affecting public confidence in the process. In this last regard, while the available statistics from the MOE did not permit a precise assessment of the prevalence of such misconduct, they minimally revealed that such conduct remains a live and legitimate concern to engage the MOE's attention (Judgment at [58]–[63]). In these circumstances, the DJ held that the actual and potential harm occasioned by the False Information Offence was not insignificant, and that paramount weight had to be accorded to general deterrence and the public interest. A custodial sentence was thus the appropriate starting point (Judgment at [64]).

29 In any event, a custodial sentence was warranted by the Appellant's high level of culpability, given: (a) her conscious and deliberate deception of the VP; (b) her commission of the offence being driven purely by self-interest; (c) the extent of planning and premeditation evidenced by her TIC charge (see [18] above); (d) the active steps she took to bolster her deception and aggravate her own falsehoods by instigating several third parties to lie; and (e) the fact that

the falsehoods proffered by the Appellant were part of a continuing course of deceit, which constituted serial offending (Judgment at [64]–[70]).

30 For these reasons, the DJ found that a starting sentence of ten days’ imprisonment was appropriate. In the absence of any other offender-specific factors, save that the Appellant pleaded guilty at Stage 1 of the Sentencing Advisory Panel’s *Guidelines on Reduction in Sentences for Guilty Pleas*, the DJ accorded the Appellant a 30% sentencing discount to arrive at a sentence of one week’s imprisonment for the False Information Offence (Judgment at [71]–[73]).

31 As for the NRA Offence, the DJ calibrated the sentence by reference to the maximum prescribed punishment (of two years’ imprisonment and/or a \$3,000 fine) and the offence-specific factors of harm and culpability. In terms of harm, the DJ explained that the harm caused by the NRA Offence lay in the distinct fraud perpetrated on another public officer, and the undermining of the reliability of official records maintained by the state. As for culpability, the DJ considered that the Appellant had knowingly committed the offence for the dual purpose of sustaining and facilitating the ongoing falsehoods forming the subject matter of the False Information Offence, as well as thwarting the School’s efforts to uncover her deception. The latter revealed an “enduring and entrenched commitment to law-breaking” (Judgment at [78]–[79]). Considering the Appellant’s early plea of guilt, the DJ imposed a sentence of one week’s imprisonment for the NRA Offence (Judgment at [80]). In arriving at this sentence, the DJ emphasised that she did not ascribe aggravating weight to the presence of the TIC charge, since it already featured in her assessment of the Appellant’s culpability for the False Information Offence (see [29] above).

32 Finally, considering the principles of totality and proportionality, the DJ ordered that both sentences were to run concurrently, for an aggregate sentence of one week’s imprisonment (Judgment at [82]).

Parties’ arguments on appeal

Appellant’s arguments

33 In her appeal, the Appellant sought to substitute the custodial sentence that was imposed on her by the DJ for a fine of \$9,100. To this end, she raised the following arguments, seemingly in relation to both the False Information Offence and the NRA Offence:

- (a) The DJ erred in placing undue weight on the Article and finding that appreciable harm was caused by the Appellant’s offences, despite the Prosecution’s submissions on the absence of any “burgeoning prevalence” of cases of a similar nature.
- (b) The DJ erred in finding that the Appellant’s falsehoods had seriously thwarted the internal investigations of public institutions. In fact, the harm caused was negligible.
- (c) The DJ wrongly assessed that the custodial threshold was crossed due to the Appellant’s high culpability.
- (d) The sentences imposed by the DJ were inconsistent with the relevant precedents, namely, *Koh Yong Chiah*, *Henry Wong HC*, *Public Prosecutor v Bernard Lim Yong Soon* [2014] SGDC 356 (“*Bernard Lim*”), the three unreported cases listed at [22] above, and *Oh Hin Kwan Gilbert v Public Prosecutor* [2025] 3 SLR 483 (“*Gilbert Oh*”).

- (e) The DJ failed to consider that the Appellant was a first-time offender, as well as her personal circumstances as had been canvassed in her plea in mitigation.
- (f) The DJ wrongly applied the “escalation principle”.
- (g) The DJ engaged in double counting when she placed undue weight on the need for public interest deterrence in relation to both offences. Relatedly, the sentence imposed by the DJ was based on “an unyielding focus on perceived deterrence” and was disproportionate to her offending.
- (h) The DJ placed insufficient weight on the totality principle.
- (i) The DJ failed to adopt the positions taken by the Prosecution.

34 Further, in her written submissions, there was some suggestion that the DJ might have been predisposed towards a certain view. In fact, it appeared that the Appellant was making an allegation of pre-judgment against the DJ. During the hearing, counsel for the Appellant, Mr Deepak Natverlal (“Mr Natverlal”), initially sought to advance this line of argument. He pointed to what he characterised as a prolonged “debate” which the DJ had with the Prosecution, during which the DJ had questioned the Prosecution on the adequacy of the sentence which the Prosecution was seeking. However, Mr Natverlal later withdrew this line of argument and clarified that the Appellant was not casting aspersions on the DJ.

35 During the hearing, the Appellant also sought, through Mr Natverlal, to distance herself from material portions of the Statement of Facts (“SOF”), which she had previously admitted to without qualification in the proceedings

below. In this regard, Mr Natverlal repeatedly sought to suggest during the hearing that: (a) the Appellant and her daughter were resident at the Flat during the material period; and (b) when the Appellant sought to enrol her daughter in the School during Phase 2C of the Primary 1 registration exercise, she did not do so with a view to securing admission based on the proximity between the Flat and the School.

Prosecution's arguments

36 The Prosecution, on the other hand, argued that the sentence imposed by the DJ was justified on account of the Appellant's high culpability. In this regard, the Prosecution submitted that the DJ correctly placed aggravating weight on: (a) the fact that the Appellant faced an amalgamated charge for the False Information Offence; (b) the planning and premeditation that went into the commission of the offences; and (c) the Appellant's involvement of the tenants and the Agent to further her deception. The Prosecution further argued that the sentence imposed by the DJ was consistent with the relevant precedents.

37 In terms of harm, the Prosecution agreed with some aspects of the DJ's assessment of the actual harm caused, highlighting that the period of offending spanned 16 months (if one took the start date of the offending to be when the Appellant committed the TIC charge), and that multiple staff members of the School were engaged in two house visits, three face-to-face meetings with the Appellant, and multiple rounds of e-mail correspondence with the Appellant. However, the Prosecution took a different view from the DJ in relation to the potential harm caused (in relation to the prevalence of such offending), for three reasons:

- (a) The negative impact which the Appellant's offending had on the legitimacy of the primary school admissions framework was to be seen

in the light of the lack of any evidence that such offences had become prevalent.

(b) Relatedly, the statistics provided by the MOE did not evidence a prevalence in such offences.

(c) The illicit benefit gained by the Appellant from the False Information Offence should not be overstated since there was no direct evidence that another child had been deprived of a place at the School due to her offending.

38 As regards the NRA Offence, the Prosecution submitted that since it was committed in service of the Appellant's broader objective that extended also to the False Information Offence, the nature and severity of the sentence imposed for the former would be contingent on the sentence imposed for the latter. In the round, the aggregate sentence of one week's imprisonment, premised on a concurrent running of sentences, could not be said to have been imposed without regard for the principles of totality and proportionality.

Issues for determination

39 Based on the parties' arguments, the following substantive issues were before me for determination:

(a) whether the sentence of one week's imprisonment imposed by the DJ for the False Information Offence was manifestly excessive;

(b) whether the sentence of one week's imprisonment imposed by the DJ for the NRA Offence was manifestly excessive; and

- (c) whether the DJ erred in imposing an aggregate sentence of one week's imprisonment.

The Magistrate's Court's jurisdiction

40 Before analysing the substantive issues, I first considered whether the DJ was correct in holding that the maximum sentence which the Magistrate's Court could impose on the Appellant for the False Information Offence was a \$20,000 fine (that is, double the Magistrate's Court's limit (see s 303(3)(b) of the CPC)) and/or a four-year imprisonment term (see [27] above).

41 In my judgment, the DJ was correct on this. As the DJ noted (Judgment at [50]), s 124(9) of the CPC is explicit that despite anything to the contrary in the CPC, where a Magistrate's Court would (apart from s 124 of the CPC) have jurisdiction and power to try a particular type of offence, and a charge is amalgamated under s 124(2) or 124(4) of the CPC, the Magistrate's Court would have: (a) "jurisdiction to hear and determine all proceedings for the offence specified in that charge"; and (b) "power to award the *full punishment provided under [the doubling provision in s 124(8) of the CPC]* in respect of the offence specified in that charge" [emphasis added].

Procedural objections

42 A second set of issues which I had to address before considering the substantive issues was whether any of the Appellant's procedural objections were made out. As earlier noted (see [34] and [35] above), the Appellant sought to: (a) distance herself from material portions of the SOF; (b) argue that the DJ erred in imposing a custodial sentence on her despite the parties' submissions to the contrary; and, relatedly, (c) take issue with the fact that the DJ appeared to have come to the matter having already taken a provisional view on the

appropriate sentence to be imposed on her. As I emphasised to Mr Natverlal during the hearing, these objections were disappointingly ill-founded. I explain.

43 It was wholly improper for the Appellant to have taken the position in this appeal, contrary to what was unambiguously stated in the SOF (at para 2), that she had resided at the Flat with her daughter during the material time. It was equally improper for the Appellant to have suggested in this appeal, contrary to what was plainly stated in the SOF (at para 6), that she did not seek to register her daughter with the School during Phase 2C of the Primary 1 registration exercise with a view to gaining an advantage for her daughter on account of the proximity between the School and the Flat. Such a position ran counter to a commonsensical reading of para 6 of the SOF, which unambiguously stated that the Appellant had registered her daughter at the School “*via priority admission* based on the home-school distance category in Phase 2C of the [Primary 1 registration exercise] with the address of the [Flat], which was within a 1-kilometre radius of the [School]” [emphasis added].

44 In effect, the Appellant was seeking to withdraw her unqualified admission to the SOF before the DJ. At the same time, at no point was it even suggested that she “did not have the genuine freedom to plead guilty”: *Public Prosecutor v Dinesh s/o Rajantheran* [2019] 1 SLR 1289 at [51]. When I pointed this out to Mr Natverlal, all he could offer was that these were the Appellant’s instructions. Unfortunately, Mr Natverlal seemed to have overlooked the fact that his first duty is to the court, of which he is an officer. Mr Natverlal’s conduct in this regard was unacceptable. As I previously explained in *Prometheus Marine Pte Ltd v King, Ann Rita* [2018] 1 SLR 1 at [69] and [70], a counsel’s first duty is to the court, and part of that duty extends to giving careful consideration to the observations and concerns of the court. A counsel is not the client’s unwitting or unthinking mouthpiece. In fact,

Mr Natverlal should have advised the Appellant that it was not proper for her to have sought to distance herself from the SOF on appeal when there was no basis for doing so. His failure to do so could have had serious consequences for his client in that the Appellant's conduct in this regard could have warranted an enhancement of her sentence, because it reflected an unwillingness to come to terms with her offence, and also signalled a lack of remorse: see *Thong Sing Hock v Public Prosecutor* [2009] 3 SLR(R) 47 at [56].

45 As to the other two points, they were similarly meritless. As I explained to Mr Natverlal, sentencing was a matter for the court, and the court was not bound by the submissions made by either party: *Janardana Jayasankarr v Public Prosecutor* [2016] 4 SLR 1288 (“*Janardana*”) at [12].

46 Moreover, as I previously explained in *Newton, David Christopher v Public Prosecutor* [2024] 3 SLR 1370 (at [50(b)]–[50(c)]), there was nothing at all wrong with the DJ having read the papers, going to the hearing with a provisional view as to what she thought about the matter, and putting that provisional view to the parties. That was entirely appropriate and fair. In fact, that would have been *expected* of the DJ, so long as the DJ maintained an open mind until the decision is pronounced. Having looked at the transcripts of the proceedings below, I was unable to see how the DJ could be said on any basis to have failed to keep an open mind. On the contrary, the DJ seemed to me to have gone out of her way to ensure that the Appellant had every opportunity to address her concerns.

47 Instead, it was evident that the real crux of the Appellant's unhappiness was with the *substance* of the DJ's decision, which went against the Appellant. But the fact that the DJ rejected an argument said nothing about pre-judgment or bias; rather, it was simply a reflection of the DJ's view on the merits of that

argument: see *Magendran Muniandy v Public Prosecutor* [2024] 1 SLR 877 at [32]–[33]. Subsequently, Mr Natverlal withdrew his client’s insinuation of judicial impropriety during the hearing. However, it bears repeating that these allegations should never have been made in the first place. As I recently warned in *Soh Chee Wen v Public Prosecutor* [2025] 2 SLR 176 (at [62]), allegations of judicial impropriety are extremely serious, because they can be weaponised by disgruntled litigants against judges.

48 Having dealt with the Appellant’s procedural objections, I turned to consider the substantive issues, beginning with the False Information Offence.

The False Information Offence

49 The DJ, in sentencing the Appellant for the False Information Offence (which was an amalgamated offence), seemed to have collapsed the first two steps of the framework for sentencing such offences that was set out in *Prakash s/o Mathivanan v Public Prosecutor* [2025] 4 SLR 1386 (“*Prakash*”) (see Judgment at [71]). In *Prakash*, the High Court established (at [129]) a three-step framework for sentencing offenders convicted of an amalgamated charge:

- (a) First, the court must identify the punishment prescribed for a single incident of the offences committed, which is referred to as the base offence.
- (b) Second, the court will determine the appropriate starting point sentence, based on a holistic assessment of the offender’s culpability over the entire course of conduct, and having regard to the aggregate harm caused and the offender’s overall culpability.

(c) Third, the court then considers the relevant offender-specific aggravating and mitigating factors before deciding on whether adjustments are required to the starting point sentence.

50 In my view, although the DJ merged her analysis of the first and second steps of the *Prakash* framework (Judgment at [71]), there was nothing objectionable in adopting such an approach given the facts of this case, where each offence in the amalgamated charge was part and parcel of a course of conduct that was directed at securing a particular illicit outcome, that is, the continued wrongful enrolment of the Appellant's daughter in the School.

51 I then considered whether the DJ erred in applying the offence-specific and offender-specific factors respectively.

Offence-specific factors

Harm

52 In my view, an application of the principles set out in *Koh Yong Chiah* justified a custodial sentence on the facts of the present case. As explained in *Koh Yong Chiah* (at [50] and [52]), the approach to deciding whether the custodial threshold has been crossed involves examining whether there has been appreciable harm. In my judgment, that threshold was certainly crossed, as appreciable harm was demonstrated in at least three ways.

(1) Significant wastage of public resources

53 At the first level, as the DJ found (see [28] above), the Appellant's false statements made it necessary for the School to devote significant resources to ascertain her daughter's true residential address. To unravel the truth, representatives of the School had to visit the Flat a second time and contend

with the tenants who were evasive. They also had to interview and exchange e-mails with the Appellant multiple times. As noted in *Koh Yong Chiah* (at [50] and [54], citing *Public Prosecutor v Moscardon Mark Henry Pueyo* [2009] SGDC 304 (“*Moscardon*”)), custodial sentences have been imposed in such circumstances where there has been a significant wastage of public resources.

54 In *Moscardon*, as observed in *Koh Yong Chiah* (at [24(a)]), the offender lied about his name to the police when he was apprehended for shop theft. As a result, the police had to expend additional resources to determine the offender’s true identity, locate him and then charge him. He was sentenced to six months’ imprisonment for the offences under s 182 of the PC. This was analogous to what the Appellant had caused the VP and staff members of the School to have to do. Contrary to the Appellant’s argument (see [33(b)] above), appreciable harm was therefore caused, with the result that even *as a starting point*, a custodial sentence was warranted.

55 This position was also consistent with the precedents, and the Appellant’s attempt to argue otherwise (see [33(d)] above) did not assist her. In none of the cases she cited did the offender cause a wastage of public resources, and certainly not to a degree remotely resembling that in the present case:

(a) In *Henry Wong HC*, the offender gave false information about his residential address in his application to register his daughter for primary school admission (see *Koh Yong Chiah* at [28(d)]). However, the offender in that case, *at his first meeting* with the principal of the school relating to the issue of his daughter’s residential address, “disclosed that he has not resided at the [declared property]”: *Public Prosecutor v Wong Yi Hao Henry* [2015] SGMC 7 at [4]. The High Court in *Koh Yong Chiah* therefore noted (at [53]) that “no appreciable

harm was caused” in that case. This is plainly different from the present case. That said, I do observe that in that case, the court did not appear to have considered the other two forms of harm which I will explain at [57]–[60] below.

(b) As regards *Bernard Lim*, that was distinguishable in two important aspects: (i) the offender there recanted his false statement after just two days; and (ii) no reliance was placed on his false statement, which thereby caused only *de minimis* harm: see *Koh Yong Chiah* at [32(c)], [51(b)] and [53].

(c) The unreported cases did not assist the Appellant, for it is well-established that unreported cases carry limited precedential value: *Toh Suat Leng Jennifer v Public Prosecutor* [2022] 5 SLR 1075 at [51].

(d) Finally, *Gilbert Oh* did not assist the Appellant. The harm caused in the present case was more serious. In *Gilbert Oh*, the offender, who was a Director-General at the Ministry of Foreign Affairs (“MFA”) undergoing internal investigations for potential misconduct, had lied to a Deputy Secretary of the MFA regarding the circumstances of the incident for which he was being investigated. In doing so, he knew that he would likely cause the Deputy Secretary to omit to look further into certain aspects of the circumstances of the incident, which the Deputy Secretary ought not to have omitted if he knew of the true state of affairs (*Gilbert Oh* at [5]–[6]). His sentence of one week’s imprisonment was upheld on appeal (*Gilbert Oh* at [65]). In *Gilbert Oh*, the MFA’s investigation was not actually hindered by the false statement, and the offender had retracted his statement within 16 hours (*Gilbert Oh* at [42]). The present case was, on account of the factors canvassed earlier, distinguishable and plainly more serious (see [53]–[54] above), and in

my view, the Appellant's offending caused greater harm than that of the offender in *Gilbert Oh*.

56 For these reasons, the precedents when properly analysed in terms of the harm caused by the false statement with respect to the resultant wastage of resources, justified the custodial sentence imposed on the Appellant.

(2) Deprivation of another child from a spot in the School

57 Aside from this, by her offending, the Appellant wrongfully deprived another child of a place in the School. In this regard, I disagreed with the Prosecution (see [37(c)] above) that for this aggravating factor to be engaged, there had to be direct evidence that another child was deprived of a place at the School. The places in the School (and in any school for that matter) are finite: see Singapore Parl Debates; Vol 96, Sitting No 23; [3 March 2026] (Desmond Lee, Minister for Education) (Committee of Supply – Head K (Ministry of Education)). That could be said with even greater force in respect of the number of places available under the priority admission scheme in Phase 2C of the Primary 1 registration exercise: see, for example, Singapore Parl Debates; Vol 96, Sitting No 4; [24 September 2025] (Desmond Lee, Minister for Education) (Data on Unsuccessful Applicants of Phase 2C Supplementary Primary One Registration Exercise and Engaging Parents in School Allocation); Singapore Parl Debates; Vol 95, Sitting No 70; [4 October 2022] (Chan Chun Sing, Minister for Education) (Impact of Change in Primary 1 Registration Framework on Number and Proportion of Students Obtaining Places in Schools within One and Two Kilometres of Residence). When any one place is obtained by an improper method, it stands to reason that at least one child who might otherwise have been eligible for that place would be deprived of that

opportunity. At the very least, there is a real risk that such harm could have materialised.

58 And this is significant. The purpose and rationale underlying Phase 2C of the Primary 1 registration system is “so that more children can be enrolled in a school near their homes”, which “is in the educational interest of the child and for the convenience of the family”: see Singapore Parl Debates; Vol 95, Sitting No 70; [4 October 2022] (Chan Chun Sing, Minister for Education) (Impact of Change in Primary 1 Registration Framework on Number and Proportion of Students Obtaining Places in Schools within One and Two Kilometres of Residence); Singapore Parl Debates; Vol 96, Sitting No 14; [14 January 2026] (Desmond Lee, Minister for Education) (Periodic Relocation of Popular Schools to Better Align School Access with Principles of Meritocracy and Social Mixing) (see also Judgment at [58]). By wrongfully depriving another child of a spot in the School, the Appellant had adversely affected the broader educational interests of another child and the convenience of that child’s family. Such had to be accounted for in sentencing the Appellant.

(3) Risk of erosion of public confidence

59 Beyond this, the False Information Offence also gave rise to the risk that public confidence in the fairness and integrity of the Primary 1 registration system would be eroded. As the DJ alluded to (see Judgment at [58]–[60]), the Primary 1 registration exercise is meant to apply to all parents equally, fairly and transparently. The process is meant to ensure an equitable distribution of a valuable public good, which is the ability to gain access to primary schools. Its ability to function effectively depends on parents generally believing that it is fair and equitable, and that it operates transparently: see Singapore Parl Debates; Vol 95, Sitting No 19; [24 February 2021] (Lawrence Wong, Minister for

Education) (Allocation of Vacancies for Primary 1 Registration and Funds Extended to Schools based on Number of Students Accepted at Phase 2A).

60 By committing the False Information Offence, the Appellant sought to undermine and subvert this important process in a manner which was not easily detectable. Apart from the difficulty of detecting the offence, which would in itself have justified a deterrent sentence (see *Public Prosecutor v Law Aik Meng* [2007] 2 SLR(R) 814 at [25(d)]), the Appellant's offence could also fuel unhappiness, a sense of unfairness, and a sense of resentment with a wider impact on the community. That would prejudice the legitimacy of the process in place to secure the fair and orderly allocation of a shared communitarian resource, namely places in primary schools. In my judgment, appropriate weight had to be placed on such harm.

(4) Observations on *Koh Yong Chiah*

61 Before leaving this point, I observe that the latter two forms of harm (that is, the deprivation or risk of deprivation of another child of a spot in the School, and the risk of erosion of public confidence in the Primary 1 registration system) were not expressly considered in *Koh Yong Chiah*. In that case, as the Appellant highlighted (see [33(a)] above), the High Court suggested (at [53]) that, absent evidence of the increased prevalence of offences involving an offender lying to a primary school, a fine would suffice where no appreciable harm is caused.

62 This matter was not the appropriate occasion to reassess whether the public interest today dictates otherwise. My conclusion on this issue would not have been material to the outcome of the Appellant's appeal because the fact remained that in the *present case*, the Appellant's offending *had* caused a

significant wastage of public resources. That, in itself, would have justified the custodial sentence imposed by the DJ (see [54] above).

63 For present purposes, it sufficed for me to observe that, to the extent the parties were seeking to argue that the remarks in *Koh Yong Chiah* (at [53]) suggest that it would have to be demonstrated that similar offences are becoming increasingly prevalent before the public interest could displace a fine as a starting point for such offences, I did not agree. As explained above, I considered it appropriate, when sentencing similar offences, to take into account the broader forms of harm, such as the deprivation of another child's rightful spot in a primary school (or the risk of this), and the risk of erosion of public confidence in the Primary 1 registration system. This might potentially entail reconsidering the sentencing approach for such offences.

Culpability

64 Even if I had agreed with the Appellant that the custodial threshold was not crossed as a starting point based on the harm caused by her offending, the Appellant's high culpability on the facts before me would have amply justified a custodial sentence in any event.

65 During the hearing, I highlighted to Mr Natverlal that in *Koh Yong Chiah*, the High Court held (at [56]) that the test of appreciable harm was meant to provide the sentencing court with a starting point. Thereafter, the court had to consider whether other aggravating factors, which were identified at [43]–[44] of the judgment in that case, were present which might justify a departure from the starting point. In the present case, at least seven of those aggravating factors were engaged:

- (a) First, the Appellant knew the information was false: *Koh Yong Chiah* at [43(a)].
- (b) Second, her offence was clearly pre-meditated: *Koh Yong Chiah* at [43(c)]. As the DJ noted (see [29] above), this was evidenced in part by her conduct underlying the TIC charge (see [76]–[78] below).
- (c) Third, she took active and deliberate steps to bolster her deception and boost her chances of deceiving the public authorities: *Koh Yong Chiah* at [43(d)].
- (d) Fourth, she was motivated by the benefit she wanted to secure, whether for herself or for her child: *Koh Yong Chiah* at [43(e)]; see also *Abu Syeed Chowdhury v Public Prosecutor* [2002] 1 SLR(R) 182 at [33]. It was no excuse for the Appellant to say that she had wanted to help her child.
- (e) Fifth, she lied a total of five times: *Koh Yong Chiah* at [43(g)].
- (f) Sixth, she instigated and involved *seven* other people to further her lie, namely, the Agent and the six tenants of the Flat: *Koh Yong Chiah* at [43(h)].
- (g) Finally, the Appellant’s offending was prolonged. She started her lie around the time of the commencement of the Primary 1 registration exercise, and persisted for at least 15 months until October 2024. That provided some idea of the duration of her offending behaviour.

66 Considering these culpability-related factors, even if I had taken the view that the starting point was a fine, I would, following the guidance in *Koh*

Yong Chiah (at [56]), nonetheless have concluded that a custodial sentence was appropriate in this case.

Amalgamation

67 Finally, I observed that the False Information Offence was an amalgamated offence. That being so, the court should consider, at the second stage of the *Prakash* framework, whether it was appropriate to impose a different type of sentence because of the repetition of the Appellant's offending behaviour: *Prakash* at [129(b)(iii)]. Assuming I had not been convinced that the custodial threshold had been crossed when considering a single isolated lie, once this was seen in the context of a repeated offence that was charged as an amalgamated offence, that, too, could have justified a custodial sentence.

68 In other words, having regard to the entire course of the Appellant's conduct, the repetition of her offending behaviour would have provided a further and *alternative* reason why the custodial sentence imposed by the DJ was appropriate.

69 For these reasons, I had no doubt that the DJ was correct to find that, on a consideration of the offence-specific factors, the custodial threshold was crossed.

Offender-specific factors

70 The Appellant sought to highlight certain offender-specific factors, which she argued would justify lowering her sentence (see [33(e)] above). These factors did not assist her.

71 While the Appellant was technically untraced, I noted that she was a multiple offender. As explained in *Janardana* at [18], when the offender in

question has been charged with multiple offences, no weight should be placed on the lack of antecedents (unless the series of offences arose from a single incident, which was not the case here). Indeed, the primary reason the Appellant was untraced was that she had not been caught for her offences until her lies came to light with the School's investigation: see *Chen Weixiong Jerriek v Public Prosecutor* [2003] 2 SLR(R) 334 at [15]. In any event, it is well-established that the lack of antecedents is only a neutral factor and is not mitigating: *BPH v Public Prosecutor* [2019] 2 SLR 764 at [85].

72 As regards her personal circumstances, there was nothing in the present case to suggest that they were so exceptional as to carry mitigating weight: see *Chua Ya Zi Sandy v Public Prosecutor* [2021] SGHC 204 at [11]–[13].

73 I therefore saw no reason to disturb the finding of the DJ that the custodial threshold was crossed. In fact, as explained earlier, I observed that the additional forms of harm caused by the offence (see [57]–[60] above), the Appellant's high level of culpability (see [65] above), as well as the Appellant's attempts to distance herself from the SOF and her initial insinuations of pre-judgment (see [44] and [47] above), could each have justified a further enhancement of her sentence. Accordingly, I saw no reason to disturb the sentence of one week's imprisonment imposed by the DJ for the False Information Offence.

The NRA Offence

74 I turned next to the NRA Offence. I did not think the DJ erred in sentencing the Appellant to one week's imprisonment for this offence.

75 In my judgment, the DJ had, in calibrating the sentence for the NRA Offence, correctly considered the offence-specific factors of harm and

culpability (Judgment at [35]). These are the primary parameters that a sentencing court would generally have regard to in evaluating the seriousness of an offence: *Lim Ying Ying Luciana v Public Prosecutor* [2016] 4 SLR 1220 at [28].

76 In my view, the sentence imposed on the Appellant was amply justified by her high level of culpability. She was persistent in her offending (see also *Koh Yong Chiah* at [53]; *Koo Kah Yee v Public Prosecutor* [2021] 3 SLR 1440 at [65]; *Public Prosecutor v Randy Rosigit* [2024] 4 SLR 1586 at [51]), and had no qualms about abusing the national registration system in order to advance her own scheme. As was pointed out by the Deputy Public Prosecutor, Mr Chong Kee En, just days before the commencement of the Primary 1 registration exercise, in order to secure an improper advantage for her daughter, the Appellant deliberately changed her residential address to something that she knew was false, that is, from the Partner's Flat to the Flat. This was the subject of the Appellant's TIC charge.

77 A year later, when she thought she had succeeded in her scheme, she changed her residential address to reflect her actual place of residence, that is, the Partner's Flat. This suggested to me that the Appellant *knew* full well that it was important to ensure that she correctly reported her residential address. However, when she realised that this had caused the School to commence its investigations (see [8]–[9] above), she doubled down on her lie and again abused the national records system to commit the NRA Offence.

78 This series of events demonstrated the Appellant's clear knowledge of the wrongfulness of her conduct, and her willingness to engage in it repeatedly to further her agenda amply justified the sentence of one week's imprisonment. Indeed, if anything, I considered the sentence to be lenient.

79 Before leaving this issue, I make two points. First, I noted that in her analysis, the DJ declined to accord aggravating weight to the TIC charge. She reasoned that to do otherwise would result in double counting, since that charge already featured in her assessment of the Appellant’s culpability for the False Information Offence (Judgment at [81]; see [31] above). I disagreed.

80 In considering the TIC charge in relation to the False Information Offence, no aggravating weight was placed on the *fact* that the Appellant faced a TIC charge. Rather, the TIC charge was used to *evidence* the *offence*-specific factor of the Appellant’s premeditation and planning in relation to the False Information Offence (see Judgment at [67]). This was also the approach I adopted (see [65(b)] above). There would therefore have been no double counting had the DJ accorded aggravating weight to the presence of the TIC charge in sentencing the Appellant for the NRA Offence as an *offender*-specific factor, and this would have been grounds for enhancing the Appellant’s sentence for the NRA Offence, which was of the same nature: see *Public Prosecutor v UI* [2008] 4 SLR(R) 500 at [38].

81 Second, the DJ thought that the harm caused by the NRA Offence lay in the distinct fraud perpetrated on another public officer, and the undermining of the reliability of official records maintained by the state (Judgment at [73]; see [31] above). I did not disagree, but would add that such harm is not aggravating without more. Such harm flows inevitably from the charge because it is an essential element of the offence (namely, the giving of false information when reporting a change of residence to a registration officer). It would therefore have amounted to double counting if aggravating weight had been placed on this when determining the appropriate sentence for the NRA Offence: *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 (“*Raveen*”) at [84]. However, the DJ did not do that.

Aggregate sentence

82 In the round, the aggregate sentence of one week’s imprisonment was not manifestly excessive. Contrary to the Appellant’s arguments (see [33(f)]–[33(h)] above), the DJ, in arriving at the aggregate sentence (see Judgment at [84]), correctly considered the sentencing objective of general deterrence: see *Public Prosecutor v Mohammad Al-Ansari bin Basri* [2008] 1 SLR(R) 449 at [27], citing *R v James Henry Sargeant* (1974) 60 Cr App R 74 at 77. As I have explained, offences such as the present cause appreciable harm in several ways, and the sentences imposed by the DJ needed to be sufficient to deter like-minded individuals from committing similar offences.

83 Contrary to the Appellant’s contention, nothing in the Judgment suggested that the DJ had applied the “escalation principle” to justify imposing a longer imprisonment term on the basis of *specific* deterrence: see *Public Prosecutor v Low Ji Qing* [2019] 5 SLR 769 at [55]–[59]. In fact, as I previously noted at multiple junctures, the Appellant’s sentences were lenient in several aspects. I would add that, had I heard the matter at first instance, I would, on application of the one transaction rule, have been inclined to order that the sentences for both offences run consecutively. The Appellant’s offences were not proximate to each other in time and place and were, in any event, meant to protect different legally protected interests: *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [31] and [34].

84 Ultimately, the Appellant had, for 16 months, repeatedly lied to the School and the registration office. She sought to circumvent the very system governing primary school registration. She also instigated seven other individuals to perpetuate her lie. An aggregate sentence of one week’s imprisonment was, if anything, disproportionately lenient in the light of her

overall criminality: see *Raveen* at [98(c)]. I considered but decided not to enhance the sentence, because there was no material before me either by way of submissions or precedents to inform my discretion in this regard.

Conclusion

85 In all the circumstances, and for the reasons I have set out, I dismissed the appeal.

Sundaresh Menon
Chief Justice

Natverlal Deepak (Crown Juris Law LLC) for the appellant;
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for the respondent.
