

Sukaimi Bin Haji Supawi
AND
Public Prosecutor

(Court of Appeal of Brunei Darussalam)
(Criminal Appeal No. 9 of 2024)

Steven Chong, C.J., Lunn and Woolley, JJA
17th June 2025.

Criminal law – Mischief by fire with intent to cause damage to property – Sentence.

Appellant In Person.

DPP Nurul Husna Aqilah Hj Abidin and PO Shamshuddin Hj Kamaluddin for Public Prosecutor.

Case cited:

Haji Ahmad Bin Haji Tamin v Public Prosecutor [Criminal Appeal No. 15 of 2018]

Steven Chong, C.J.:

Introduction

1. On 13 June 2024, in the Intermediate Court, the Appellant was convicted following a full trial of the offence of committing mischief by fire with intent to cause damage to property, contrary to section 435(1)(c) of the Penal Code.
2. Judge Pg Masni Binti Pg Hj Bahar imposed a sentence of 9 years' imprisonment and 6 strokes. The Appellant now appeals against the sentence imposed.

The facts

3. Briefly summarized, the facts found by the Judge are as follows. The Appellant, aged 39 at the time of the offence, resided with his parents in a house owned by his father located in Kampong Pandan. Following the loss of his employment, the Appellant persistently demanded money from his parents. When they refused, he would often respond with tantrums. As a result of his increasingly erratic behavior, the situation at home became untenable, prompting his parents to vacate the premises and reside elsewhere, intentionally withholding their new address from the appellant.

4. Undeterred, the Appellant began harassing his siblings in an attempt to discover the whereabouts of their parents. On the night of 4 November 2021, police officers attended the Appellant's residence in response to a nuisance complaint lodged by a family member. Upon arrival, the police knocked on the front door, which was opened by the Appellant. He was informed that he was required to accompany the officers to the police station to provide a statement in connection with the complaint.
5. The Appellant reacted by launching into a tirade about the perceived mistreatment by his family. He requested permission to re-enter the house to change his clothes and retrieve his identity card. Once inside, he locked the front door. Shortly thereafter, the officers heard him shouting from within. Through a window, they observed flames in the living room, followed by an explosion. Thick smoke was seen billowing from an upstairs window.
6. The Appellant was then seen fleeing through a side door, entering a Kia Coupe, and driving off at speed. The fire brigade was summoned and arrived shortly thereafter to extinguish the blaze. Despite their efforts, the house sustained extensive damage estimated at approximately \$5,500. Subsequent investigations concluded that the fire had been intentionally set by the Appellant in the television room, using a butane torch to ignite a pile of clothes and books. The Appellant was arrested on 7 November 2021.

The sentence

7. In determining the appropriate sentence to impose, the Judge had regard to prior authorities concerning the offence of mischief by fire with intent to cause damage to property. Among the cases considered was *Haji Ahmad Bin Haji Tamin v Public Prosecutor* [Criminal Appeal No. 15 of 2018], in which this Court upheld a sentence of 6 years' imprisonment, reduced from a starting point of 9 years following the appellant's guilty plea to an offence of arson committed in a commercial building.
8. Having considered the applicable precedents and the seriousness of the present offence, the Judge imposed a sentence of 9 years' imprisonment and 6 strokes.

The appeal

9. The Appellant, who is now 42 years old and divorced, contends that the sentence imposed is excessive. He states that he is self-employed as a freelance trader in financial instruments and urges this Court to consider a reduction in sentence on several grounds. These include his responsibility to financially support his three school-going children, the fact that his family – particularly his father – has forgiven him for his

actions, and that he is a first offender. He further submits that, in other comparable cases, lighter sentences were imposed.

10. Additionally, the Appellant's father has written to the Court seeking a reduction in sentence, expressing that, as elderly parents, they hope the appellant can be present to accompany and care for them in their old age.
11. The Prosecution submits that the sentence imposed was justified in light of the facts and circumstances of the case.

Decision

12. In our view, the Appellant's family circumstances are not exceptional and do not warrant a reduction in sentence. While we are not unsympathetic to the position of the Appellant's parents – who, notwithstanding their past difficulties with him, have expressed forgiveness for his act of setting fire to the family home – we are mindful that their desire for leniency, and their hope to spend their remaining years with him, must be balanced against the gravity of the offence.
13. This was a serious act of arson, resulting in extensive damage to property. Furthermore, the Appellant was convicted following a full trial and has not demonstrated any particular mitigating conduct post-conviction. In these circumstances, we are satisfied the sentence imposed is consistent with the relevant sentencing precedents cited by the Judge. We do not consider the sentence to be manifestly excessive.
14. Accordingly, the appeal is dismissed.

STEVEN CHONG, C.J.



LUNN, J.A.

WOOLLEY, J.A.