



Public Prosecutor

AND

Mohd Azreey Bin Hj Musa

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 18 of 2014)**

**Steven Chong, J.
2 July 2014**

Criminal Law – Theft of vehicles – Prevalence of offences – Deterrent sentence necessary – Consecutive sentences warranted.

PO Kamaliah Bte Hj Ibrahim for the Public Prosecutor/Appellant.
Defendant/Respondent unrepresented.

Cases cited:

Haris Bin Akil v Public Prosecutor [1992] JCBD 248.

Norfazil Bin Tamit v Public Prosecutor [Criminal Appeal No. 129 of 2002].

Sym Chong v Public Prosecutor [Criminal Appeal No. 55 of 1999].

Steven Chong, J.:

This is an appeal by the Public Prosecutor against sentence.

On 18 March 2014 in the Magistrate's Court the defendant pleaded guilty to three counts under the Penal Code: (1) theft of a Toyota Kijang van contrary to section 379; (2) theft of a Mazda Titan pick-up contrary to section 379; and (3) attempted theft with two accomplices of an electric cable from a storeroom contrary to section 380 read with sections 511 and 34.

The Magistrate imposed a sentence of 8 months' imprisonment on each of the vehicle theft offences to run concurrently and one month's imprisonment on the electric cable theft offence to be served consecutively, resulting in a total sentence of 9 months' imprisonment.



Shortly stated the facts admitted by the defendant were that on two separate occasions and at different locations, in February 2014, he stole the two vehicles from their owners by using a key to gain access. The defendant then sold the stolen vehicles and received \$200 for the Toyota and \$150 for the Mazda. Thereafter, in April 2014, the defendant and two accomplices went to a storeroom at a construction site and stole a 3m long electric cable belonging to the contractor. The trio were caught by workmen at the construction site and handed over to the police.

The defendant is aged 34 and he has a wife and three children. He was unemployed at the time the offences were committed. Stealing is not new to him. He was previously convicted of six theft offences, three mischief offences and one offence of drug consumption in 1998 and 2006.

PO Kamaliah submits that vehicle theft offences are prevalent and it is necessary in the public interest for the court to pass deterrent sentences. It is contended that the Magistrate erred in passing concurrent instead of consecutive sentences in respect of the vehicle theft offences which resulted in an inadequate overall sentence.

I accept the submission made on behalf of the Public Prosecutor. The two offences in question were committed on separate days and involved two different vehicles and owners and warranted consecutive sentences. The concurrent sentences ordered by the court below resulted in an overall sentence which was unduly lenient and did not adequately reflect the gravity of the offences.

Consecutive sentences were upheld in relation to similar offences in *Haris Bin Akil v Public Prosecutor* [1992] JCBD 248; *Sym Chong v Public Prosecutor* [Criminal Appeal No. 55 of 1999]; and *Norfazil Bin Tamit v Public Prosecutor* [Criminal Appeal No. 129 of 2002].

I therefore quash the sentence of the Magistrate and I order that the sentences on all the three charges be served consecutively.

In the result the sentence of 9 months is substituted with a sentence of 17 months.

DATO PADUKA STEVEN CHONG
Judge, High Court