

Marinah Binti Abdullah

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 19 of 2025)**

Muhammed Faisal bin PDJLD DSP Kol(B) Hj Kefli, J.C.

Date of Ruling: 4th April, 2026.

Headnote: Criminal Law — Sentence — Multiple offences — Unlicensed practice of medicine — Importation of unregistered medicinal products — Totality principle — Consecutive and concurrent sentences — Whether aggregate sentence manifestly excessive — Whether facilitative regulatory offence should run consecutively — Appeal allowed in part — Aggregate sentence reduced.

Mr. Zamri bin Haji Mohammad Taha (M/S Zamri Taha Associates) for the Appellant.

DPP Tiah Teck Chiun for Public Prosecutor/Respondent.

Cases cited:

Reginalo Choong Chen Jian AND P.P (Crim App No.41 of 2020)(High Court)

Neo Ah Luan v Public Prosecutor [2018] SGHC 188

RULING

Muhammed Faisal, J.C.:

I Introduction and Background

1. This is an appeal against sentence arising from a series of offences committed by the Appellant, Marinah binti Abdullah (“the Appellant”), a 43-year-old Malaysian national.
2. The Appellant was charged before the Magistrates’ Court with multiple offences under *section 25(1) of the Medical Practitioners and Dentists Act¹, Cap. 112*

¹ S.25(1) “Any person who wilfully and falsely takes or uses any name, title or addition, implying a qualification to practise medicine, surgery, or dentistry, or, not being registered, or not being exempted from being so registered under the provisions of this Act, practises, professes to practise, or publishes his name as practising medicine, surgery, or dentistry, or, not being a registered dentist under the provisions of this Act, hires or employs a person to assist him to practise dentistry, shall be guilty of an offence: Penalty, imprisonment for 5 years and a fine.”

(“MPDA”), one offence under *section 10(1)(a) of the Medicines Act*², *Cap. 285*, and one offence under *section 140(1)(a) of the Customs Order 2006*³.

3. She pleaded guilty to the charges and was sentenced by the Magistrate to custodial terms of 6 months’ imprisonment per charge for the MPDA and Medicines Act offences, following a starting point of 9 months per charge. The Magistrate ordered certain sentences to run consecutively, resulting in an aggregate term of 30 months’ imprisonment. A fine was imposed for the Customs offence.
4. The present appeal concerns the aggregate/total custodial term imposed.

II Factual Context

5. The offence arose from a short-lived commercial venture conducted in January 2025.
6. The Appellant had been advertising aesthetic and intravenous “whitening” treatments on TikTok under the name “Beauty Clinic” and “Beauty Clinic Brunei.” Interested clients were directed to communicate via WhatsApp and to pay deposits to secure appointments. The treatments advertised included Vitamin C drips, glutathione infusions, collagen injections and so-called “Miracle White” packages.
7. Although the Appellant had previously worked as a nurse outside Brunei, she was not registered or exempted from registration under the MPDA and was therefore not authorised to practice medicine in Brunei Darussalam.
8. On 26 January 2025, the Appellant entered Brunei from Sabah together with her husband and associate. Together, they brought with them various medicinal products which were not registered under the Medicines Act and for which no import licence had been obtained. These products were later used in the administration of intravenous drip treatments to clients in Brunei.
9. Between 27 and 30 January 2025, the Appellant operated out of hotel rooms in Jerudong and Kiulap. During this period, she administered intravenous drip treatments to several clients. The procedures involved inserting needles into the clients’ arms to deliver combinations of medicinal products marketed as

² S.10(1) “Except as otherwise provided in section 18, no person shall manufacture, sell, supply or import any medicinal product unless

(a) the medicinal product is a registered product; and

(b) that person holds the appropriate licence required and issued under this Order.”

³ S.140(1) “Any person who

(a) is concerned in importing or exporting any uncustomed goods, or any prohibited goods contrary to such prohibition, whether such uncustomed or prohibited goods have been shipped, unshipped, delivered or not...shall be guilty of an offence...”

whitening or aesthetic treatments. Clients paid sums ranging between BND180 and BND541.

10. Some clients received repeat treatments on consecutive days pursuant to package arrangements. The evidence disclosed that the Appellant had acquired her method of administering such treatments through online tutorials rather than formal medical instruction.
11. On 30 January 2025, enforcement officers conducted a raid at Higher Hotel while one such intravenous procedure was being administered. The Appellant was apprehended, and investigations followed.
12. It is not alleged that any of the clients suffered proven medical complications. The Appellant has no prior convictions in Brunei Darussalam.

III Proceedings Below

13. Upon her plea of guilty, the Magistrate assessed the seriousness of the MPDA offences as falling within the medium range, having regard to the invasive nature of the procedures, the commercial motivation, and the risk posed to members of the public.
14. A starting point of 9 months' imprisonment per charge was adopted, reduced to 6 months per charge upon consideration of mitigation. The Magistrate ordered certain MPDA charges to run consecutively to reflect the multiplicity of victims, and further ordered the Medicines Act sentence to run consecutively. This resulted in a total custodial term of 30 months' imprisonment.
15. The appeal before this Court does not challenge the convictions nor, in substance, the individual custodial terms imposed per charge. The principal issue concerns whether the overall aggregate sentence properly reflects the totality of the Appellant's criminality.

IV The Appellant's Submissions

16. On behalf of the Appellant, it was submitted that the principal complaint is not with the individual custodial terms imposed per charge, but with the manner in which those sentences were aggregated to produce a total term of 30 months' imprisonment.
17. Counsel accepted that the offences were serious and that custodial sentences were warranted. However, it was argued that the Magistrate erred in the application of the totality principle by imposing excessive consecutive sentences.
18. The Appellant emphasised that the offence occurred within a narrow timeframe between 27 and 30 January 2025 and arose from a single commercial enterprise

conducted during that period. Although multiple clients were involved, the procedures were similar in nature, carried out in the same locations, and formed part of one continuous course of conduct rather than unrelated criminal episodes.

19. It was submitted that the court must “*step back*” after structuring individual sentences to ensure that the cumulative punishment remains proportionate to the overall criminality. In this regard, reliance was placed on *Reginalo Choong Cheng Jian v Public Prosecutor*⁴, which affirms that appellate intervention is justified where the totality principle has not been properly applied or where the aggregate sentence is manifestly excessive.
20. In relation to the Medicines Act offence, counsel argued that the importation of unregistered medicinal products was integral to and facilitative of the MPDA offences. It did not involve a separate victim nor represent a distinct criminal enterprise. To order that sentence to run consecutively, it was submitted, amounted to punishing the Appellant twice for what was essentially the same overall venture.
21. The Appellant further highlighted the absence of proven medical complications, her plea of guilty, cooperation with investigations, and her lack of previous convictions in Brunei Darussalam. While not diminishing the seriousness of the offences, these factors, it was contended, reinforced the need to ensure that the final aggregate term was not crushing or disproportionate.
22. In essence, the Appellant’s case is that the overall criminality, viewed holistically, did not justify a custodial term as high as 30 months.

V The Respondent’s Submissions

23. The Prosecution submitted that the aggregate sentence imposed by the Learned Magistrate was entirely justified and that no basis for appellate intervention had been established.
24. It was emphasised that the Appellant’s conduct was deliberate, premeditated, and commercially motivated. She entered Brunei Darussalam with unregistered medicinal products for the specific purpose of administering intravenous treatments to members of the public without lawful authority. The procedures were invasive, involved the insertion of needles, and exposed members of the public to potential health risks. The absence of actual harm did not mitigate the seriousness of the risk created.
25. The Prosecution argued that each MPDA charge involved a separate victim and constituted a distinct violation of the statutory regime regulating the practice of

⁴ Reginalo Choong Chen Jian AND PP (Crim App No.41 of 2020)(High Court)

medicine. The multiplicity of victims warranted consecutive sentencing to reflect cumulative harm and to serve the objective of general deterrence.

26. In support of the Magistrate's classification of the offences within the medium band, reliance was placed on *Neo Ah Luan v Public Prosecutor*⁵. The Prosecution submitted that the starting point of 9 months' imprisonment per charge was well within range and that the reduction to 6 months per charge already reflected substantial credit for plea and mitigation.
27. As for the Medicines Act offence, the Prosecution contended that unlawful importation of unregistered medicinal products is a serious regulatory breach in its own right. The offence undermines the safeguards designed to protect public health and is not merely incidental. Consecutive sentencing, it was argued, properly reflected the separate statutory interest engaged by that offence.
28. Relying again on *Reginalo Choong Cheng Jian v Public Prosecutor*⁶, the Prosecution submitted that there was no error of principle in the structuring of the sentences and that the aggregate term of 30 months' imprisonment could not be characterised as manifestly excessive given the multiplicity of offences and the need for deterrence.

VI Applicable Principles

29. It is well established that an appellate court will not lightly interfere with a sentence imposed by a trial court. Sentencing is primarily a matter of discretion, and appellate intervention is warranted only where there has been an error of principle, a failure to consider relevant factors, consideration of irrelevant factors, or where the sentence imposed is manifestly excessive or manifestly inadequate.
30. Where multiple offences are involved, the court must additionally apply the totality principle. Even if individual sentences are unassailable when viewed in isolation, the aggregate must ultimately reflect the overall criminality in a manner that is proportionate and just.
31. The totality principle requires the sentencing court to undertake a final evaluative step — to “*step back*” and consider whether the cumulative effect of consecutive sentences produces a result that is crushing or disproportionate to the offender's conduct as a whole⁷. This does not mean that multiplicity of offences should be ignored; rather, it ensures that cumulative punishment does not exceed what is necessary to mark the entirety of the wrongdoing.

⁵ *Neo Ah Luan v Public Prosecutor* [2018] SGHC 188 at pp.1172 [57]

⁶ *Supra* at n.4

⁷ *Supra*, n.4 at p.2 [7]

32. In cases involving distinct statutory offences arising from the same overall enterprise, the court must carefully consider whether consecutive sentencing properly reflects separate criminality or whether it risks duplicating punishment for conduct that is essentially part of one continuing course of conduct.
33. In the present appeal, the issue is not whether custodial sentences were warranted, nor whether the individual terms per charge fell outside the proper range. The question is whether; after giving due weight to the multiplicity of victims and the regulatory interests engaged, the aggregate sentence of 30 months' imprisonment proportionately reflects the totality of the Appellant's criminal conduct.

VII Analysis

1. The Individual Sentences

34. Applying the principles set out above, I begin with the individual custodial terms imposed per charge.
35. The Learned Magistrate adopted a structured approach to assessing seriousness, taking into account harm and culpability in a manner broadly consistent with the analytical framework articulated in *Neo Ah Luan v Public Prosecutor*⁸. While the statutory maximum in Brunei differs, the framework remains instructive in assessing relative gravity.
36. The invasive nature of the intravenous procedures, the commercial motivation, the deliberate entry into Brunei to conduct the treatments, and the potential health risks to members of the public were all properly identified as aggravating features.
37. The starting point of 9 months' imprisonment per MPDA charge, reduced to 6 months upon plea, cannot be said to fall outside the proper exercise of discretion. The same may be said of the 6-month sentence imposed for the offence under *section 10(1)(a) of the Medicines Act*.
38. In my judgment, there is no error of principle in the individual sentences.
39. This appeal therefore turns not on quantum per charge, but on aggregation.

2. Structuring of the MPDA Charges

40. The MPDA offences involved separate clients and separate invasive procedures. Each charge represents a distinct act of practicing medicine

⁸ *Supra* at n.5

without registration. Although committed within a short timeframe, they were not a single act repeated mechanically; each instance exposed a different member of the public to potential risk.

41. The multiplicity of victims properly aggravates overall culpability. Consecutive sentencing in respect of at least some of the MPDA charges was therefore justified to reflect cumulative wrongdoing.
42. I am not persuaded that the Learned Magistrate erred in ordering partial consecutive sentence among the MPDA offences.

3.The Medicines Act Charge and Totality

43. The more difficult question concerns the structuring of the sentence for the offence under *section 10(1)(a) of the Medicines Act*⁹.
44. The importation of unregistered medicinal products without licence was deliberate and serious. It undermined the regulatory framework designed to safeguard public health. A custodial sentence was warranted.
45. However, the importation offence did not occur as an independent criminal venture. It was preparatory and facilitative of the MPDA offences. The medicinal products imported were those used in the subsequent intravenous treatments. The conduct formed part of the same short-lived enterprise undertaken over a span of days.
46. The question, viewed through the lens of the totality principle, is whether requiring the *Medicines Act* sentence to run consecutively properly reflects distinct criminality or whether it risks an element of duplication.
47. While the offences protect different statutory interests, they arose from one integrated course of conduct. The importation was not an end in itself; it enabled the unlicensed practice that followed.
48. Having stepped back and considered the matter holistically, I am of the view that the aggregate term of 30 months' imprisonment slightly exceeds what is proportionate to the overall criminality involved. The consecutive sentence imposed in respect of the Medicines Act offence adds a further layer of punishment to conduct already substantially reflected in the consecutive MPDA sentences.
49. This is not to say that the Learned Magistrate's approach was wrong in principle. Rather, in the final evaluative exercise required by the totality principle, a modest adjustment is warranted to ensure proportionality.

⁹ Supra at n.2

VIII The Appropriate Aggregate

50. I am satisfied that an aggregate custodial term of 24 months' imprisonment adequately reflects the total criminality involved and meets the objectives of deterrence and proportionality.

This is achieved by:

- Maintaining the individual custodial terms of 6 months per charge;
- Maintaining the structuring of the MPDA charges as ordered by the Learned Magistrate; but
- Ordering that the 6-month sentence for the Medicines Act offence run concurrently with the MPDA sentences.

The fine imposed for the Customs offence remains undisturbed.

51. A custodial sentence of 24 months is, in my view, an appropriate and proportionate response to the offences committed; it reflects the seriousness of practicing medicine without proper registration, a crime that undermines public trust and endangers patient safety.

52. The sentence also recognizes the multiplicity of victims affected, ensuring that the harm caused to many individuals is properly acknowledged.

53. Furthermore, it marks the commercial and premeditated nature of the conduct, highlighting that this was not an impulsive act but a deliberate scheme carried out for profit.

54. Importantly, the sentence serves the objective of general deterrence, sending a clear message that such unlawful practices will not be tolerated.

55. Finally, it avoids disproportionate cumulative punishment, striking a balance between accountability and fairness in sentencing.

IX Conclusion

56. The appeal is allowed in part.

57. The convictions and individual custodial terms are affirmed. The aggregate sentence is varied such that the sentence for the Medicines Act offence shall run concurrently with the MPDA sentences.

58. The total custodial term is therefore reduced from 30 months to 24 months' imprisonment.

59. Subject to that variation, the sentence of the Learned Magistrate is upheld.

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