

**Public Prosecutor**

AND

**Muhammad Hitishamuddin Bin Abdullah Ekin**

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**(Court of Appeal of Brunei Darussalam)  
(Criminal Appeal No. 9 of 2006)**

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Coram: Cons, P.; Power and Mortimer, JJ.A.  
**6<sup>th</sup> November, 2006.**

Suriana Bte Radin (Deputy Public Prosecutor) for the Public Prosecutor.  
Defendant in person.

**Case cited in the Judgment:**

*Ahmad Bin Hj Ibrahim v Public Prosecutor*, Criminal Appeal No.8 of 2004.

**Cons, P.:**

Muhammad Hitishamuddin pleaded guilty in the intermediate court to offences which were eventually charged as 3 counts of criminal breach of trust by a servant or agent. He had been a sales executive with a wholesale company that supplied goods to supermarkets and shops. As such he would collect monies for the company from the company's customers. Sadly, for a period starting in November 2004 to April this year he kept some of those monies for himself, to a total as charged of just over \$B8,600.00.

In mitigation to the Judge, he said that he came to Brunei from Sabah in 1997, had 3 stepchildren, 2 of his own and was of limited education. Today he mentioned further details about his family. Further more it is apparently his first offence. The prosecutor also mentioned to the Judge that he had cooperated with the police fully and made an immediate confession. She also highlighted the long period over which the offences had taken place.

The Judge observed that the authorities indicated that a sentence after a plea of guilty of 2 years was appropriate for an offence of this nature and sentenced him to that term on each of the 3 charges, the terms to run consecutively.

A few days later, on reflection, she came to the conclusion that having regard to the amount involved and the maximum penalty provided by statute, the sentence had indeed

been manifestly excessive and very properly she made known her conclusion to the prosecution authorities.

We agree with her and accordingly allow the appeal and order that the sentences shall run concurrently.

We would like to take the opportunity to reiterate the views we have expressed, for example in *Ahmad Bin Hj Ibrahim v Public Prosecutor*, 23 November 2004, Criminal Appeal 8 of 2004, that while there is of course more than one way in which a judge can explain his or her reasons for a particular sentence or set of sentences, it is generally helpful to this court to know, where there has been a plea of guilty, what starting point the judge would have taken after trial and than the discounts made.

*Appeal allowed*