

Norfadzillah Bin Abdul Rahman

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 14 of 2023)**

Steven Chong, C.J.
2 October 2023

Criminal law – Possession of arms without a licence – Sentence

Appellant In Person.
DPP Nor'Adliatul Hidayah Binti Hj Mohd Zaidi for the Public Prosecutor.

Case cited:

Michells Jackson Anak Awil v Public Prosecutor [Criminal Motion No. 47 of 2020]

Steven Chong, C.J.:

On 3 June 2023 in the Magistrate's Court the appellant was convicted after a trial of possession of two homemade rifles contrary to rule 2 of the Arms and Explosives Rules of the Arms and Explosives Act.

Senior Magistrate Azrimah Binti Haji Abdul Rahman sentenced the appellant to 6 years 6 months' imprisonment and 3 strokes.

The appellant appeals against that sentence.

The facts

In brief on the morning of 11 January 2021 narcotics officers raided the appellant's house at Jalan Kecil Birau and during the search found two homemade rifles, one hidden in a freezer located at the back of the house and the other in his Toyota Kijang parked in the compound.

After arrest the appellant admitted in his police statement that he had made the rifles with the assistance of an Indonesian friend. He had used the rifles for hunting.

The sentence

The Senior Magistrate was guided by the decision of the Court of Appeal in *Michells Jackson Anak Awil v Public Prosecutor* [Criminal Motion No. 47 of 2020) where the applicant was similarly convicted after trial of the unlawful possession of a homemade rifle and his sentence of 6 years 6 months' imprisonment and 3 strokes was upheld.

She imposed the same sentence as in *Michells Jackson*.

The appeal

The appellant is aged 35 and his appeal for the sentence to be reduced is solely on the ground that his elderly parents are dependent on him and will suffer hardship without his support.

Decision

Sadly, it is often the case that the imprisonment of an offender will cause hardship to his family. But it cannot be a factor which justifies a reduction in what would otherwise be the correct sentence.

The two lethal weapons found in the possession of the appellant posed a serious threat to public security and warranted a deterrent sentence. The Senior Magistrate rightly decided that an uplift from the mandatory minimum sentence of 5 years' imprisonment was appropriate as the appellant was convicted after a trial. The sentence she imposed is in alignment with the sentence passed in *Michells Jackson*.

There is no merit in the appeal and it is dismissed accordingly.

DATO SERI PADUKA STEVEN CHONG
Chief Justice