

**Muhammad Zulqarnain Bin Ajis**

AND

**Public Prosecutor**

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**(Court of Appeal of Brunei Darussalam)  
(Criminal Appeal No. 2 of 2023)**

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Steven Chong, CJ; Seagroatt and Woolley, JJA.

**Date of Hearing: 5<sup>th</sup> June, 2024.**

**Date of Judgment: 5<sup>th</sup> June, 2024.**

*Criminal law – Armed robbery – Sentence*

Appellant In Person.

PO Shamshuddin Hj Kamaluddin for Public Prosecutor.

**Steven Chong, C.J:**

### Introduction

On 16 January 2023 in the Intermediate Court the appellant pleaded guilty to the charge of armed robbery contrary to section 398 of the Penal Code.

Judge Radin Safiee Bin Radin Mas Basiuni sentenced the appellant to 7 years' imprisonment and 12 strokes.

The appellant appeals against that sentence.

### The facts

The appellant, on his own admission, found himself in the embarrassing position of not being able to repay a loan to his mother-in-law. The money was borrowed from her to pay for his family expenses. He decided to rob a grocery store to get the money to repay her.

On the afternoon of 9 January 2023 the appellant drove to the targeted grocery store at Jalan Pasir Berakas. Parking his car, he put on a mask and cap to conceal his identity before walking into the store carrying a hammer. He approached the store assistant sitting behind a counter

and, threatening him with the hammer, robbed him of \$240.00 in cash. The store assistant noted the registration number of the appellant's car as he fled the scene.

The police extracted CCTV recordings of both the robbery and the deposit of the stolen money by the appellant into his mother-in-law's bank account at a CDM of one of the bank's branches.

After arrest the appellant readily admitted to the offence.

#### The sentence

The Judge gave full credit to the appellant for his guilty plea and sentenced him to 7 years' imprisonment and 12 strokes.

#### The appeal

The appellant aged 27 was employed as a clerk in the private sector when he committed the offence.

He says his wife and young child are dependent on him and will suffer hardship without his support.

#### Decision

The imprisonment of an offender will often cause hardship to his family but it cannot be one of the factors which can affect what would otherwise be the right sentence.

This was a premeditated armed robbery with a deadly weapon in a grocery store in broad daylight. The offence is punishable with a minimum of 7 years' imprisonment and 12 strokes.

The Judge imposed the mandatory minimum sentence and there is no basis to contend it is excessive still less manifestly so.

We therefore dismiss the appeal.

**STEVEN CHONG, C.J.**

**SEAGROATT, J.A.**

**WOOLLEY, J.A.**

