

Majidah Nadirah Binti Haji Ismail

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 21 of 2025)**

Muhammed Faisal Bin PDJLD Kol(B) DSP Haji Kefli, J.C.

Date of Ruling: 13th December, 2025.

Headnote: Criminal Appeal – Extension of time to pay fine – Sentencing discretion – Ability to pay – Unrealistic repayment proposal – No merit in appeal – Appeal dismissed.

Appellant In Person.

DPP Abdul Musawwir Bin Hj Awg Mahli for the Public Prosecutor.

Statute:

Section 146(1)(d) Excise Order, 2006.

RULING

Muhammed Faisal, J.C.:

I INTRODUCTION

1. This is an appeal from the Magistrates' Court for an extension of grace period to pay a fine.
2. The matter was heard on the 13th December 2025, where I dismissed the application and informed parties that my full reasoning will come later.
3. These are now my reasons for dismissing the appellant/defendant application.

II BACKGROUND

4. The appellant pleaded guilty on 20th October 2025 for an offence under section 146(1)(d) Excise Order, 2006 by the Kuala Belait Magistrates' Court.
5. She was fined BND40,000.00 and in-default of which 14 months imprisonment. She was offered a 6 month grace period, which is to end on the 20th April 2026.

III THE APPEAL

6. The appellant does not have any issue with the fine. She confirms that she is only seeking an extension of grace period in order to settle the fine of another three (3) years on top of the 6 months already offered by the Magistrate.
7. Her reasons are as follows:
 - i. She is unemployed with no fixed income;
 - ii. Her mother is a housewife and also does not have a fixed income;
 - iii. Her father is still working at the Department of Museum and will retire end of January 2027. He is a stroke victim who is undergoing treatment at Pantai Jerudong Stroke Center (PJSC) and at RIPAS Hospital. He needs continuous treatment such as undergoing monthly therapy at both places and blood collection.
8. The appellant proposed to pay BND200 per month, only after her father retires. She states that it is only after he retires that he will be able to assist him in building a business of "*guni parcel*" (a sack of parcel).

IV PROSECUTION REPLY

9. Typically, the prosecution objected to the application.
10. The Prosecutor had not much to submit on this but was succinct on his position.
11. It was submitted, given the fact that appellant has no fixed income and with no other reliable source of funds, that there would be no real prospect of the appellant settling the fine, even if the grace period was further extended for three (3) years.

V COURT FINDINGS

12. In short, I would agree with the prosecutor's assessment of the appellant's current situation.
13. She initially informed that she will only start considering installment payments after her father retires in January 2027. That will leave her only about 2 ½ years to settle the fine. Notwithstanding, barring some miracle, that her father will be fit enough by then to assist her, the amount of BND200.00 per month will not even cover half the fine by the end of the grace period applied for.

14. I am left with the opinion, after speaking with her, that she neither appreciates nor comprehends the gravity of her situation and the monthly amount she needs to pay.
15. She is truly without any fixed income or any other source of funds that can sustain such a monthly repayment regime.
16. Due to this reason, I found that her appeal was without merits and dismissed it, accordingly.

MUHAMMED FAISAL BIN PDJLD KOL(B) DSP HAJI KEFLI
Judicial Commissioner