



Public Prosecutor

AND

Mohd Salleh Bin Abdullah @ Ambrose Aban Anak Igah

**(High Court of Brunei Darussalam)
(Criminal Trial No. 6 of 2014)**

**Steven Chong, J.
8 May 2014**

Criminal Law – Taking obscene photograph of a child – Appropriate sentence.

DPP Pg Nina Jasmine Bte PLKDR Pg Hj Bahrin for the Public Prosecutor.
Defendant unrepresented.

Steven Chong, J.:

The defendant pleaded guilty to taking an obscene photograph of a child (*“Ms X”*) contrary to section 293B of the Penal Code.

Briefly stated the facts admitted by the defendant are that he and Ms X’s grandfather are friends and neighbours. On a day in December 2012 Ms X, who was 10 years old at the time, and her brother visited the defendant’s house and asked him for drinks. Ms X’s brother left the defendant’s house after getting his drink. Ms X stayed behind.

Whilst Ms X was in the defendant’s house, he touched her vagina. The defendant also told Ms X to lie down on a couch and he then used his mobile phone to take a photograph of her vagina. After that the defendant told Ms X to leave.

Credit is given to the defendant for pleading guilty at the first opportunity. Also in his favour is his clear record and the absence of evidence of coercion on the victim or distribution of the indecent photograph.



The maximum penalty upon conviction for this offence is 10 years' imprisonment. It is a very serious offence. The aggravating features in the present case are that (1) there was a gross breach of trust by the defendant, (2) the victim was a young girl of 10, and (3) he touched her private part.

In the circumstances, the sentence must be of sufficient severity to mark the gravity of the offence, punish the defendant for what he did, and more importantly, protect young girls from such perversion.

I consider a starting point of 3 years appropriate, reduced to 2 years in view of the mitigation and in particular the guilty plea.

DATO PADUKA STEVEN CHONG

Judge, High Court