

Rashidah Mathew Ragie

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 23 of 2021)**

Steven Chong, CJ

10 March 2022.

Criminal law – Contravening direction of Minister of Health prohibiting mass gatherings – Sentence.

Appellant In Person.

DPP Norhafizah Ahmad for Public Prosecutor.

Case cited:

Rosani Binti Rabaha (A1) v Public Prosecutor and Rosni Binti Rabaha (A2) v Public Prosecutor [2013] 1 JCBD 182

Steven Chong, CJ:

On 11 November 2021 in the Magistrate’s Court the appellant and 7 other defendants each pleaded guilty to one charge of contravening a direction of the Minister of Health (“*the Minister*”) prohibiting mass gatherings by attending a party at a house contrary to section 62A(2) of the Infectious Diseases Act.

Magistrate Mohammad Marzuki Bin Sabtu imposed a fine of \$6,000 or 2 months’ imprisonment in default of payment. The appellant was given 50 days to pay the fine.

In this appeal the appellant seeks an extension of time to pay the fine and she proposes to make monthly payments of \$300.

Shortly stated the facts were that on 9 August 2021 the Minister issued a direction under section 62A of the Infectious Diseases Act which included the prohibition of mass gatherings as Brunei Darussalam battled the COVID-19 pandemic.

In breach of the direction of the Minister the appellant and 7 other defendants went to a house in Kampong Kiarong on the night of 23 September 2021 where they had a drinking party with loud music which went on until the early hours when the police arrived to break it up after receiving a complaint. The appellant attempted to avoid arrest by jumping from the balcony of the house to the ground but was injured and taken into custody.

The appellant is aged 24, unemployed and dependent on her family for support.

I agree with the Deputy Public Prosecutor that the appellant should not be given more time to pay the fine.

The direction of the Minister prohibiting mass gatherings was made to curb the transmission of COVID-19 and protect the community. The appellant's behavior demonstrates irresponsibility, self-indulgence, selfish disregard for the safety of others particularly the vulnerable members of our community and defiance of the law. The court must send a clear signal that such conduct will not be tolerated.

Allowing the appellant an extension of time to pay the fine would defeat the deterrent element of the sentence: *Rosani Binti Rabaha (A1) v Public Prosecutor and Rosni Binti Rabaha (A2) v Public Prosecutor* [2013] 1 JCBD 182.

The appeal is dismissed.

DATO SERI PADUKA STEVEN CHONG
Chief Justice