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

[2026] SGHC 99

Magistrate's Appeal No 9175 of 2025/01

Between

Habeeb Zaleena d/o
Pallivilakam Kader Habeeb
Mohamed

… *Appellant*

And

Public Prosecutor

… *Respondent*

GROUNDS OF DECISION

[Criminal Procedure and Sentencing — Sentencing — Appeals]
[Criminal Law — Statutory offences — Road Traffic Act]

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v
Public Prosecutor

[2026] SGHC 99

General Division of the High Court — Magistrate's Appeal No 9175 of 2025/01
Kannan Ramesh JAD
20 March 2026

8 May 2026

Kannan Ramesh JAD:

Introduction

1 The appellant, Habeeb Zaleena d/o Pallivilakam Kader Habeeb Mohamed, pleaded guilty to one charge of driving without reasonable consideration for other persons using the road under s 65(1)(*b*) of the Road Traffic Act 1961 (Cap 276, 2004 Rev Ed) ("RTA"), punishable under s 65(3)(*a*) read with s 65(6)(*d*) of the RTA. She was sentenced to 11 weeks' imprisonment and disqualification from holding or obtaining a driving licence across all classes for a period of five years, with effect from her date of release by a District Judge ("DJ"). The DJ's grounds of decision may be found in *Public Prosecutor v Habeeb Zaleena d/o Pallivilakam Kader Habeeb Mohamed* [2025] SGDC 307 ("GD").

2 The appellant appealed against the sentence on the ground that the custodial term was manifestly excessive as the custodial threshold had not been crossed. She sought instead a fine and an appropriate period of disqualification. On 20 March 2026, I heard and dismissed the appeal with brief oral grounds. My full grounds of decision follow.

Background facts

3 On the morning of 30 September 2020, the appellant was driving her car on lane one of Woodlands Road towards Upper Bukit Timah Road, intending to make a discretionary right turn at the signalised junction with Kranji Expressway (Pan Island Expressway). At the same time, a 47-year-old dispatch rider ("Victim") was travelling straight on lane three along Woodlands Road towards Bukit Panjang Road, approaching the junction with the green light in his favour. The Victim had the right of way and was within the appellant's field of vision as he entered the junction.

4 The appellant executed a swift right turn without reducing her speed or stopping in the turning pocket to check for oncoming traffic. Her car collided with the right side of the Victim's motorcycle, throwing him onto the pavement. The impact propelled the motorcycle into oncoming traffic from the expressway, resulting in a collision with a lorry waiting at the junction as the light was red. The impact also dislodged the Victim's motorcycle rear storage box, flinging it towards the junction island, narrowly missing a pedestrian on a motorised bicycle waiting to cross the road.

5 The Victim suffered the following injuries from the accident:

(a) right foot degloving injury with a fifth toe proximal phalanx fracture and cuboid fracture;

(b) left tibial plateau fracture;

(c) right knee superficial abrasion measuring 8cm; and

(d) abdominal abrasion measuring 20cm.

6 The Victim was hospitalised in tranches between 30 September 2020 and 6 March 2021, totalling 119 days. During his hospitalisation, he underwent multiple surgeries as a result of complications arising from the injuries as well as plastic surgery to reconstruct the flap in the heel of the right foot. The injury to his right foot was permanent, requiring him to wear modified footwear. The Victim was given hospitalisation leave from 30 September 2020 to 24 November 2021, covering both his period of hospitalisation and eight months of post-discharge hospitalisation leave.

7 All three vehicles were damaged in the accident: the Victim's motorcycle's front and right portions sustained scratches and cracks, and, as noted earlier, the rear storage box was damaged from being detached and flung towards the junction island; the appellant's car's front portion and bumper sustained cracks and dents; and the lorry's front portion sustained dents.

8 At the time of the accident, the weather was fine, the road surface was dry, traffic flow was moderate, and visibility was clear. No mechanical faults were detected in either the Victim's motorcycle or the appellant's car.

Decision below

9 The DJ applied the sentencing framework for careless driving causing grievous hurt punishable under s 65(3)(*a*) of the RTA where the offender elects to claim trial, that was laid down by the High Court in *Chen Song v Public Prosecutor* [2025] 3 SLR 509 ("*Chen Song*") (GD at [64]), accounting for the

appellant's plea of guilt in the fourth step (see below at [10(d)]) as stated in *Chen Song* at [134].

10 The four-step framework in *Chen Song* ("*Chen Song* framework") (*Chen Song* at [134]) is as follows:

(a) First, the court identifies offence-specific harm and culpability factors:

(i) Harm factors consist of primary harm factors relating directly to the victim's bodily injury – such as the nature and location of the injuries, the degree of permanence and the impact of the injuries – and secondary harm factors which are unrelated to the victim's physical injury but nonetheless go towards the extent of harm caused, such as potential harm and property damage.

(ii) Culpability factors include dangerous driving behaviour, flouting of traffic rules and regulations, and high degree of carelessness.

(b) Second, based on the number of offence-specific factors present, the court determines whether the harm caused is "lesser harm" (one or no harm factors) or "greater harm" (two or more harm factors), and whether the culpability is "lower culpability" (one or no culpability factors) or "higher culpability" (two or more culpability factors). This determines the applicable sentencing band:

	Lower culpability	**Higher culpability**
Lesser harm	Band 1: Fine and/or up to 6 months' imprisonment	Band 2: 6 months to 1 year's imprisonment
Greater harm	Band 2: 6 months to 1 year's imprisonment	Band 3: 1 to 2 years' imprisonment

(c) Third, the court identifies an indicative starting point within the chosen sentencing band, considering all primary harm factors, culpability factors, and secondary harm factors.

(d) Fourth, the court makes adjustments to the starting point to account for offender-specific aggravating and mitigating factors, including pleas of guilt.

11 The custodial threshold is typically crossed when two or more offence-specific harm and/or culpability factors are present (*Chen Song* at [137]). Therefore, for Band 1 cases, fines are ordinarily imposed only where one or no such factors exist (*Chen Song* at [137]). Further, s 65(6)(*d*) of the RTA mandates a five-year disqualification period for offences under s 65(3), unless the court finds "special reasons" justifying otherwise. Special reasons require the court to be satisfied that the offender drove in circumstances where: (a) it was necessary to avoid other likely and serious harm or danger; and (b) no reasonable alternative existed to achieve this end (*Chen Song* at [138], citing *Lee Shin Nan v Public Prosecutor* [2024] 3 SLR 1730 at [79]).

Step 1: Harm and culpability factors

Harm factors

12 The DJ found all three primary harm factors present to a very serious extent (GD at [66]). The Victim suffered serious bilateral leg fractures, was hospitalised for 119 days requiring multiple surgeries, and sustained permanent right foot disability requiring modified footwear due to heel flap reconstruction (GD at [65]).

13 The DJ also found significant potential harm to other road users, given the presence of multiple road users at the junction, before, during and shortly after the accident (GD at [73]–[75]). Further, the video footage of the accident showed that the impact of the collision had dislodged the rear storage box of the Victim's motorcycle, flinging it towards the island of the junction and narrowly missing a pedestrian on a motorised bicycle waiting the cross the road (GD at [74]). The DJ also took into account the damage caused to all three vehicles (GD at [78]).

Culpability factors

14 The DJ benchmarked the appellant's manner of driving against the requirements stated in the Highway Code ("Code") for road junctions, finding that instead of reducing speed and stopping in the turning pocket to check for oncoming traffic, the appellant "performed a swift discretionary right turn" and "failed to remain in the turning pocket to ensure that it was clear to make the right turn" (GD at [81]–[83]). The DJ found this constituted a "high degree of carelessness" (GD at [85]).

15 The DJ rejected the defence's assertion that the appellant suffered from an eye condition that suddenly impaired her ability to see the Victim at the

material time, finding no contemporaneous or objective medical evidence of such sudden impairment (GD at [87]). The medical evidence indicated that the appellant had longstanding underlying eye conditions of which she must have known about, and that choosing to drive in such circumstances would increase rather than mitigate her culpability – "the degree of carelessness was very high which [was] an aggravating factor" (GD at [88]). The DJ also dismissed the conclusion in the accident reconstruction report from the appellant's expert ("Accident Report"), finding that the conclusions therein were not within his expertise as they were based on extrapolation from the reports of eye specialists who were either treating the appellant or had examined her ("Eye Specialist Reports") (GD at [89]).

Step 2–3: Sentencing band and indicative starting point

16 The DJ classified the case as involving greater harm and lower culpability, placing it within Band 2 with a sentencing range of 6 months to 1 year's imprisonment (GD at [90]). For completeness, the DJ placed the culpability in the upper end of the low category (GD at [86]).

17 After considering all harm and culpability factors, the DJ set an indicative starting point of 6 to 8 months' imprisonment (GD at [91]).

Step 4: Adjustment of sentence according to mitigating and aggravating factors

18 The DJ accorded little weight to the appellant's 2004 speeding violation given its age and rejected the appellant's eye condition as a mitigatory factor, for the reasons set out at [15] above (GD at [92]). The DJ held that on a claim trial basis, 16 weeks' imprisonment was appropriate (GD at [93]). Applying the maximum 30% discount for the Stage 1 guilty plea indication with reference to

para 9 of the Guidelines on Reduction in Sentences for Guilty Pleas, the sentence was reduced to 11 weeks' imprisonment, with the mandatory minimum 5-year disqualification across all vehicle classes (GD at [93]).

Parties' cases on appeal

Appellant's submissions

19 The appellant's position was that the custodial threshold had not been crossed and that a fine would be appropriate in the circumstances. The appellant submitted that the 11 weeks' imprisonment was manifestly excessive on four grounds, arguing that the DJ:

(a) incorrectly classified the harm category as "greater harm";

(b) incorrectly classified her culpability at the upper end of "lower culpability";

(c) failed to consider offender-specific mitigating factors; and

(d) failed to consider recent legislative changes and comparative precedents.

20 Overall, the appellant argued that the case ought to be classified as "lesser harm" and lower end of "lower culpability", falling within Band 1 of the *Chen Song* framework and warranting only a fine.

Incorrect classification of "greater harm"

21 The appellant submitted that this was a case of "lesser harm". The appellant challenged the DJ's classification of "greater harm" on two grounds. First, the primary harm factor of the degree of permanence of the injuries was

not made out as there was no evidence that the Victim's foot injury would result in permanent disability or affect his ability to work. Second, the DJ breached procedural safeguards by relying on the video footage of the accident to establish potential harm and property damage factors, as it was not admitted as part of the Statement of Facts ("SOF").

Incorrect classification of the upper end of "lower culpability"

22 The appellant further submitted that this was a case of the lower end of "lower culpability". The appellant challenged the DJ's culpability assessment on three grounds. First, the DJ misapplied the Code by treating the accident as occurring at a junction, when that was not the case as it arose in the course of a discretionary right turn. There was also no requirement in the Code or in law to slow down and stop within the turning pocket when executing such a turn. Given the Prosecution's concession that the appellant was driving within the applicable speed limit, her conduct only amounted to carelessness warranting a finding of the lower end of "lower culpability".

23 Second, the DJ incorrectly concluded that the appellant knew of her eye condition. The Eye Specialist Reports showed that the appellant suffered a second recurrence of cataracts after the accident, of which she only became aware after the accident when she saw the eye doctor on 10 December 2020. This condition may have affected the appellant's depth perception and distance judgment at the time of the accident.

24 Third, the DJ wrongly rejected the Accident Report. The appellant's expert correctly assessed how the appellant's eye condition affected her driving, and in the absence of any rebuttal expert evidence from the Prosecution, the Accident Report should have been accepted on whether the appellant's depth perception and distance judgment were impaired by her eye condition.

Failure to consider mitigating factors

25 The appellant submitted that the DJ failed to consider offender-specific mitigating factors, including her 46-year career as a teacher and public servant with the Ministry of Education, a Safe Driving Decal awarded by the Traffic Police in 2019, and her successful completion of medical examinations assessing her suitability to drive in 2021 and 2024.

Failure to consider legislative changes and comparative precedents

26 The appellant argued that the DJ failed to take judicial notice of the Road Traffic (Miscellaneous Amendments) Act 2025, which restored judicial discretion for first-time, low-culpability offenders. By these amendments, Parliament intended to balance deterrence with proportionality, and in light of her medical condition, the sentencing objectives of rehabilitation and proportionality favoured the imposition of a fine over imprisonment.

27 The appellant also relied on several recent decisions where offenders in circumstances asserted to be similar or more serious to the accident at hand had received fines or shorter custodial terms, to argue that a fine in the present case would be consistent with the applicable sentencing benchmarks and thus appropriate.

Prosecution's submissions

28 The Prosecution submits that the sentence is not manifestly excessive as the DJ correctly applied the *Chen Song* framework, including giving due weight to specific mitigating factors.

Issues before the court

29 The issues on appeal were whether the sentence imposed was manifestly excessive because the DJ erred in:

(a) categorising the case as "greater harm"

(b) categorising the case as the upper end of "lower culpability";

(c) failing to properly consider specific mitigating factors; and

(d) failing to consider relevant materials including recent legislative changes and comparative precedents.

My decision

The applicable law for appellate intervention

30 Appellate courts do not ordinarily disturb sentences imposed by lower courts, except where the sentencing judge: (a) erred on the proper factual basis for sentencing; (b) failed to appreciate relevant materials; (c) imposed a sentence wrong in principle or law; or (d) imposed a manifestly excessive or inadequate sentence (*Public Prosecutor v Kwong Kok Hing* [2008] 2 SLR(R) 684 ("*Kwong Kok Hing*") at [14]). As stated above at [2] and [19], the appellant appealed against the sentence on the fourth ground.

31 A sentence is manifestly excessive when it is unjustly severe and "requires substantial alterations rather than minute corrections to remedy the injustice" (*Kwong Kok Hing* at [15], citing *Public Prosecutor v Siew Boon Loong* [2005] 1 SLR(R) 611 at [22]). The fact that an appellate court might have imposed a different sentence is insufficient to warrant intervention (*Kwong Kok Hing* at [16], citing *Angliss Singapore Pte Ltd v Public Prosecutor* [2006] 4

SLR(R) 653 at [14]). On the present facts, I was of the view that the sentence imposed was not manifestly excessive.

Issue 1: Whether the DJ erred in categorising the case as "greater harm"

The primary harm factors were correctly established

32 In my view, the DJ correctly concluded on all three primary harm factors. First, on the nature and location of injuries (*Chen Song* at [127(a)]), the Victim sustained extensive and serious injuries of bilateral leg fractures and a degloving of the right foot, which required multiple surgical interventions as detailed above at [5]–[6]. This factor is clearly established.

33 Second, on the degree of permanence, the appellant's counsel, Mr S. M. Sukhmit Singh ("Mr Singh"), argued in both written and oral submissions that this factor was not established due to insufficient evidence that the Victim's permanent foot injury would affect his daily life or ability to work. I rejected this argument. The High Court in *Chen Song* at [127(b)] makes it clear that the factor of the degree of permanence concerns only whether the injury itself is permanent. As regards this factor, there is no requirement to correlate the impact of the injury to the victim's quality of life or ability to work. In the present case, the SOF stated that the Victim's right foot injury was permanent and that he had to wear a modified footwear.

34 The question of how an injury affects a victim's daily life or ability to work is, however, relevant to the third primary harm factor of impact of injury (*Chen Song* at [127(c)]). On this factor, the DJ held that it was made out because the Victim was hospitalised for a total of 119 days and had to undergo multiple surgeries (GD at [65(b)]). I agreed, and make one observation.

35 First, there is an inevitable overlap between the factors of nature and location of injury on the one hand, and impact of injury on the other. The period and nature of hospitalisation may be an indicium of both the nature and severity of the injury and perhaps even the number of injuries suffered, and its impact on the victim's quality of life. This is recognised in *Chen Song* which directs consideration of the victim's condition following surgery under the factor of nature and location of injury at [127(a)(iv)], and the victim's duration of hospitalisation under the factor of impact at [127(c)(i)]. The period and nature of hospitalisation may thus be relevant to both factors.

36 The broad point I wish to make is that the determination of "greater harm" or "lesser harm" is a holistic assessment. This was emphasised in *Chen Song* at [127]. The three primary factors serve as key markers for gauging the severity of physical harm suffered; they are to be considered together to paint a complete picture of the extent of that harm. It is important to understand that evaluation of harm in this context.

37 Returning to the present facts, as noted earlier, the Victim was given hospitalisation leave from 30 September 2020 to 24 November 2021, covering both his period of hospitalisation and eight months of post-discharge hospitalisation leave. He was hospitalised for 119 days in total in various tranches between 30 September 2020 and 6 March 2021. Hospitalisation for such a lengthy period plainly demonstrates substantial impact on the Victim's life. He was not able to work in that period, given that he was a dispatch rider. The post-discharge hospitalisation leave of more than eight months underscored the significant impact on the Victim's quality of life. I note that the DJ did not take the post-discharge hospitalisation leave into account in assessing harm. It is clearly relevant to the impact factor – see *Chen Song* at [127(c)]. Therefore, I was satisfied that the impact factor was adequately made out.

The secondary harm factors were correctly established

38 I also found that the DJ correctly concluded on the secondary harm factors. On property damage, this was expressly set out in the SOF in respect of all three vehicles. On potential harm, the appellant argued that the DJ erred in relying on video footage of the accident to find that the impact of the collision had dislodged and flung the rear storage box of the Victim's motorcycle, which nearly struck a pedestrian waiting to cross the junction. I rejected this argument for two reasons.

39 First, the video footage was played immediately after the SOF was read at the hearing below, and the appellant raised no objection before admitting to the facts in the SOF without qualification. The purpose of having the video footage played in such a sequence was to place before the court objective evidence of the accident, which the DJ was entirely entitled to take into account in calibrating the appropriate sentence. This approach of the court being "suitably assisted and informed by the video footage" is well established in sentencing proceedings: *Public Prosecutor v Aw Tai Hock* [2017] SGHC 240 at [3], see also *Agustinus Hadi v Public Prosecutor* [2024] SGHC 262 at [7] and *Aw Soy Tee v Public Prosecutor* [2020] SGHC 114 at [61] and [66]. If the appellant wished to dispute the accuracy or relevance of the video footage, she should have raised her objection at the hearing below. Her unqualified admission to the SOF after the video footage was played cannot now be recast on appeal as a challenge to the factual findings that the DJ drew from what she had seen in the video.

40 The appellant sought to rely on *Public Prosecutor v Development 26 Pte Ltd* [2015] 1 SLR 309 ("*Development 26*"), where See Kee Oon JC (as he then was) held that charges and the SOF constitute "the four corners of the case"

against an accused person (*Development 26* at [16]). As I pointed out to Mr Singh at the oral hearing, this reliance was misplaced. *Development 26* concerned a materially different context of the Prosecution attempting to lead additional evidence on appeal to alter the factual basis of a plea. That was not the case here as regards the video footage.

41 Second, and in any event, potential harm was evident from the SOF itself. The SOF recorded that the traffic flow was moderate. The accident occurred at a junction with oncoming traffic from the opposite direction, and the Victim's motorcycle was flung into the path of that oncoming traffic before colliding with a lorry. These circumstances alone were sufficient to establish that there was significant potential for harm to other road users.

42 Accordingly, given the permanent disability suffered by the Victim and the significant impact of his injuries as seen, not least from, the 119 days of hospitalisation and more than eight months of post-discharge hospitalisation leave thereafter, and the seriousness of the potential harm, the DJ was entitled to conclude that this was a case of "greater harm".

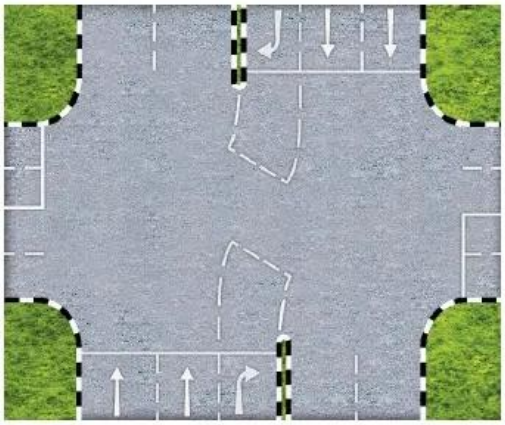
Issue 2: Whether the DJ erred in categorising the case as the upper end of "lower culpability"

The breach of the Code was a culpability factor

43 The DJ referenced the Code in assessing the appellant's manner of driving (GD at [81]). She concluded that there was a high degree of carelessness as the appellant had executed a swift discretionary right turn without reducing speed and/or stopping within the right turning pocket to check for oncoming traffic (GD at [85]).

44 I was of the view that the DJ was correct to apply the relevant provisions of the Code governing right turns at junctions. Paragraph 69A(b) requires a driver turning right to give way to traffic going from all directions. Paragraph 73 requires the driver to proceed cautiously towards the centre of the junction and wait until it is safe to cross, and para 75 requires drivers turning right to give way to vehicles going straight on. Indeed, every driver on Singapore roads should know that a vehicle turning right must stay within the turning pocket until it is clear to complete the turn. This is clear from the diagram on right-turn pockets at p 42 of the *Basic Theory of Driving Handbook* (as at March 2020) published by the Singapore Traffic Police, which the DJ also cited (GD at [81]), though she incorrectly referenced it as being from the Code.

Common Road Markings



(b) Right-Turn Pocket
Vehicles turning right at road junctions should stay within the pocket until it is clear to complete the turn.

45 As I pointed out to Mr Singh at the oral hearing, these provisions collectively require a driver to stop at the right turning pocket and check for oncoming traffic before proceeding. There is nothing in the Code to suggest

otherwise. The SOF, as admitted by the appellant, expressly stated that the appellant executed a swift right turn without reducing her speed or stopping within the right turning pocket to check for oncoming traffic. This was an inarguable breach of the Code. If the appellant had complied with the Code, she would have seen the Victim before executing the right turn, as he was in her field of vision when he entered the junction as admitted in the SOF.

46 I, however, characterised this culpability factor differently from the DJ. In my view, the appellant's breach of the Code provisions on right turns goes towards the culpability factor of flouting traffic rules and regulations under *Chen Song* at [131(b)(iii)], rather than the factor of high degree of carelessness which the DJ relied upon. *Chen Song* at [132] expressly cautioned against finding a high degree of carelessness where the conduct in question was no more than a manifestation of the basic elements of the careless driving offence, for instance failing to take proper care when executing a discretionary right turn. By failing to slow down and wait in the turning pocket to check for oncoming traffic before executing a discretionary right turn, this was a basic manifestation of the careless driving charge and there was nothing on the facts to suggest a higher degree of carelessness. But this distinction is only one of principle since either way, one culpability factor is established and did not impact the DJ's culpability classification.

The Eye Specialist Report and Accident Report were correctly rejected

47 I did not accept the appellant's argument that her visual impairment reduced her culpability. In my view, the anterior question was whether any visual impairment, even if it did exist, played a part in the accident. On the facts as admitted, it plainly did not. The SOF clearly stated that the appellant performed a swift discretionary right turn without reducing her speed and

stopping within the right turning pocket to lookout for any oncoming traffic. The appellant's accepted position, therefore, was that she did not keep a lookout when executing the right turn – not that she kept a lookout but failed to see the Victim due to impaired vision. She never asserted in the SOF that she did not see the Victim. This omission was fatal in my view to the appellant's argument. Whether she suffered from a visual impairment was accordingly moot, and the Eye Specialist Reports and Accident Report were therefore not relevant.

48 Indeed, I found it odd that appellant would rely on the Eye Specialist Reports and Accident Report to establish that she did not see the Victim because she could not. Whether the appellant did in fact not see the Victim was a fact the appellant surely must have asserted in the SOF. The question of whether the appellant saw the Victim when making the right turn is a question of observable fact. The eye-condition expert evidence could not be a substitute for the absent factual assertion that she looked and failed to see the Victim. A potentially valid eye-condition defence would have required the appellant to first establish, through her own evidence or the SOF, that she looked but failed to see the Victim. Only then would the medical evidence of her eye condition become pertinent as a possible explanation for why she failed to see the Victim even though conditions were good and he was in her line of sight.

49 This position is consistent with the principles articulated in *Anita Damu v Public Prosecutor* [2020] 3 SLR 825 ("*Anita Damu*"), where Sundaresh Menon CJ held (at [2]):

> [A]t least as a general rule, such [expert] evidence will not often be relevant or even admissible to resolve what, in substance, are purely matters of observable fact, the resolution of which do not raise a question of scientific or technical expertise.

50 In *Anita Damu*, the central dispute was not whether the appellant suffered from a mental disorder – which would have warranted expert psychiatric evidence – but whether she in fact experienced auditory hallucinations at the time of the offences (*Anita Damu* at [2]). Menon CJ explained at [15]:

> At the hearing, it seemed to me that the parties may have been at cross purposes. It was clear that the Prosecution was not disputing the fact that the appellant was suffering from a mental illness. What it was disputing was the factual assertion that she was experiencing and acting under the influence of the auditory hallucinations at the material times. It seemed to me, even if the point was not squarely put in these terms by the Prosecution, that *this was a question of fact on which the direct evidence of the appellant was most relevant, but conspicuously absent*; whereas the *evidence of the psychiatrists on this issue was either irrelevant and inadmissible, or alternatively, possibly admissible as corroborative evidence* in the sense of being able to support a factual contention by the appellant that she was experiencing and acting under the influence of auditory hallucinations by establishing that such a contention was consistent with the medical diagnosis.
>
> [emphasis in original omitted; emphasis in italics]

51 The point, simply, is that an expert's opinion is only as good as the factual basis on which it rests, and where that factual basis has not been established through admissible evidence, the expert opinion carries no weight and is effectively irrelevant.

52 In any event, even if the appellant had an eye condition that impaired her vision, the question remains as to whether the appellant knew of her visual shortcoming and ought not to have been driving at all. Forms of dangerous driving behaviour, such as driving when not fit to drive, is a relevant culpability factor in *Chen Song* at [131(a)(iii)]. But here, the SOF forecloses the first step entirely – there was no factual foundation on which the eye-condition evidence

could attach, and the appellant, having admitted to the SOF without qualification, was in no position to assert otherwise.

53 The appellant further submitted that, in the absence of rebuttal expert evidence from the Prosecution, the defence reports remained unchallenged and ought to be accepted. But that is not the point. Rather, the point is whether the factual basis for the expert evidence that the appellant's alleged eye condition had impaired her vision to the extent that she could did not see the Victim had been established.

54 There is one further point. It was my view that the DJ correctly found that the accident reconstruction expert had exceeded his proper remit by commenting on the appellant's vision at the material time and extrapolating from the Eye Specialist Reports that was not within his realm of expertise. His expertise extends only to vehicle dynamics and the mechanics of a collision. He was not qualified to interpret medical evidence and his attempt to do so did not provide any assistance to the court (GD at [89]). The report was also, as the Prosecution pointed out, incomplete. It contained only odd-numbered pages, which further undermined its reliability. It seemed to me that issue was one which the eye specialists, who had tendered reports on the appellant's eye condition, ought to be speaking to instead.

55 For these reasons, the DJ was entitled to reject the Eye Specialist Reports and Accident Report and to conclude that the appellant's culpability fell at the upper end of "lower culpability". Analysed this way, the combination of "greater harm" and "lower culpability" brought the case within Band 2 of the *Chen Song* framework and the custodial threshold was crossed. The DJ's indicative starting point of 6 to 8 months' imprisonment was also justifiable given the circumstances.

Issue 3: Whether the DJ failed to properly consider specific mitigating factors

56 The appellant relied on two offender-specific mitigating factors: her clean driving record and her contributions as a teacher over a 40-year career. I did not regard the clean driving record as carrying mitigatory weight. The Court of Appeal in *BPH v Public Prosecutor* [2019] 2 SLR 764 at [85] held that the absence of antecedents is a neutral factor:

> We consider the absence of antecedents to be a neutral factor. The presence of related antecedents is an aggravating factor which would justify an enhanced sentence on the ground of specific deterrence. The *lack of antecedents is no more than the absence of an aggravating factor, which is not mitigating but neutral in the sentencing process*: *Edwin s/o Suse Nathen v PP* [2013] 4 SLR 1139 at [24].
>
> [emphasis added]

57 The appellant's contributions as a teacher over a 40-year career were relevant. In *Stansilas Fabian Kester v Public Prosecutor* [2017] 5 SLR 755 at [102], Menon CJ held that past contributions to society may carry mitigating weight as they indicate the offender's capacity for reform and reduce specific deterrence concerns, but such weight was modest and might be displaced where other sentencing objectives assume greater importance. The Second Minister for Home Affairs, Mrs Josephine Teo, explained at the Second Reading of the Amendment Bill that Parliament's reasons for reforming both the careless and dangerous driving provisions was the need for stronger deterrence against irresponsible driving (Singapore Parl Debates; Vol 94, Sitting No 106; [8 July 2019]). This explanation was noted in *Chen Song* at [52]. Adjustments on account of public contributions should, therefore, be modest if at all.

58 Seen in this light, the DJ's reduction in Stage 4 of the *Chen Song* framework – from the indicative starting point of 6 to 8 months' imprisonment

down to 16 weeks – was a substantial one, and the GD did not explain why such a significant reduction was warranted. The mitigating factors, properly weighed, did not obviously justify this reduction. However, as the Prosecution did not appeal, the point was not pursued by the court. But it did underscore the fact that the resulting sentence of 11 weeks' imprisonment after the 30% guilty plea discount could not be said to be manifestly excessive.

Issue 4: Whether the DJ failed to consider other relevant material

59 The appellant contended that the DJ failed to have proper regard to two matters: the Road Traffic (Miscellaneous Amendments) Act 2025 and precedents where offenders in allegedly similar or more serious circumstances received fines or shorter custodial sentences.

60 The simple point to this argument is that the 2025 amendments did not apply to the present case. The offence was committed on 30 September 2020, nearly five years before the amendments took effect on 12 June 2025. The Minister of State, Assoc Prof Muhammad Faishal Ibrahim, stated during the Second Reading that the Act "does not apply retrospectively" and that the new penalties apply only to offences committed after the amendments come into force. There was accordingly no basis for the appellant to rely on the 2025 amendments.

61 On the precedents, the appellant relied on several sentencing precedents, some which were unreported. Unreported sentencing decisions are of limited precedential value. As Menon CJ stated in *Yap Ah Lai v Public Prosecutor* [2014] 3 SLR 180 at [11(d)]:

> Sentencing decisions in previous cases have limited value if they are unreasoned and unreported. The danger in following such unreasoned decisions unthinkingly is that the sentencing judge is wont to lose sight of the particular facts and

> circumstances that are of the first importance when determining an appropriate sentence: *Ong Chee Eng* at [33], also citing the decision of Chan Sek Keong CJ in *Luong Tri Trang Kathleen v PP* [2010] 1 SLR 707 at [21].

62 A further difficulty with the precedents relied upon is that one of them pre-dated *Chen Song* and was therefore decided under a different sentencing framework. Such cases were of limited guidance given that *Chen Song* has set out the applicable framework for dangerous driving offences.

63 In any event, arguments that other cases with more serious circumstances received lighter sentences were generally unhelpful in establishing judicial error. Such comparisons involve "fine distinctions between particular cases" and risk overlooking that "some of the sentences imposed in other cases decided in the State Courts … were unduly lenient" (*BRJ v Public Prosecutor* [2020] 1 SLR 849 at [11]). Each case turns on its own facts, and the determinative question is whether the sentence imposed was manifestly excessive when assessed against the specific factual matrix and applicable sentencing framework. On the present facts, I was of the view that the imprisonment term of 11 weeks was clearly not manifestly excessive.

Conclusion

64 For the reasons above, I dismissed the appeal.

Kannan Ramesh
Judge of the Appellate Division

S. M. Sukhmit Singh and Isabel Ho Ci Xian (Damodara Ong LLC) for the appellant;
Grace Chua Zhu Ern and Mohamed Riasudeen (Attorney-General's Chambers) for the respondent.
