

Baharuddin Bin Hj Nawang

AND

Public Prosecutor

**(Court of Appeal of Brunei Darussalam)
(Criminal Appeal No. 12 of 2005)**

Cons, P.; Power and Mortimer, JJ.A.
9th November, 2006.

Defendant in person.

Dk Hana Molina Bte Pg Hj Mohammad (Deputy Public Prosecutor) for the Public Prosecutor.

Cons, P.:

This is a sad affair. The appellant is a family man who had a good job, and has a wife and 3 children. In October 2 years ago he raped his own daughter. She tried to resist but she was not strong enough. Afterwards he gave the usual warning not to tell anybody, in particular her own mother. It was actually the day of her 14th birthday. He raped her again about one year later. He was only charged with two occasions of rape but he confessed to the police that there had been other instances.

In this appeal he has asked for a reduction in his sentence, in total 11 years and 12 strokes but really the only thing in his favour is that he pleaded guilty when the case came to court, thereby sparing his daughter from having to give evidence herself.

We have received 2 letters from his family, one from his wife and one from his daughter. They tell of the disastrous affect his imprisonment has had upon his family, in particular upon his third child. Such consequences are almost inevitable in cases of this nature. We are very sorry for the family and we appreciate the difficulties in which they must find themselves now. But we have also to consider the interest of society in general and what the law provides. That is our duty.

The sentence passed was in line with the present standards and practices of this court and the appeal must be dismissed.

Appeal dismissed