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

[2023] SGHC 321

Originating Summons No 21 of 2022
(Summons No 670 of 2022)

In the matter of an application by the Attorney-General for an order of committal for contempt of court

And

In the matter of Sections 3(1)(*a*), 3(1)(*d*), 3(1)(*e*), 10(1) and 10(2) of the Administration of Justice (Protection) Act 2016 (No 19 of 2016)

And

In the matter of Order 52 of the Rules of Court (Cap 322, R5, 2014 Rev Ed)

Between

The Attorney-General

… *Applicant*

And

Ravi s/o Madasamy

… *Respondent*

Originating Summons No 22 of 2022
(Summons No 669 of 2022)

In the matter of an application by the Attorney-General for an order of committal for contempt of court

And

In the matter of Sections 3(1)(*a*), 3(1)(*d*), 3(1)(*e*) and 10(1) of the Administration of Justice (Protection) Act 2016 (No 19 of 2016)

And

In the matter of Order 52 of the Rules of Court (Cap 322, R5, 2014 Rev Ed)

Between

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… *Respondent*

JUDGMENT

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Hoo Sheau Peng J
22 June, 23 October 2023

8 November 2023 Judgment reserved.

Hoo Sheau Peng J:

Introduction

1 On 31 March 2023, I found the respondent, Mr Ravi s/o Madasamy ("Mr Ravi"), liable for nine instances of contempt under various limbs of s 3(1) of the Administration of Justice (Protection) Act 2016 (No 19 of 2016) ("AJPA") in HC/SUM 669/2022 ("SUM 669") and HC/SUM 670/2022 ("SUM 670"). My judgment is set out in *Attorney-General v Ravi s/o Madasamy and another matter* [2023] SGHC 78 ("*Ravi (Liability)*"). On 23 October 2023, I heard the parties on the issue of sentencing and reserved judgment, which I now give.

2 To briefly summarise, in SUM 670, I found Mr Ravi liable for the following instances of contempt (*Ravi (Liability)* at [129]):

(a) under s 3(1)(*a*) of the AJPA, for scandalising the court by accusing District Judge Chay Yuen Fatt ("DJ Chay") of being "biased" without basis on 9 November 2021 ("the Second Instance");

(b) under s 3(1)(*d*) of the AJPA, by intentionally interrupting DJ Chay while DJ Chay was sitting in open court on 9 November 2021 ("the Third Instance");

(c) under s 3(1)(*d*) of the AJPA, by intentionally offering an insult to DJ Chay by stating that he could be "removed … at will by the State" while DJ Chay was sitting in open court on 9 November 2021 ("the Fourth Instance"); and

(d) under s 3(1)(*d*) of the AJPA, by intentionally offering an insult to DJ Chay by stating that he was "in contempt of Court" and "[didn't] have security of tenure [and knew] what it means" on 10 November 2021 ("the Fifth Instance").

For completeness, I did not find Mr Ravi liable for the first instance of contempt as alleged by the Attorney-General ("the AG").

3 In relation to SUM 669, I found Mr Ravi guilty of the following instances of contempt (*Ravi (Liability)* at [130]–[131]):

(a) under s 3(1)(*a*) of the AJPA, for scandalising the court by repeatedly accusing Justice Audrey Lim ("Lim J") of being biased without basis on 22 November 2021 ("the Sixth Instance");

(b) under s 3(1)(*d*) of the AJPA for intentionally interrupting Lim J during a hearing on 22 November 2021 ("the Seventh Instance");

(c) under s 3(1)(*a*) of the AJPA, for intentionally making allegations on 22 November 2021 which impugned the propriety of the court and posed a risk that public confidence in the administration of justice would be undermined ("the Eighth Instance");

(d) under s 3(1)(*e*) of the AJPA, on 22 November 2021, for intentionally doing an act posing a real risk of obstructing the administration of justice by taking a legal position without instructions from his client, Mr Chua Qwong Meng ("Mr Chua"), by applying for Lim J to disqualify herself on the grounds of bias ("the Ninth Instance"); and

(e) under s 3(1)(*e*) of the AJPA, on 23 November 2021, for intentionally doing an act posing a real risk of obstructing the administration of justice by causing his paralegal, Mr Arun Kumar M Sadarangani ("Mr Arun"), to send an email to the Supreme Court Registry ("the Registry") without instructions ("the Tenth Instance").

The applicable law

4 Punishment for contempt is prescribed under s 12 of the AJPA. For contempt committed involving proceedings in the State Courts, s 12(1)(*b*) of the AJPA prescribes a fine not exceeding $20,000 or imprisonment for a term not exceeding 12 months or both. As regards contempt committed in proceedings before the High Court, s 12(1)(*a*) of the AJPA provides for a fine not exceeding $100,000 or imprisonment for a term not exceeding three years or both.

5 I turn next to the court's approach to sentencing for the various limbs under s 3(1) of the AJPA. I begin with s 3(1)(*a*) of the AJPA, which deals with scandalising contempt. In *Shadrake Alan v Attorney-General* [2011] 3 SLR 778

("*Shadrake*"), at [147], the Court of Appeal identified several non-exhaustive factors that are relevant to the determination of the appropriate sentence for scandalising contempt. Although *Shadrake* was decided prior to the enactment of the AJPA, these factors remain relevant under s 12(1)(*a*) of the AJPA (*Wham Kwok Han Jolovan v Attorney-General and other appeals* [2020] 1 SLR 804 ("*Jolovan Wham*") at [49]), and in my view, for sentencing under s 12(1)(*b*) of the AJPA as well. These factors include:

(a) the culpability of the contemnor;

(b) the nature and gravity of the contempt;

(c) the seriousness of the occasion on which the contempt was committed;

(d) the number of contemptuous statements made;

(e) the type and extent of dissemination of the contemptuous statements;

(f) the importance of deterring would-be contemnors from following suit;

(g) whether the contemnor is a repeat offender; and

(h) whether or not the contemnor was remorseful (for example, by issuing a sincere apology).

6 Next, I turn to s 3(1)(*d*) of the AJPA, which concerns contempt in the face of the court. In dealing with contempt in the face of the court, the High Court in *You Xin v Public Prosecutor and another appeal* [2007] 4 SLR(R) 17 ("*You Xin*") noted at [78] that the court should consider (a) the likely interference with the due administration of justice and (b) the contemnor's

culpability. I agree with the AG that although *You Xin* was decided before the enactment of the AJPA, there is no reason why the broad sentencing approach should not be applicable to contempt under s 3(1)(*d*) of the AJPA. I should add that clearly, these are non-exhaustive considerations.

7 Finally, I turn to the sentencing considerations for contempt under s 3(1)(*e*) of the AJPA. While there are no reported precedents dealing with s 3(1)(*e*), I agree with the AG that, much like scandalising contempt, the mischief that s 3(1)(*e*) seeks to address are acts which undermine, or pose a *real* risk of undermining, the administration of justice. Accordingly, I am of the view that in sentencing a contemnor for contempt under s 3(1)(*e*) of the AJPA, a court should have regard to the same non-exhaustive factors applicable to scandalising contempt under s 3(1)(*a*) of the AJPA (see [5] above).

8 With that said, I turn to the parties' sentencing submissions.

The parties' sentencing submissions

9 It is not in dispute that Mr Ravi was suffering from a hypomanic episode of bipolar disorder at the material time, and that this contributed to his offending conduct.[1] Where the parties differ, however, is on the mitigating weight to be accorded to this. In determining Mr Ravi's culpability, this forms a key area of dispute between the parties.

10 On this score, the AG's position is that the mitigating weight of Mr Ravi's bipolar disorder is limited, as it did not significantly impair his ability to exercise self-control and restraint such that his culpability in the

[1] Applicant's Written Submissions on Sentence ("AWS") at para 13.

circumstances is reduced.[2] In contrast, Mr Ravi's position is that his bipolar disorder had a substantial impact on his behaviour at the material time.[3] At the hearing before me, Mr Ravi also emphasised the high level of stress he was under, as a result of his *pro bono* representation of 27 individuals awaiting capital punishment. Such stress affected his emotional state, and he was experiencing "heightened emotions". It was against this backdrop that he committed the acts.[4]

11 As the AG's position is that the mitigating value of Mr Ravi's bipolar disorder is limited, the AG argues that when weighed against the other aggravating factors and the nature and gravity of the offending acts, the custodial threshold is crossed for all the instances of contempt. Accordingly, the AG seeks the following sentences:[5]

Instance of contempt	**Provision in AJPA**	**Sentence**
SUM 670		
Second	s 3(1)(*a*)	Two weeks' imprisonment
Third	s 3(1)(*d*)	One week's imprisonment
Fourth	s 3(1)(*d*)	Two weeks' imprisonment
Fifth	s 3(1)(*d*)	Two weeks' imprisonment
SUM 669		
Sixth	s 3(1)(*a*)	Three weeks' imprisonment

2 AWS at paras 13–15.

3 Mr Ravi's Reply Written Submissions on Sentence ("RWS") at para 6.2 and 7.10.

4 Notes of Evidence of 23 October 2023 ("NEs"), p 13 line 11 to p 14 line 1.

5 AWS at para 80.

Seventh	s 3(1)(*d*)	Two weeks' imprisonment
Eighth	s 3(1)(*a*)	Three weeks' imprisonment
Ninth	s 3(1)(*e*)	One week's imprisonment
Tenth	s 3(1)(*e*)	One week's imprisonment

12 The AG proposes that the sentence imposed for either the Second, Fourth or Fifth Instance of contempt be ordered to run consecutively with the sentence imposed for either the Sixth Instance or the Eighth Instance of contempt, as these are unrelated instances of contempt committed on different occasions before different judges, resulting in an aggregate sentence of five weeks' imprisonment.[6]

13 Mr Ravi, on the other hand, contends that imprisonment should be imposed as punishment only as a last resort. The custodial threshold is not crossed in any of the instances of contempt for which he has been found liable.[7] At the hearing before me, Mr Ravi stated that the AG has been "overzealous… in this prosecution" against him, and that "it is an overkill".[8] He further took issue with the unavailability of the Mandatory Treatment Order ("MTO"), provided for under s 339 of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) ("CPC") as a sentencing option for certain offences, as a form of punishment for contempt proceedings.[9] As I understand it, Mr Ravi's point is that within the criminal justice regime, there is a greater recognition of the effect of mental conditions on offending, with efforts made to address the

6 AWS at para 84.

7 RWS at para 6.12.

8 NEs, p 10 lines 4 to 6.

9 NEs, p 11 lines 6 to 21.

underlying mental conditions of offenders. It is unfair that the MTO is not available to him for the present transgressions. To sum up, Mr Ravi submits that appropriate fines should be imposed instead in respect of each instance of contempt.[10]

14 Based on the parties' written and oral submissions on their overall positions, especially on the question of whether the custodial threshold is crossed, I distil arguments in relation to four factors *common* to *all* the instances of contempt. As mentioned, the first is Mr Ravi's bipolar disorder – and in considering Mr Ravi's culpability, the mitigating weight to be accorded to it. The other three factors are: (a) Mr Ravi's status as a senior lawyer; (b) Mr Ravi's history of misconduct within the courtroom; and (c) Mr Ravi's lack of remorse. Broadly, the parties disagree on their relevance and/or weight as aggravating factors. Furthermore, considering these four factors in the round – against the context of the nature and gravity of the offending acts (individually and collectively), the parties disagree as to whether the custodial threshold is crossed. I shall set out their arguments in more detail in due course. In relation to the appropriate sentence for each instance of contempt, the parties also raise specific contentions.

The issues

15 From the foregoing, the issues before me are whether the custodial threshold is crossed for Mr Ravi's contemptuous conduct in SUM 670 and SUM 669, and depending on my finding on the first issue, the appropriate sentences to be imposed for each instance of contempt. Thereafter, the appropriate global sentence to be imposed for Mr Ravi is to be considered.

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10 RWS at para 14.1.

Whether the custodial threshold is crossed

16 Turning to the first issue, I will address the arguments raised in relation to the four factors which feature across all the instances of contempt (see [14] above). Thereafter, I will weigh my views on these four factors against the nature and gravity of Mr Ravi's contemptuous acts (individually and collectively), to determine whether the custodial threshold is crossed.

The bipolar disorder

17 I begin with Mr Ravi's bipolar disorder. As a general principle, an offender's mental condition is relevant to sentencing if it lessens the offender's culpability for the offence and therefore justifies a reduced sentence. Accordingly, the sentencing court must examine the nature and severity of the mental condition and its impact on the commission of the offence: *Public Prosecutor v Chia Kee Chen and another appeal* [2018] 2 SLR 249 at [112].

18 To reiterate, the AG's position is that the mitigating weight of Mr Ravi's bipolar disorder is limited. Mr Ravi's condition did not significantly impair his ability to exercise self-control and restraint such that his culpability is reduced.[11] That said, the AG accepts that there is some contributory link between Mr Ravi's condition and his offending conduct in the present case, and accordingly, some weight, albeit limited, can be accorded to Mr Ravi's condition as a mitigating factor in sentencing.[12]

19 To elaborate, the AG says that there is an absence of evidence that Mr Ravi's bipolar disorder had a *material* contribution to his offending conduct.

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11 AWS at paras 13–15.

12 AWS at para 17.

In particular, the two medical reports tendered by Mr Ravi (*ie*, a medical report issued by Dr Yeo Chen Kuan Derrick ("Dr Yeo"), his treating psychiatrist at the Institute of Mental Health ("IMH"), dated 6 December 2021, and an outpatient forensic assessment issued by Dr Lim Kim Wai ("Dr Lim"), an IMH psychiatrist, dated 28 June 2022), do not state that there was a substantial diminution in Mr Ravi's ability to exercise self-control during the material time or that his consciousness was impaired in light of his mental condition.[13] By way of background, Dr Yeo's report was obtained pursuant to the Law Society's request for a professional opinion as to whether Mr Ravi continued to be medically fit to practise as an advocate and solicitor, and he examined Mr Ravi on 2 December 2021.[14] On the other hand, Dr Lim's opinion was sought by Mr Ravi as to "whether the relapse in [Mr Ravi's] Bipolar Disorder contributed to and/or caused" the incidents which are the subject of the present contempt proceedings,[15] and she examined Mr Ravi on 15 and 27 June 2022.[16]

20 By way of comparison, the AG refers to Mr Ravi's mental condition at the time of a separate instance of impugned conduct, which formed the basis of a disciplinary proceeding against him in 2015: see *The Law Society of Singapore v Ravi s/o Madasamy* [2015] SGDT 5 ("*Ravi DT (2015)*"). There, the Disciplinary Tribunal accepted that Mr Ravi's mental condition was so serious that his ability to make rational judgments was impaired, and that he had little or no control over his actions (*Ravi DT (2015)* at [84]).[17] It is relevant that the Disciplinary Tribunal observed that the evidence given by the Law Society's

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13 AWS at para 14.

14 Dr Yeo's report dated 6 December 2021 at paras 1 and 2.

15 Affidavit of Ravi S/O Madasamy filed on 16 August 2022 at para 9.

16 Dr Lim's report dated 28 June 2022 at para 3(a).

17 AWS at para 15.

psychiatrist, Dr Tan Kay Seng Tommy ("Dr Tan"), *supported* and *confirmed* the diagnosis and opinion of Mr Ravi's psychiatrist, Dr Munidasa Winslow. Crucially, Dr Tan found Mr Ravi's to be suffering from an acute relapse of his psychiatric condition at that material time which had been "a substantial cause" of his conduct and behaviour the subject of the disciplinary proceeding, and that Mr Ravi had had "little or no control over his actions" (*Ravi DT (2015)* at [83]). This stands in contrast to the present case, where there is no expert opinion or evidence that Mr Ravi's condition *substantially* affected his culpability at the material time.

21 Mr Ravi's position, however, is that his bipolar disorder at the material time was serious and played a significant role in his commission of the contemptuous acts.[18] For the avoidance of doubt, Mr Ravi states that he does not seek to suggest that he bears no responsibility for his conduct as a result of his bipolar disorder. Instead, Mr Ravi highlights the substantial effect his condition had on him at the material time, which, in Mr Ravi's view, substantially reduces his culpability.[19] In this connection, Mr Ravi explains that his mental disorder is lifelong, and that he requires ongoing medical treatment and supervision. He has been known to the IMH since 2008.[20] Mr Ravi refers to the medical reports by Dr Yeo and Dr Lim to support the case that his bipolar disorder at the material time was serious and is, therefore, a significant mitigating factor that reduces his culpability.

22 I turn to Dr Yeo's report. Mr Ravi was examined by Dr Yeo on 2 December 2021. During that medical examination, Dr Yeo found Mr Ravi to

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18 RWS at paras 5.11 and 7.6.

19 RWS at paras 7.10 and 9.1–9.4.

20 RWS at para 5.1.

be exhibiting pressured speech, flight of ideas, and an abnormal, persistent and irritable mood. Dr Yeo further observed that Mr Ravi exhibited grandiose beliefs and was excessively talkative and disparaging of others.[21] In Dr Yeo's professional opinion, he concluded:[22]

> 4. [Mr Ravi] was assessed clinically to be in a **Hypomanic Episode of Bipolar Disorder**. This is a distinct period of abnormally and persistently elevated and irritable mood associated with persistently increased activity and energy levels. Though the episode is not severe enough to necessitate admission to hospital, he clearly showed some impairment in his social occupational functioning and it was clearly a noticeable change from his usual behaviour.
>
> …
>
> 6. Based on the information made available to me and my assessment of the subject on 02/12/2021, ***I am of the considered opinion that at this juncture, the subject is mentally unwell due to a relapse of his bipolar disorder. This would adversely affect his ability to conduct himself professionally and adequately in his work as an advocate and solicitor***. Hence at this juncture, I am of the opinion that he would not be fit to practice as an advocate and solicitor until his hypomanic symptoms have sufficiently abated …
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> [emphasis in original in bold; emphasis added in bold italics]

23 As regards Dr Lim's report dated 28 June 2022 following her examination of Mr Ravi in June 2022, she stated, *inter alia*, under the heading "***Defendant's Account*** of Alleged Offences" [emphasis added in bold italics], that Mr Ravi had been having "many thoughts in his head about his current case, other death penalty cases as well" and that his "thoughts were jumping from one point to another" when he appeared before Lim J. As Mr Ravi felt that Lim J was rude towards him, he became angry and was unable to hold back, leading

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21 Dr Yeo's report dated 6 December 2021 at para 3.

22 Dr Yeo's report dated 6 December 2021 at paras 4 and 6.

to him accusing Lim J of being biased.[23] Dr Lim concluded her report by stating her professional opinion:[24]

> 33. I am of the opinion that:
>
> a. [Mr Ravi] has a Bipolar Disorder and was in relapse at the time of the alleged offences.
>
> b. During the timeframe (November 2021 onwards) where the alleged offence was committed, [Mr Ravi] experienced hypomanic symptoms as reported by himself and family members. These symptoms continued to be present and were also observed by his Doctor (Dr. Derrick Yeo) in the IMH Outpatient clinic on 2nd December 2021 where he was assessed to be in relapse of his Bipolar disorder with prominent hypomanic symptoms.
>
> ***Therefore, there is a contributory link*** to the alleged charges ***as he was in relapse of his bipolar disorder***, displaying flight of ideas, pressured speech and irritability during this time frame which contributed to his demeanor in court leading to contempt in court and conduct issues in his behavior.
>
> …
>
> [emphasis added in bold italics]

24 In arriving at this opinion, Dr Lim explained that she had relied on the following sources of information: (a) her examinations of Mr Ravi on the two occasions in June 2022, which appeared to consist largely of self-reporting; (b) corroborative evidence from Mr Ravi's sister as to Mr Ravi's observed behaviour during the period of early November 2021; (c) the medical reports by Mr Ravi's previous doctors, including Dr Yeo's report dated 6 December 2021; (d) the charge sheet of the index offence; and (e) the report and summary of facts by the investigating officer.[25]

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23 Dr Lim's report dated 28 June 2022 at paras 23 and 24.

24 Dr Lim's report dated 28 June 2022 at paras 33(a) and 33(b).

25 Dr Lim's report dated 28 June 2022 at para 3.

25 Mr Ravi contends that if his bipolar disorder at the material time was not serious, Dr Yeo would not have indicated in his report that if Mr Ravi's hypomania did not improve with the change in medication he prescribed, Dr Yeo would recommend that Mr Ravi be hospitalised.[26] Mr Ravi also says that, while he was not hospitalised, he had had to suspend his practice as an advocate and solicitor, and argues that this is an indication that his symptoms did in fact seriously disrupt his occupational functioning at the material time.[27] This is by virtue of the fact that following Dr Yeo's examination, Mr Ravi had to cease his practice because, in Dr Yeo's opinion, he was unable to conduct himself appropriately as a legal professional. Indeed, Dr Yeo opined, *inter alia,* that Mr Ravi's condition carried a potential risk of harm to Mr Ravi and his clients. Accordingly, the AG's claim that there is little evidence to suggest that Mr Ravi's mental condition affected his capacity to exercise self-control and restraint is untenable.[28]

26 To sum up, Mr Ravi takes issue with the AG's position (at [18]–[19] above) on the following grounds:[29]

(a) First, the AG's position is taken without the support of any medical authority or expert.

(b) Second, the AG's assertion is contradicted by two medical doctors, namely, Dr Yeo and Dr Lim, who have set out the hypomanic symptoms that Mr Ravi exhibited.

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26 RWS at para 7.2.

27 RWS at para 7.5.

28 RWS at para 7.6.

29 RWS at paras 7.6–7.7.

(c) Third, the AG's assertion is at odds with its own acceptance that Mr Ravi's bipolar disorder had a contributory link to his contemptuous acts.[30]

(d) Fourth, the AG's submission ignores Dr Yeo's recommendation to the Law Society in December 2021 that Mr Ravi should cease practising as a lawyer immediately until his symptoms were under control.

(e) Fifth, the AG's argument appears to be based solely on the fact that the reports of Dr Yeo and Dr Lim did not expressly use the words "substantial diminution in self-control" in describing the effects of Mr Ravi's bipolar disorder on him at the material time.

(f) Sixth, the AG's submission demonstrates a poor understanding of bipolar disorder. For instance, the AG wrongly referred to the decision of the Disciplinary Tribunal in *Ravi DT (2015)* to illustrate that Mr Ravi's mental condition in 2015 was much more serious than that at the material time in 2021. In reality, the symptoms exhibited by Mr Ravi in 2015, which led the Disciplinary Tribunal in *Ravi DT (2015)* to conclude that his ability to make rational judgments was impaired, were all present during the material time in 2021.

27 Following from Mr Ravi's position that his culpability was reduced by virtue of his serious and contributory bipolar disorder, Mr Ravi says that the weight to be accorded to the sentencing principle of deterrence, both general and specific, must necessarily be reduced.[31]

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30 See AWS at paras 13 and 17.

31 RWS at paras 9.1–9.4.

28 In my judgment, while I agree that Mr Ravi's bipolar disorder had a contributory link to his conduct, I am unable to accept that Mr Ravi's culpability for his contemptuous acts is significantly reduced by virtue of his bipolar disorder. To begin with, neither medical report expressly concludes that there was a substantial diminution in Mr Ravi's ability to exercise self-control at the material time (see [22] and [23] above). I observe that, on the one hand, Mr Ravi takes issue with the AG's reliance on the fact that the medical reports did not use the words "substantial diminution in self-control" to support the position that his bipolar disorder was not serious.[32] Yet, on the other hand, Mr Ravi is also seeking to draw a conclusion (*ie*, that his bipolar disorder *substantially* contributed to his offending conduct) that was *not* expressly stated in the reports.[33] I reiterate that Dr Lim's finding was simply that there was a "contributory link between the alleged charges as he was in relapse of bipolar disorder".

29 I also note that, at the material time, Mr Ravi's license was conditional upon his mental fitness to practise. Indeed, Dr Yeo's report was drawn up in response to the Law Society's query as to whether Mr Ravi was medically fit to practise as an advocate and solicitor. This explains why Dr Yeo had to caution that Mr Ravi posed a potential risk of harm to himself and his clients should he continue with his professional practice. I also note that Dr Yeo stated that the episode was not severe enough to necessitate admission, but that there remained a possibility that he would recommend that Mr Ravi be warded should his condition fail to improve upon review.[34]

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32 RWS at para 7.6(v).

33 RWS at para 6.2 and 7.6.

34 Dr Yeo's report dated 6 December 2021 at paras 4 and 7.

30 However, in my view, such aspects of Dr Yeo's report do not have the effect that Mr Ravi hopes to produce. Dr Yeo's report had not been directed towards Mr Ravi's ability to control or understand the consequences of his actions which would be relevant to the issue of culpability. Dr Yeo's opinion was that Mr Ravi was unfit to practise law, and that Mr Ravi might have to be admitted for a period of treatment at IMH should his condition not improve. That Mr Ravi was unfit to practise law (a professional practice which imposes exacting demands), and the *possibility* that he might require inpatient treatment upon review, simply do not suffice to support a conclusion that Mr Ravi's capacity to exercise self-control at the material time was in fact *substantially* impaired.

31 I should add that it is undisputed that Mr Ravi has a history of bipolar disorder (Mr Ravi was admitted to the IMH on no less than four occasions over the years).[35] Further, Mr Ravi was previously suspended as a practising lawyer as a result of his non-compliance with medical treatment.[36] He recognised that "persons suffering from bipolar disorder *must seek treatment and management* of their condition" and "[o]therwise, it is only a matter of time before a hypomanic or manic episode occurs".[37] Accordingly, Mr Ravi was amply aware of the importance of paying close attention to his mental health, as he undertook his duties and responsibilities as a practising lawyer. This he did not do. Despite being aware of his mental condition *and* the need for proper management of his condition in light of his profession, it would seem that Mr Ravi did little to guard against the effects of his bipolar disorder, or to manage them should things go awry. First, Mr Ravi admitted to being non-compliant with his medication

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35 Dr Lim's report dated 28 June 2022 at para 13.

36 Dr Lim's report dated 28 June 2022 at para 9.

37 RWS at para 7.2.

regime around the time, specifically, that he had "[forgotten] to take medications on some days".[38] Second, Mr Ravi knew that his actions on 9 November 2021 (which form the subject matter of the Second to Fourth Instances of contempt) were wrong, or at least earned the strong disapprobation of the judge in question. Yet, Mr Ravi saw it fit to return the next morning to proffer more insults that were similar in nature to those made the day before against DJ Chay before walking out of the courtroom. Third, despite having made disparaging actions towards DJ Chay, Mr Ravi failed to seek any professional intervention or stop his practice following the proceedings before DJ Chay. Instead, he decided to continue practising and appear before Lim J less than two weeks later, leading to the commission of more acts of contempt.

32 At the end of the day, I recognise, as supported by the medical reports, that Mr Ravi's bipolar disorder had a contributory link to his conduct. Thus, I rely on them to reach the view that Mr Ravi's bipolar disorder contributed to his offending conduct and affected his capacity to exercise self-control at the material time. However, I do not agree that Mr Ravi's bipolar disorder was so serious at the material time that it substantially impaired his capacity to exercise self-control and appreciate the nature and wrongfulness of his conduct. Further, given Mr Ravi's repeated failures to comply with his treatment regime and take other steps to guard against relapses discussed above at [31], it is difficult to make much of his complaint about any alleged unfairness arising from the unavailability of the MTO in respect of the contemptuous acts (see [13] above). Even if I were to take Mr Ravi's argument on the unavailability of the MTO at its highest, suitability for treatment and likelihood of compliance are relevant factors in determining whether an MTO ought to be made: see ss 339(3)(*b*) and 339(5)(*a*) of the CPC. In fact, in light of Mr Ravi's history dealing with his

[38] Dr Lim's report dated 28 June 2022 at para 29.

bipolar disorder, it seems to me that the sentencing principle of deterrence, both general and specific, remains relevant. Accordingly, at best, I would only accord moderate weight to this factor.

Standing as a senior lawyer

33 The second area concerns Mr Ravi's standing as a senior lawyer. According to the AG, Mr Ravi's culpability is high as he was a senior lawyer at the material time. Under r 9(1)(*a*) of the Legal Profession (Professional Conduct) Rules 2015 ("LP(PC)R"), a legal practitioner is duty bound to "assist in the administration of justice, and must act honourably in the interests of the administration of justice". By his conduct, Mr Ravi has breached this and other duties imposed on legal practitioners.[39] In particular, with respect to Mr Ravi's unfounded allegations against both DJ Chay and Lim J in open court while carrying out his professional duties, they would carry greater weight as compared to if similar allegations had been made by a lay person, consequently undermining public confidence in the administration of justice to a greater degree.[40]

34 On the other hand, Mr Ravi's position is that while particular duties were reposed in him as an advocate and solicitor, the mere fact that he was a lawyer at the material time cannot *ipso facto* be an aggravating factor when he is being sentenced for contempt. The primary purpose of the AJPA is to safeguard the administration of justice and not to punish legal practitioners for breaches of their professional duties. Subjecting Mr Ravi to a heavier penalty for contempt

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39 See *eg*, AWS at paras 24 and 38.

40 See AWS at paras 24 and 51.

because his actions constituted a breach of professional conduct rules would also amount to double punishment.[41]

35 I accept that the purpose of the AJPA is not to punish legal practitioners for breach of their professional duties *per se.* However, I disagree with Mr Ravi's claim that his status as a senior lawyer ought not to be considered as relevant. As Mr Ravi acknowledges, the AJPA safeguards the administration of justice. On that score, lawyers have a duty to assist in administration of justice. Thus, in discharging their professional duties, lawyers are held to high standards – standards not imposed on laypersons. When a lawyer commits contempt, effectively failing to safeguard the administration of justice, it is surely an aggravating circumstance. In particular, as the AG points out, in respect of Mr Ravi's allegations in open court, those would have carried more weight than if made by a layperson, thereby posing a greater risk to public confidence in the administration of justice. I agree that Mr Ravi's status as a senior lawyer when he committed the acts of contempt is an aggravating factor.

History of misconduct within the courtroom

36 The third area concerns the relevance and/or weight to be accorded to Mr Ravi's history of misconduct within the courtroom. The AG argues that Mr Ravi's record of misconduct within the courtroom, including discourtesy towards judges, should be taken into consideration in sentencing:[42]

(a) In *Law Society of Singapore v Ravi Madasamy* [2007] 2 SLR(R) 300 ("*Ravi C3J (2007)*"), Mr Ravi was found guilty of misconduct under s 83(2)(*h*) of the Legal Profession Act (Cap 161, 2001 Rev Ed) ("LPA")

41 RWS at para 13.2.

42 AWS at para 27.

and suspended for a year by the Court of Three Judges in response to Mr Ravi's conduct before a District Judge where Mr Ravi admitted to (a) turning his back on the District Judge while being addressed; (b) remaining seated while being addressed by the District Judge; (c) speaking in loud tones to the Prosecuting Officer whilst mention cases were being carried out, thereby interfering with the court proceedings; and (d) responding to the District Judge in an unbecoming manner.

(b) In *The Law Society of Singapore v Ravi s/o Madasamy* [2012] SGDT 12 ("*Ravi DT (2012)*"), Mr Ravi pleaded guilty to a charge of misconduct under s 83(2)(*h*) of the LPA for, *inter alia*, claiming during a hearing in chambers that the High Court Judge was racially prejudiced. Mr Ravi was ordered to pay a penalty of $3,000 by the Disciplinary Tribunal.

(c) In *The Law Society of Singapore v Ravi s/o Madasamy* [2020] SGDT 8 ("*Ravi DT (2020)*"), the Disciplinary Tribunal found that Mr Ravi intended to cast aspersions of bias against Prosecutors and a District Judge. Whilst the Disciplinary Tribunal held that Mr Ravi's misconduct did not rise to the level of establishing due cause of sufficient gravity for disciplinary action under s 83 of the LPA, the tribunal nonetheless recommended that Mr Ravi pay a monetary penalty of not less than $10,000 sufficient and appropriate to the misconduct (*Ravi DT (2020)* at [246]).

37 Apart from these three disciplinary actions, Mr Ravi also misconducted himself in the courtroom in three of the following cases as counsel:

(a) In *Chee Siok Chin and another v Attorney-General* [2006] 4 SLR(R) 541, during the hearing in chambers, there was an outburst between Mr Ravi and the opposing counsel. This prompted the High Court Judge to direct Mr Ravi to continue with his submissions, whereupon Mr Ravi accused her of being biased and asked her to recuse herself on the ground of actual bias, which she refused to do. Subsequently, when Mr Ravi's application for the originating summons to be heard in open court was refused, Mr Ravi walked out of the hearing in chambers with his clients as his clients refused to continue to participate in the proceeding without it being heard in open court.

(b) In *Norasharee bin Gous v Public Prosecutor* [2021] 2 SLR 140, Mr Ravi accused a High Court Judge of "apparent bias by prejudgment" several times in his written submissions. The Court of Appeal observed that Mr Ravi's submissions lacked courtesy and that his criticisms of the Prosecution and the investigating officers were rather unwarranted.

(c) In *Nagaenthran a/l K Dharmalingam v Attorney-General and another matter* [2022] 2 SLR 211, Mr Ravi was granted leave by the Court of Appeal to sit beside the appellant's counsel at the bar during the hearing to provide her with "technical support". However, it later became obvious that the appellant's counsel would not take any position in relation to the case or the arguments without Mr Ravi's substantive inputs, as almost every answer she gave in response to questions from the court during the hearing was preceded by a discussion with Mr Ravi. The Court of Appeal observed that Mr Ravi was not permitted to act as a solicitor at the time, and further observed that it was disrespectful to the court for such conduct to be carried on in its sight and in a manner that was wholly contrary to what counsel had conveyed to the court.

38 Conversely, Mr Ravi's position is that none of the above cases referred to by the AG are relevant, as he had not been convicted of contempt for those instances of misconduct as such. The present proceedings are Mr Ravi's first such convictions.[43] In this connection, Mr Ravi relies on the case of *Vasentha d/o Joseph v Public Prosecutor* [2015] 5 SLR 122 ("*Vasentha (HC)*") at [62] for the proposition that a court ought not take into account offences in respect of which a person has not been found guilty, entered a plea of guilt, or consented to being taken into consideration, for purposes of sentencing.

39 In my judgment, contrary to Mr Ravi's position that his history of misconduct within the courtroom is irrelevant to the present sentencing exercise, it is clear that the court is entitled to take into account an offender's conviction in a disciplinary proceeding as a relevant antecedent if it is similar to the present offence: *Tan Gek Young v Public Prosecutor* [2017] 5 SLR 820 at [97]–[98]. This must be so as a conviction in a relevant disciplinary proceeding must be preceded by a plea of guilt or the establishment of the charge or charges beyond a reasonable doubt.

40 Furthermore, as the AG argued at the hearing before me,[44] *Vasentha (HC)* may be distinguished. There, the court was concerned more narrowly with the question of whether "convincing evidence" of prior criminal conduct which had not formed the subject of any charges brought against the offender, as adduced in a Statement of Facts, ought to be taken into account for the purposes of enhancing a sentence even if there has been no conviction (*Vasentha (HC)* at [60]–[61]). In that case, the offender appealed against the District Judge's sentence of 11 years' imprisonment for a single charge of possession of 8.98g

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43 RWS at para 11.12(iii).

44 NEs, p 5 lines 3 to 13.

of diamorphine for the purpose of trafficking under s 5(1)(*a*) read with s 5(2) of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed), on the ground that the sentence was manifestly excessive. Among other matters, whilst the District Judge had accepted that the appellant was a "first time offender" in so far as she did not have any past convictions, he went on to conclude that she was an "experienced offender" and considered this to be a "significant aggravating factor" in sentencing (*Public Prosecutor v Vasentha d/o Joseph* [2014] SGDC 315 ("*Vasentha (DC)*" at [25]). In arriving at this decision, the District Judge relied on the agreed Statement of Facts which stated that between October 2012 and the day the offender was arrested, on 5 November 2012, she had been selling drugs to various people prior to her arrest (*Vasentha (DC)* at [7] and [25]). However, as the High Court observed in *Vasentha (HC)*, the Prosecution had no evidence to suggest that the appellant was part of a syndicate (at [5]). As against this context, the High Court therefore expressed the principle cited by Mr Ravi at [38] above in relation to offences for which charges were never brought.

41 In the present case, at least three of the cases cited by the AG, namely, *Ravi C3J* (2007), *Ravi DT* (2012) and *Ravi DT* (2020) (see [36] above), involved Mr Ravi's disciplinary proceedings for misconduct towards judges. Thus, while this might be Mr Ravi's first time being charged and convicted of contempt of court, as I stated above at [39], in his convictions in disciplinary proceedings (which are quasi-criminal in nature), he has been found to have engaged in substantially similar behaviour. That said, the AG has also cited three other cases where the courts made specific observations on Mr Ravi's bad behaviour while acting as counsel. Having distinguished *Vasentha (HC)*, the AG argued

that such instances are relevant.[45] I do not, however, consider it necessary to rely on them for sentencing purposes.

42 Accordingly, I take the three convictions in disciplinary proceedings into account in sentencing. In particular, I note that Mr Ravi has not been deterred by the financial penalties imposed as sanction in two of those cases.

Lack of remorse

43 I turn to the issue of the lack of remorse on Mr Ravi's part. According to the AG, Mr Ravi has failed to display any remorse for his actions, as he has neither issued an apology nor retracted his allegations against either DJ Chay or Lim J.[46] Additionally, he also sought to rely on the ground of fair criticism (which I had earlier rejected) in connection with his allegations against DJ Chay and Lim J, which form the basis of the Second, Fourth, Fifth, Sixth and Eighth Instances of contempt.[47]

44 Mr Ravi, however, argues that the AG is wrong to claim that he does not take responsibility for his actions. Mr Ravi says that it was reasonable for him to have argued that he lacked the requisite intention to be held liable for contempt since "the relevance of mental disorder to the intent and/or foreseeability required under the AJPA had not previously been considered".[48] Furthermore, Mr Ravi made no attempt to shy away from the wrongfulness of his actions in his affidavits filed on 16 August 2022 or his written submissions

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45 NEs, p 5 lines 7 to 8.

46 AWS at paras 26, 40, 53, 63 and 77.

47 AWS at paras 26, 40, and 53.

48 RWS at para 10.1.

to the court on the liability stage of these proceedings. Finally, this is simply not a case where the contemnor has insisted on the truth of their statements or that he has done nothing wrong, as was the case in some of the precedent cases.[49]

45 It is well-accepted that a lack of remorse may constitute an aggravating factor in sentencing: *Thong Sing Hock v Public Prosecutor* [2009] 3 SLR(R) 47 ("*Thong Sing Hock*") at [56]–[58]; *Shadrake Alan* at [147]. While the court ought to be slow to infer a lack of remorse simply from the accused's decision to claim trial or appeal a decision, it should not hesitate to do so in a clear case, such as where an offender takes his objections too far or persists in creating a spectacle in court: *Thong Sing Hock* at [61]–[62]).

46 In this regard, I agree that Mr Ravi's actions clearly evince a lack of remorse on his part. In his written submissions for the purposes of determining liability, Mr Ravi attempts to demonstrate otherwise by claiming to "now recognise with profound regret that his thought process and statement was utterly unfounded and regrettable".[50] There were also other general expressions of remorse. However, apart from statements in the written submissions on liability, I can see no other evidence of genuine remorse on his part. To be clear, Mr Ravi was entirely within his rights to resist liability on the ground of his bipolar disorder. I do not fault him for this, and do not think that this shows a lack of remorse. However, I note that even in his oral arguments for the purpose of sentencing, Mr Ravi characterised the present proceedings as being an "overkill", and the AG as being "overzealous" in pursuing these proceedings against him (see [13] above). Further, Mr Ravi has to date not offered any

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49 RWS at paras 10.2–10.5.

50 Respondent's Written Submissions on Liability dated 27 September 2022 at paras 28 and 88.

personal apology to either DJ Chay or Lim J. Moreover, his attempt to rely on "fair criticism" as a defence in respect of his allegations against DJ Chay and Lim J in the course of oral submissions on liability, severely undermines his attempt to distinguish cases in which the contemnor insisted on the truth of their statements or that they had otherwise done nothing wrong.[51] There are other indications of his lack of remorse in relation to the specific instances of contempt, which I shall detail in due course.

Nature and gravity of the offending behaviour

47 Having expressed my views on these factors, I now draw together the different threads, and consider them in the context of the offending acts (individually and collectively).

48 While I am cognisant of the mitigating effect of Mr Ravi's bipolar disorder, this is far outweighed by the seriousness of his offending acts. His culpability remains high. Furthermore, as discussed above, the fact that he was a senior lawyer carrying out his professional duties, his related antecedents of misconduct, and his lack of remorse, constitute clear aggravating factors. Taking all these considerations into account, it is my view that, on balance, the custodial threshold has been crossed for all the instances of contempt. I elaborate.

49 In the Second and Sixth Instances of contempt, which involve contempt by scandalising the court, Mr Ravi accused DJ Chay and Lim J respectively of being biased without basis. In the Eighth Instance of contempt, he intentionally made a number of allegations against Lim J that impugned the propriety of the court. Not only did Mr Ravi's contemptuous statements contain serious

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[51] AWS at para 26, 40, 53.

allegations, Mr Ravi's sheer and unmitigated contempt was levelled against the two judges directly in open court. Whilst there is no presumptive starting point of imprisonment for the offence of scandalising contempt (*Shadrake Alan* at [148]), and the sanction to be imposed will necessarily depend on the precise facts and context of each case, I am satisfied that the custodial threshold in respect of each of the Second, Sixth and Eight Instances of contempt are crossed in the present case.

50 With regards to Mr Ravi's intentional interruption of both DJ Chay and Lim J (in the Third and Seventh Instances of contempt, respectively), Mr Ravi's conduct was clearly calculated to interrupt court proceedings. Mr Ravi seeks to rely on *You Xin* at [78] for the proposition that a term of imprisonment is reserved only for the most serious of offences of contempt in the face of the court (see [13] above). However, the very passage which Mr Ravi cites goes on to recognise that such conduct (namely, conduct clearly calculated to interrupt court proceedings and to lower the authority of the court) will usually be regarded as of sufficient severity to cross the custodial threshold and warrant the imposition of a term of imprisonment: *You Xin* at [78]–[79]. For the Seventh Instance of contempt, Mr Ravi's culpability is heightened by the fact that Mr Ravi continued to interrupt Lim J even after Lim J expressly warned him to stop interrupting and being rude to the court (*Ravi (Liability)* at [97]).

51 Third, as regards Mr Ravi's intentional insult of DJ Chay (in the Fourth and Fifth Instances of contempt), I am of the view that Mr Ravi's conduct is particularly egregious. Through his conduct, Mr Ravi intended to belittle and undermine DJ Chay's authority and standing as a judge. In my view, Mr Ravi's reprehensible conduct warrants the court's strong disapprobation through the imposition of a custodial term. It bears repeating that the culpability of the

contemnor is a key factor in sentencing, and this would depend on the seriousness of the contempt: *You Xin* at [78].

52 Finally, I turn to Mr Ravi's contempt under s 3(1)(*e*) of the AJPA (Ninth and Tenth Instances of contempt). By his actions, Mr Ravi caused serious interference with the administration of justice (see [87] below). Indeed, an advocate and solicitor who acts in a manner contrary to the instructions of his client poses a serious threat to the public trust in the administration of justice: *Loh Der Ming Andrew v Law Society of Singapore* [2018] 3 SLR 837 837 ("*Andrew Loh*") at [135]. Whilst this statement in *Andrew Loh* was made in the context of an application for disciplinary proceedings under s 96 of the LPA, I consider that it is equally relevant to the inquiry concerning the nature and gravity of the contempt at hand and its impact on the due administration of justice.

53 At this juncture, I turn to address Mr Ravi's reliance on the contempt proceedings brought against another senior lawyer, Mr Eugene Thuraisingam ("Mr Thuraisingam"), for an act of scandalising contempt under s 3(1)(*a*) of the AJPA. To this end, at the hearing, Mr Ravi tendered a newspaper article dated 7 August 2017 on the unreported case. Mr Ravi stated that he felt he had been "targeted somehow" as the Prosecution did not bring up this case.[52] Briefly, Mr Thuraisingam had published a contemptuous post on Facebook. Once notified that it was contemptuous, Mr Thuraisingam took down the post. Subsequently, he pleaded guilty to the charge. The AG sought a fine of $10,000, and the High Court imposed a fine of $6,000. Mr Ravi's argument appears to be that a similar sentence would be appropriate in his case, given that the nature of Mr Thuraisingam's comments were more extreme, the circulation was more

[52] NEs, p 16 lines 7 to 16.

widespread, and that unlike Mr Ravi, Mr Thuraisingam did not suffer from bipolar disorder.[53]

54 However, in view of the foregoing discussion, it is clear that Mr Thuraisingam's case is distinguishable. As the AG submitted in response, the case was discussed in *Ravi DT (2020)* (at [216]–[217]). Although Mr Thuraisingam published the contemptuous post, he immediately removed it, and posted an unconditional apology the moment he was first notified that a complaint had been made against him in respect of the offending post.[54] As noted earlier, Mr Thuraisingam also pleaded guilty to the charge. There was clear evidence of genuine remorse, which has not been forthcoming from Mr Ravi. Also, Mr Thuraisingam's case concerned only one isolated instance of contemptuous conduct, whereas Mr Ravi committed nine acts of contempt in two separate proceedings before two separate judges.[55] Mr Thuraisingam's case is therefore of little assistance to Mr Ravi.

55 In the final analysis, the egregiousness of each of Mr Ravi's contemptuous acts justifies the imposition of a custodial sentence in relation to each instance of contempt. My view is further fortified by the sheer number of offending acts in each set of proceedings. This is notwithstanding the mitigating effect of Mr Ravi's bipolar disorder. I should reiterate that custodial sentences are also warranted because Mr Ravi was a senior lawyer carrying out his professional duties, his history of misconduct in the courtroom, and his lack of remorse.

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53 NEs, p 17 line 13 to p 18 line 21.

54 NEs, p 21 lines 14 to 21.

55 NEs, p 21 lines 24–31.

56 With that said, in determining the *term* of imprisonment to be imposed for each instance of contempt, as well as the overall imprisonment term to be imposed on Mr Ravi, I shall once again return to these factors, especially the mitigating factor of his bipolar disorder. I shall also consider in more detail Mr Ravi's argument that, taken in context, his contemptuous acts did not cause any significant harm to the administration of justice.[56]

Sentences in SUM 670

57 I now turn to the term of imprisonment to be imposed for each instance of contempt, taking into account more specific considerations raised by the parties. I begin with the Second to Fifth Instances of contempt.

Second Instance of contempt

58 The Second Instance of contempt is one of scandalising contempt under s 3(1)(*a*) of the AJPA, *viz*., the unfounded allegation against DJ Chay of being "biased".

59 Mr Ravi's scandalising contempt in this instance was made in open court. This clearly constitutes an aggravating factor: *Attorney-General v Chee Soon Juan* [2006] 2 SLR(R) 650 ("*Chee Soon Juan*") at [59] and *Ong Wui Teck v Attorney-General* [2020] 1 SLR 855 ("*Ong Wui Teck*") at [51]. Mr Ravi's unfounded allegations of bias against DJ Chay had directly impugned the independence and impartiality of the judiciary, and his contempt in this instance can therefore be said to be grave. That said, I accept that Mr Ravi's contempt was of relatively short duration. While made in open court, no evidence suggests that Mr Ravi's allegations were repeated or disseminated beyond the courtroom.

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[56] RWS at para 13.3.

In particular, the contemptuous allegations Mr Ravi made against DJ Chay were not repeated by Mr Magendran.

60 Mr Ravi also argues that his actions caused limited damage to the administration of justice.[57] Indeed, I note that Mr Magendran discharged him and was content to proceed with DJ Chay presiding over his criminal case. While Mr Magendran did not do so immediately after the Second Instance of contempt occurred on 9 November 2021 (Mr Ravi appeared before DJ Chay to represent Mr Magendran on the morning on 10 November 2021, during which he committed the acts forming the basis of the Fifth Instance of contempt), it is the AG's position that following the Second Instance of contempt, "Mr Magendran stated that he would represent himself if [Mr Ravi] failed to turn up" the next day.[58] This meant that even though Mr Magendran had not discharged Mr Ravi by that point, Mr Magendran was prepared to carry on with DJ Chay hearing his criminal case.

61 To the extent that Mr Ravi's argument goes towards the lack of any substantial harm caused to the administration of justice, I consider this to be a neutral factor at best. Had there been evidence of such harm, such as repetition of his contemptuous allegations by Mr Magendran or Mr Magendran taking the allegations of bias against DJ Chay seriously and requesting a recusal on that basis, this would clearly be an aggravating factor. But it is trite that the absence of an aggravating factor is not mitigating: *BPH v Public Prosecutor and another appeal* [2019] 2 SLR 764 at [85]. Additionally, in so far as the degree of harm resulting from his actions might have been low, this was not the result of any moderation, restraint, or precaution on Mr Ravi's part. As acknowledged in his

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57 RWS at para 8.1–8.2.

58 Affidavit of Rimplejit Kaur filed on 7 January 2022 ("RK's Affidavit") at para 14.

written submissions, "fortunately", his clients did not act on his allegations.[59] Mr Ravi ought not to be credited for this.

62 I next turn to examine the precedents. In *Ong Wui Teck*, the contemnor ("Mr Ong") was found liable for scandalising contempt for making a number of allegations of bias, dishonesty and impropriety against Justice Woo Bih Li ("Woo J") in two affidavits filed and served in respect of a recusal application. The trial judge's decision to sentence Mr Ong to seven days' imprisonment was affirmed, despite the fact that he was a first-time contemnor. The Court of Appeal (at [46]–[51]) found that: (i) Mr Ong was not remorseful as he refused to purge his contempt and repeated the contemptuous statements against Woo J; (ii) Mr Ong's allegations were not merely strongly-worded or outspoken, they were allegations of dishonesty, impropriety and bias made in vituperative language and a total of 18 of such allegations were made; and (iii) Mr Ong's conduct constituted contempt in the face of the court even though the contemptuous statements were not verbalised, as the affidavits were placed before Woo J.

63 In *Jolovan Wham*, the contemnor ("Mr Wham") was fined $5,000 for scandalising contempt, with one week's imprisonment in default of payment of the fine. Mr Wham had published a public post on Facebook, the objective interpretation of which was that Singapore's judges decide cases with political implications otherwise than in accordance with their merits. The Court of Appeal found (at [51]) that the statement in Mr Wham's post was among the most serious aspersions that one could cast upon a judiciary, and that Mr Wham plainly intended to make that statement and to have it taken seriously (*Jolovan Wham* at [51]). No remorse was shown by Mr Wham for his offending conduct

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[59] RWS at para 8.1.

as he refused to remove the post from Facebook and apologise for his conduct, even after he was found liable for contempt.

64 In *Au Wai Pang v Attorney-General* [2016] 1 SLR 992 ("*Au Wai Pang*"), the contemnor ("Mr Au") was fined $8,000 for publishing an article on his blog that insinuated that the Chief Justice and Justice Quentin Loh had created a deliberate delay in order to prevent two distinct constitutional challenges in relation to s 377A of the Penal Code from reaching the Court of Appeal at the same time. Mr Au had removed the contemptuous article from his blog (after leave was granted to the AG to apply for an order of committal against him) and apologised (at [3(d)] and [10]).

65 In my judgment, Mr Ravi's offending conduct is at least as serious as that of Mr Ong in *Ong Wui Teck* and more egregious than those of the contemnors in *Jolovan Wham* and *Au Wai Pang*:

(a) As regards *Ong Wui Teck*, while Mr Ong made his contemptuous statements in affidavits and did not verbalise his unfounded allegations, the Court of Appeal remarked that had Mr Ong verbalised his statements, a more severe punishment would have been warranted (*Ong Wui Teck* at [51]). This is the case in Mr Ravi's Second Instance of contempt, as Mr Ravi's unfounded allegations against DJ Chay were made in open court.

(b) Unlike the contemnor in *Jolovan Wham*, Mr Ravi's unfounded allegations were direct and levied against a judge in open court. In contrast, Mr Wham's statement was made via his Facebook post and was less direct (Mr Wham posted, "Malaysia's judges are more independent than Singapore's for cases with political implications", but this was held to be objectively contemptuous as an assertion that the

Singapore judiciary was not independent). Furthermore, Mr Wham was a first-time offender. On the other hand, I have found Mr Ravi has no less than three related antecedents.

(c) As for *Au Wai Ping*, Mr Au apologised and purged his contempt by removing the contemptuous article from his blog (albeit after leave was granted to the AG to apply for an order of committal against him). In contrast, Mr Ravi persisted in his contemptuous conduct and went on to commit even more instances of contempt following the Second Instance. Additionally, as noted above at [46], Mr Ravi's lack of remorse for this incident is evident not only from his failure to issue an apology or retract his statement against DJ Chay, but also his attempt to avail himself of the defence of fair criticism so as to contest liability.

66 That said, none of the contemnors in the above cases suffered from a mental disorder that reduced their respective culpabilities at the time of their misconduct. However, Mr Ravi was a senior lawyer while the contemnors in the above cases are laypersons. Taking into account the mitigating effect of Mr Ravi's bipolar disorder, I impose a sentence of seven days' imprisonment for the Second Instance of contempt.

Third to Fifth Instances of contempt

67 The Third to Fifth Instances of contempt pertain to Mr Ravi's contempt in the face of the court on 9 and 10 November 2011 before DJ Chay, in contravention of s 3(1)(*d*) of the AJPA. To recapitulate, Mr Ravi interrupted (in the Third Instance) and insulted (in the Fourth and Fifth Instances) DJ Chay in open court.

68 In my view, Mr Ravi's conduct in the Third to Fifth Instances of contempt clearly interfered with the due administration of justice. For example, during the Third Instance, Mr Ravi continued to interrupt DJ Chay by speaking in a language other than English before DJ Chay could finish his sentences, despite several reminders by DJ Chay that he wished to speak with and hear from Mr Magendran (*Ravi (Liability)* at [72]). That said, I note that Mr Ravi had only made a limited number of interruptions, and the proceedings before DJ Chay were not interrupted for a prolonged period of time as a result of Mr Ravi's Third to Fifth Instances of contempt.

69 As with the Second Instance of contempt, I am of the view that Mr Ravi's culpability is high as his actions showed a blatant disregard for the authority of the court. As I have found in *Ravi (Liability)* at [77], Mr Ravi's verbal attacks in the Fourth and Fifth Instances were intended to belittle and undermine DJ Chay's standing and authority as a member of the Singapore judiciary. Further, as I have noted (*Ravi (Liability)* at [83]), there was really no reason at all for Mr Ravi to make any of those comments against DJ Chay during the proceedings. They bore no relevance to Mr Ravi's application for adjournment or his application under s 395 of the CPC; nor did they relate to any possible point of law that may have arisen.

70 In *You Xin*, the contemnors disrupted court proceedings by chanting with their backs to the court despite being asked by the District Judge to stop. The contemnors were given an opportunity to apologise and purge their contempt but refused to do so and maintained that they did nothing wrong. The District Judge then summarily found them in contempt and sentenced the contemnors to two days' imprisonment each. The sentences were upheld by the High Court, and the court observed that the instigators or main culprits of the chanting should have been sentenced to longer terms of imprisonment: *You Xin* at [86].

71 To begin, I note that the duration of contempt in *You Xin* as well as its interference with the administration of justice were significant. The contemnors there interrupted the court proceedings by chanting and continued doing so for another two minutes after being directed by the court to cease their conduct. The severity of disruption to court proceedings in *You Xin* is evident from the fact that the proceedings could not be continued without the District Judge invoking the summary process to deal with the contemnors – an extreme procedure that is exercised by a judge of his own motion only when it is urgent and imperative to act immediately: *You Xin* at [43], referring to the views of Lord Denning MR in *Balogh v St Albans Crown Court* [1975] QB 73 at 85.

72 In contrast, Mr Ravi's contempt did not interrupt court proceedings to the same extent as in *You Xin*, and neither was DJ Chay compelled to invoke the summary process as a result. That said, these instances of contempt are serious in nature. Mr Ravi was a senior legal practitioner at the time discharging his professional duties, with related antecedents. He also displayed a lack of remorse in connection with this incident. Not only has Mr Ravi offered no apology, but he also argued that he only made a limited number of interruptions before "allowing" DJ Chay to speak to his client. However, as I have pointed out, Mr Ravi was not in a position to "allow" DJ Chay to speak (*Ravi (Liability)* at [73]). This further highlights Mr Ravi's lack of genuine remorse.

73 Weighing these factors against the mitigating effect of Mr Ravi's bipolar disorder, I am of the view that an imprisonment term of five days is appropriate for the Third Instance.

74 Higher sentences are warranted for the Fourth and Fifth Instances of contempt. After interrupting DJ Chay as charged in the Third Instance, Mr Ravi insulted him in the Fourth Instance. Then, he returned the very next day to offer

more insults to DJ Chay. These insults were calculated to belittle DJ Chay's standing as a judge. Even if it did not necessitate the invocation of the summary process, such sheer, unmitigated contempt, calculated to lower the authority of the court, is clearly very blameworthy conduct which is reprehensible and deserving of condemnation. Again, the same observations regarding Mr Ravi's lack of remorse made in connection with the Second Instance of contempt at [65(c)], apply in respect of the Fourth and Fifth instances of contempt as well. I impose a sentence of seven days' imprisonment for each of these instances of contempt.

Sentences in SUM 669

75 With that, I turn to SUM 669, which relates to Mr Ravi's conduct in connection with the proceedings before Lim J in the High Court.

Sixth and Eighth Instances of contempt

76 The Sixth and Eighth Instances of contempt arose from a number of Mr Ravi's baseless allegations, including allegations of bias, against Lim J in the High Court. These two instances of contempt pertain to scandalising contempt punishable under s 3(1)(*a*) of the AJPA.

77 In relation to these two instances of contempt, Mr Ravi highlights the fact that his client, Mr Chua, had issued a public statement that expressly denounced Mr Ravi and his allegations against Lim J. Mr Ravi argues that this reduced the risk of the administration of justice being undermined.[60]

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60 RWS at para 13.3(ii).

78 As with his conduct before DJ Chay, Mr Ravi's contemptuous allegations against Lim J were made in open court, and were undoubtedly serious as they directly impugned the independence and impartiality of the judiciary as an institution.

79 Turning to the duration of Mr Ravi's contempt before Lim J, it is clear that Mr Ravi's contempt was prolonged and sustained. This is aggravating. For the Sixth Instance of contempt, Mr Ravi made repeated allegations regarding Lim J's fairness. For the Eighth Instance, Mr Ravi made no less than four unwarranted allegations against Lim J over the span of more than 20 minutes.[61] Mr Ravi as follows:

(a) stated that Lim J was the "interrogator" who was "putting words into [his] mouth";

(b) accused Lim J of "completely [breaching] privileged communication which is sacrosanct";

(c) alleged that Lim J's directions in relation to the cross-examination arrangements were "against the International Human Rights Law", "unacceptable", an "unlawful law", the "wrong law" and an "illegal law"; and

(d) told Lim J "don't be rude", that she was "not above the law" and that "there is no rule of law in Singapore, as far as [he is] concerned".

80 I acknowledge that as regards the extent of dissemination, Mr Ravi did not disseminate his contemptuous statements beyond the four walls of the courtroom even though the media carried Mr Chua's statement *denouncing*

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[61] Affidavit of Wuan Kin Lek Nicholas filed on 7 January 2022 at pages 24; 30–40.

Mr Ravi's conduct. This is unlike the contemnor in *Chee Soon Juan*, who prepared a contemptuous speech and proceeded to read it out in the courtroom and then distributed copies of that speech to members of the media outside the courtroom.

81 That said, on the lack of any substantial harm to public confidence in the administration of justice, this is again in my view at best a neutral factor. As noted above at [61], while the presence of such harm would have been aggravating, its absence does not necessarily have any mitigating effect. As with Mr Magendran, Mr Chua's decision to distance himself from Mr Ravi's conduct was the product of his own prudence, and his public disavowal was not made at Mr Ravi's behest. Again, Mr Ravi describes that "fortunately", Mr Chua acted as he did.[62]

82 For the above reasons, I impose a sentence of 14 days' imprisonment each for the Sixth and Eighth Instances of contempt. Mr Ravi's insolence is most deplorable. He clearly had no regard for the authority of the court. Moreover, these instances of contempt are more serious than the Second Instance as, in contrast to the Second Instance, these instances of contempt were relentless and prolonged. If not for the mitigating effect of Mr Ravi's bipolar disorder, longer sentences would have been warranted.

Seventh Instance of contempt

83 The Seventh Instance of contempt arose from Mr Ravi's intentional and repeated interruption of Lim J during the hearing on 22 November 2021. Mr Ravi was found liable for this instance of contempt under s 3(1)(*d*) of the AJPA. Mr Ravi's repeated interruptions of Lim J were interspersed with his

62 RWS at para 8.1.

unfounded allegations against her, which form the Sixth and Eighth Instances of contempt discussed above. The degree of interruption was more prolonged than that caused by his behaviour before DJ Chay. A sentence higher than the five days' imprisonment I have imposed for the Third Instance of contempt before DJ Chay (which similarly relates to Mr Ravi's intentional interruption of court proceedings) is warranted. Therefore, I am of the view that a sentence of seven days' imprisonment is justifiable.

Ninth and Tenth Instances of contempt

84 Finally, I turn to the Ninth and Tenth Instances of contempt for which Mr Ravi is liable. The nature of these instances of contempt is different from the other instances. Here, Mr Ravi is liable under s 3(1)(*e*) of the AJPA for taking legal positions without the instructions of his client, Mr Chua. To reiterate, Mr Ravi applied for Lim J to be disqualified on the ground of bias (Ninth Instance) and caused his paralegal, Mr Arun, to send an email to the Registry without instructions (Tenth Instance).

85 Specific to these two instances of contempt, Mr Ravi says that he "accepts the finding of the court and regrets his poor decision-making hindered by his relapse at the time".[63] Mr Ravi also urges the Court to treat the sentencing precedents with caution because, in his view, s 3(1)(*e*) of the AJPA is widely drawn such that conduct that did not constitute contempt of court under the common law may now fall within the terms of s 3(1)(*e*).[64]

86 In my judgment, Mr Ravi's culpability for both instances of contempt is considerable. For the Ninth Instance of contempt, I have noted in *Ravi*

63 RWS at para 10.4.

64 RWS at para 11.5.

(Liability) at [112] that an application for a judge to recuse or disqualify himself or herself is one that should not be lightly made. Mr Ravi's application was wholly baseless and without merit, and he persisted in his application even after Lim J ruled against it. For the Tenth Instance of contempt, Mr Ravi knew that Mr Chua intended to discharge him and engage a new counsel, but this material fact was completely omitted in the email he instructed Mr Arun to send to the Registry (*Ravi (Liability)* at [122]). Mr Ravi also deliberately kept Mr Chua out of the loop by specifically telling Mr Arun not to copy the email to Mr Chua.

87 Moreover, the degree of interference with the administration of justice is significant. As a result of Mr Ravi's actions, Lim J had to spend time dealing with Mr Ravi's unmeritorious applications. Mr Ravi's persistence in his application, even after it was dismissed by Lim J, resulted in further interruptions to the proceedings. Further, Mr Ravi's actions also led to the vacation of the original trial dates. For the Tenth Instance, Mr Ravi's email resulted in the Registry seeking clarifications from his law firm as to whether Mr Chua had given instructions that he would like to proceed with the trial after having earlier requested the Registry for an adjournment to find and brief new counsel. Mr Ravi's conduct in the Tenth Instance also unnecessarily implicated his paralegal, Mr Arun.

88 In relation to these incidents, Mr Ravi's lack of remorse is stark. Not only has he failed to apologise, but as the AG points out, during oral submissions at the liability stage, he also alleged that the AG's attempt to interview Mr Arun about the incident was a breach of privileged communications.[65]

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65 AWS at para 77.

89 For the foregoing reasons, I impose a sentence of seven days' imprisonment each for the Ninth and Tenth Instances of contempt. For completeness, if not for the mitigating effect of Mr Ravi's bipolar disorder, longer sentences would be warranted.

Overall sentences

90 To sum up, I impose the following sentences:

Instance of contempt	**Provision (AJPA)**	**Sentence**
SUM 670		
Second	s 3(1)(*a*)	Seven days' imprisonment
Third	s 3(1)(*d*)	Five days' imprisonment
Fourth	s 3(1)(*d*)	Seven days' imprisonment
Fifth	s 3(1)(*d*)	Seven days' imprisonment
SUM 669		
Sixth	s 3(1)(*a*)	14 days' imprisonment
Seventh	s 3(1)(*d*)	Seven days' imprisonment
Eighth	s 3(1)(*a*)	14 days' imprisonment
Ninth	s 3(1)(*e*)	Seven days' imprisonment
Tenth	s 3(1)(*e*)	Seven days' imprisonment

91 As regards the question of how the sentences should run, in the context of offenders who commit multiple criminal offences, the general principle is that the sentences of imprisonment for *unrelated* offences ought to be made to

run consecutively: *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 ("*Raveen*") at [41]. This is subject to the "totality principle", which ensures that the global sentence is proportionate to the overall criminality of the offender: *Raveen* at [65]. While contempt has been described as a *sui generis* offence, I see no reason why these general principles ought not to apply.

92 In my judgment, the sentences for the Second and Sixth Instances should run consecutively, being distinct and unrelated instances of contempt committed in the two different sets of proceedings before different judges. The other sentences for the remaining instances of contempt are to run concurrently. Accordingly, Mr Ravi is committed to 21 days of imprisonment. This total sentence is, in my view, proportionate to Mr Ravi's overall culpability.

Conclusion

93 To conclude, it is highly reprehensible that Mr Ravi, a senior lawyer, committed this long string of contemptuous acts while acting for clients in two sets of proceedings. Despite being aware of his mental condition, Mr Ravi did little to guard against or manage the effects of his bipolar disorder while discharging his duties and responsibilities as a lawyer. In particular, Mr Ravi was non-compliant with his medication regime. While Mr Ravi was suffering from a relapse of his bipolar disorder at the material time, this did not significantly impair his ability to exercise self-control and restraint. I therefore only accorded moderate mitigating weight to his relapse of bipolar disorder.

94 It is also clear to me that the sanctions previously imposed on Mr Ravi, for similar misconduct in the courtroom in past disciplinary proceedings, including financial penalties, have not deterred him. Unfortunately, Mr Ravi has not learned from the previous chances accorded to him, and he has not shown remorse for his actions giving rise to these proceedings. Balancing the

mitigating weight of the bipolar disorder against the numerous aggravating factors, custodial sentences are clearly warranted. That said, in light of his mental condition at the material time, those custodial sentences have been calibrated downwards.

95 I will now deal with costs, and applications for further orders and directions (if any).

Hoo Sheau Peng
Judge of the High Court

Wuan Kin Lek Nicholas, Chong Yong and Rimplejit Kaur (Attorney-General's Chambers) for the Attorney-General in HC/SUM 669/2022 and HC/SUM 670/2022;
The respondent in person.