

**Hailanshah Bin Haji Tahirudin**

AND

**Public Prosecutor**

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**(High Court of Brunei Darussalam)  
(Criminal Appeal No. 5 of 2023)**

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Steven Chong, C.J.  
**22<sup>nd</sup> May, 2023.**

*Criminal law – Consuming methylamphetamine – Second offender – Sentence*

Appellant In Person.  
PO Syafina Abd Hadzid for Public Prosecutor.

**Cases cited:**

*Mohd Rosdy Bin Abdullah v Public Prosecutor* [2001] 1 JCBD 186.  
*Public Prosecutor v Mohd Rosdy Bin Abdullah* [2000] 2 JCBD 331

**Steven Chong, C.J. (ex tempore):**

On 21 March 2023 in the Magistrate’s Court the appellant was convicted on his guilty plea to the charge of consuming methylamphetamine contrary to section 6(b) of the Misuse of Drugs Act.

Senior Magistrate Hjh Ervy Sufitriana Binti Haji Abdul Rahman sentenced the appellant to 3 years’ imprisonment.

This is the appellant’s appeal against that sentence.

The offence was committed by the appellant on 16 October 2018. He was previously convicted of consuming methylamphetamine on 19 January 1998 and sentenced to a fine of \$1,500 or 3 months’ imprisonment in default of payment.

As the appellant was a second offender the Senior Magistrate was required to impose a minimum sentence of 3 years' imprisonment pursuant to section 29(3A) of the Misuse of Drugs Act.

The appellant is aged 51, divorced and was employed as a driver.

I see no reason for not imposing the mandatory minimum sentence of 3 years' imprisonment having regard to the appellant's prior conviction.

Admittedly, there is a long gap between the convictions but this, by itself, does not justify the non-imposition of the mandatory minimum sentence: see *Mohd Rosdy Bin Abdullah v Public Prosecutor* [2001] 1 JCBD 186.

The objective of the imposition of the mandatory minimum sentence in the case of a repeat drug offender is to provide a strong deterrence to the abuse of controlled drugs: see *Public Prosecutor v Mohd Rosdy Bin Abdullah* [2000] 2 JCBD 331.

For these reasons the appeal is dismissed.

**DATO SERI PADUKA STEVEN CHONG**  
Chief Justice