

**Public Prosecutor**

AND

**Nor Hamdani Shukradi bin Haji Abd Hamid**

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**(Intermediate Court of Brunei Darussalam)  
(Criminal Trial No. 6 of 2026)**

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Pg Hjh Norismayanti binti Pg Hj Ismail, Judge

**Date of Sentence: 22<sup>nd</sup> April 2026**

*Criminal law – Offences against properties - 1 charge under Section 454 of the Penal Code (Cap. 22) - housebreaking with intent to commit theft - 2 charges under section 447 of the Penal Code – criminal trespass - 4 charges under section 379 of the Penal Code - plead guilty to all charges - history of previous convictions - repeat offender - deterrent sentence.*

DPP Radin Wafri bin Radin Sufri for Public Prosecutor.

Defendant In Person and Unrepresented.

**Cases cited:**

*Public Prosecutor v Mohammad Aimaduddin Bin Zefry* (Criminal Appeal No.19 of 2016)

**S E N T E N C I N G**

**Pg Hjh Norismayanti, Judge:**

**Introduction**

1. The Defendant, Nor Hamdani Shukradi Bin Haji Abd Hamid appeared before this Court on the 9<sup>th</sup> April 2026 and faced several charges under the Penal Code for offences against people's properties. The Defendant entered a plea of guilty to all the charges brought against him and agreed to the Statement of Facts as tendered by the Prosecution. The Court will now proceed to address the Defendant's sentence.

**Charges**

2. The charges brought against the Defendants are as laid out below:

2.1. Amended 1st Charge

*“That you, sometime between the 4<sup>th</sup> day of March 2026 and 1138 hours on the 26<sup>th</sup> day of March 2026, at No.3, Simpang 124-122-783, Jalan Sengkurong B, Kampong Selayun, in Brunei Darussalam, did commit house-breaking, by entering into the said building, in the possession of one Hajah Zureena binti Abdullah, a building used as human dwelling, in order to commit an offence punishable with imprisonment, to wit, theft and you have thereby committed an offence punishable under Section 454 of the Penal Code, Chapter 22.”*

The penalty prescribed for a section 454 offence is imprisonment for a term which may extend to 5 years and with whipping, and if the offence intended to be committed is theft, the term of imprisonment may extend to 10 years.

2.2. Additional 2nd Charge:

*“That you, on the 24<sup>th</sup> day of February 2026, at house addressed No.17, Simpang 45, Kampong Sengkurong B, in Brunei Darussalam, did enter upon property belonging to one Farhanah binti Sabaraya, with the intent to commit an offence, and you have thereby committed an offence of criminal trespass under Section 441 of the Penal Code, Chapter 22 punishable under section 447 of the Same.*

The penalty prescribed is imprisonment for a term not exceeding one year and fine.

2.3. Additional 3rd Charge:

*“That you, sometime in the month of March 2026, in the vicinity of No.3, Simpang 29-59, Kampong Selayun in Brunei Darussalam, did commit theft of properties, to wit, four (4) Vossen CV3 15 x 8.25 car rims and a car battery, belonging to one Ahmad Asry bin Haji Seruji, and that you have thereby committed an offence punishable under Section 379 of the Penal Code, Chapter 22.*

The penalty for this offense is imprisonment for a term which may extend to 3 years, or with fine, or with both.

2.4. Additional 4th Charge:

*“That you, sometime between 1730 hours on the 19<sup>th</sup> day of March 2026 and 0800 hours on the 25<sup>th</sup> day of March 2026, in the vicinity of No.5, Simpang 177, Kampong Tagap Selayun, in Brunei Darussalam, did commit theft of properties, to wit, one (1) silver toolbox set, belonging to one Mohammad Shaiful Rizal bin Dris, and that you have thereby committed an offence punishable under section 379 of the Penal Code, Chapter 22.*

2.5. Additional 5th Charge:

*“That you, sometime between 2030 hours on the 19<sup>th</sup> day of March 2026 and 1700 hours on the 20<sup>th</sup> day of March 2026, in the vicinity of No.11, Simpang 845-10-27-25, Kg Jangsak, in Brunei*

*Darussalam, did commit theft of properties, to wit, one (1) karaoke set, two (2) microphones and one (1) blue "Under Armour" cap, belonging to one Mohammad Khairul Nizam bin Mohd Julaihi, and that you have thereby committed an offence punishable under Section 379 of the Penal Code, Chapter 22."*

2.6. Additional 6th Charge:

*"That you, on the 20<sup>th</sup> day of March 2026 at 0222 hours, at a house addressed No.8, Simpang 845-10-27-26, Mukim Kilanas, Kampong Jangsak, in Brunei Darussalam, did enter upon property belonging to Mohammad Aliakhbar bin Hj Silim, with the intent to commit an offence, and you have thereby committed an offence of criminal trespass under Section 441 of the Penal Code, Chapter 22 and punishable under Section 447 of the same."*

2.7. Additional 7th Charge:

*"That you, sometime between the 20<sup>th</sup> day of March 2026 and 0931 hours on the 23<sup>rd</sup> day of March 2026, in the vicinity of No.6, Simpang 845-10-27-26, Mukim Kilanas, Kampong Jangsak, in Brunei Darussalam, did commit theft of properties, to wit, four (4) tyres along with four (4) 17" alloy rims, belonging to one Awang Sharoni bin Awang Mat Saleh, and that you have thereby committed an offence punishable under Section 379 of the Penal Code, Chapter 22."*

**Statement of facts**

3. The Defendant is a 53-year-old unemployed Bruneian male national. He has a history of previous convictions for offences against property (Appendix A of Statement of Facts).

*Summary of Offences*

4. The Defendant faces a total of seven (7) charges, namely one (1) amended first charge and six (6) additional charges. The offences occurred across several locations in the Sengkurong and Jangsak areas of Brunei Darussalam between February and March 2026. In all instances, the Defendant used a white Suzuki Swift vehicle bearing registration BAR2179 to facilitate the commission of the offences.

*Amended 1st Charge – Housebreaking and Theft (26<sup>th</sup> March 2026)*

5. On 26<sup>th</sup> March 2026 at approximately 0700 hours, the Defendant broke into the residential premises of Complainant A (Hajah Zureena binti Abdullah) at No. 3, Simpang 124-122-73, Jalan Sengkurong B, Kampong Selayun, Brunei Darussalam. The Defendant gained entry by removing the safety grill and forcing open the sliding window at the rear of the house using a screwdriver and pliers.
6. Once inside, the Defendant stole 22 items belonging to Complainant A, including a yellow "Royal" brand bicycle, a "SHARP" television, an ASUS tablet, a "MISTRAL" scooter, various bags and clothing items, and other personal effects. The items were collectively valued at BND\$2,000.00.

The Defendant transported the stolen items in his vehicle and subsequently sold some of the items to a scrap metal facility, Varsini Metal Sdn Bhd, for a measly sum of BND\$8.90. All items were subsequently recovered and positively identified by Complainant A, with the exception of the yellow "Royal" brand bicycle and a DVD player. The Defendant admitted to this offence during the course of Police investigations.

*Additional 2nd Charge – Trespass with Intent to Steal*

7. On 24<sup>th</sup> February 2026 at approximately 0150 hours, the Defendant trespassed onto the compound of a house at No. 17, Simpang 45, Kampong Sengkurong B, Brunei Darussalam, with the intention of committing theft. After roaming around the compound, the Defendant left upon finding no items of value and discovering that the door was locked. CCTV footage from the property captured the Defendant at the scene. Complainant B (Farhaanah binti Sabaraya) discovered this footage on 26<sup>th</sup> February 2026 and lodged a Police report the following day. The Defendant admitted to this offence during investigations.

*Additional 3rd Charge – Theft of Car Rims and Battery*

8. Sometime in March 2026, the Defendant, while on foot in the vicinity of No. 3, Simpang 29-59, Kampong Selayun, Brunei Darussalam, observed four (4) Vossen CV3 15 x 8.25 car rims and a car battery placed outside the house of Complainant C (Ahmad Asry bin Haji Seruji). The Defendant formed an intention to steal and carried the items one by one, concealing them in a drainage area nearby. He subsequently returned with his vehicle, collected the stolen items, and drove away.
9. The Defendant thereafter sold the four car rims to an individual named "Kairil" for BND \$30.00 and the car battery to Varsini Metal Sdn Bhd for BND \$32.00. The stolen items were valued at BND \$400.00 in total. Police investigations did not lead to the recovery of the stolen items. The Defendant admitted to this offence.

*Additional 4th Charge – Theft of Toolbox Set*

10. Sometime between 19<sup>th</sup> March 2026 and 25<sup>th</sup> March 2026, whilst driving in Kampong Tagap Selayun, the Defendant noticed a toolbox set placed on a table outside a house at No. 5, Simpang 177, Kampong Tagap Selayun, Brunei Darussalam, belonging to Complainant D (Mohammad Shaiful Rizal bin Dris). The Defendant formed an intention to steal and took the toolbox, placing it into his vehicle before driving away. The toolbox was valued at BND \$150.00. Police investigations led to the recovery of the stolen item, which Complainant D positively identified. The Defendant admitted to this offence.

*Additional 5th Charge – Theft of Karaoke Set*

11. In the early hours of 20<sup>th</sup> March 2026, whilst driving in Kampong Jangsak, the Defendant observed a karaoke set, two microphones, and a blue "Under Armour" cap in the garage outside the house of Complainant E (Mohammad Khairul Nizam bin Mohd Julaihi) at No. 11, Simpang 845-10-27-25, Kg Jangsak, Brunei Darussalam. The Defendant formed an intention to steal and placed all the items into his vehicle before driving away.

12. CCTV footage from the garage recorded a male person wearing a red shirt taking the items. Police investigations led to the recovery of the karaoke set and two microphones, which Complainant E positively identified, save for the "Under Armour" cap. The Defendant admitted to this offence.

*Additional 6th Charge – Trespass with Intent to Steal*

13. On 20<sup>th</sup> March 2026 at approximately 0222 hours, the Defendant trespassed onto the compound of a house at No. 8, Simpang 845-10-27-26, Mukim Kilanas, Kampong Jangsak, Brunei Darussalam, belonging to Complainant F (Mohammad Aliakhbar bin Hj Silim), with the intention of committing theft. The Defendant roamed around the compound including the garage area and was observed attempting to conceal his face from a CCTV camera. No items were taken. The Defendant subsequently admitted that he is the person shown in the CCTV footage and acknowledged that he had entered the compound with the intention to commit theft.

*Additional 7th Charge – Theft of Tyres and Alloy Rims*

14. In the early hours of 20<sup>th</sup> March 2026, whilst driving in Kampong Jangsak, the Defendant observed four (4) tyres and four (4) 17" alloy rims outside the house of Complainant G (Awang Sharoni bin Awang Mat Saleh) at No. 6, Simpang 845-10-27-26, Mukim Kilanas, Kampong Jangsak, Brunei Darussalam. The Defendant formed an intention to steal and placed the said items into his vehicle. On the same day, he sold the items to Imaa Maya Recycling & Services Sdn Bhd in Kg. Kilanas for BND \$72.00.

15. Complainant G, having been informed by Complainant F of a suspicious person roaming the area, proceeded to the same recycling facility and successfully recovered all four tyres and alloy rims, which he positively identified. Complainant G thereafter lodged a Police report. The Defendant admitted to committing this offence.

16. It is also on record that the police investigations had led to the arrest of the defendant and he has multiple previous convictions for offences against property (referred in Appendix A).

**Mitigation**

17. In his mitigation, the Defendant informed that he was fully cooperative with the police during the investigations in to the case. He also pleaded for the court to take into account his health status as a person who suffered a mild stroke and is suffering from cancer. He explains that he suffered a stroke whilst serving sentence for a past offense and currently goes for reviews for his health.

**Prosecution's submissions**

18. The prosecution highlighted several aggravating factors in the case for the court to take into account in determining the defendant' sentence. The aggravating factors are as follows:

- Committed multiple offences within a short period of time;

- The degree of planning involved in committing the offences;
- Having in possession tools to assist in committing house trespass;
- The use of a vehicle to transport stolen properties;
- Offences were committed at residential premises, affecting personal security and raise serious concerns on house safety.

### **Sentencing Considerations**

19. The Defendant appears before this Court once again, this time to be sentenced for offences of theft and criminal trespass. According to his antecedent, the defendant has been committing property related offences since 1994. His criminal history shows a pattern that has persisted, with little sign of remorse or reform, through 1996, 1998, 2000, 2004, 2011, 2013 and 2019. Lastly in 2021, the defendant had accumulated no fewer than 16 charges in a single year. The Court finds that this is not a record of someone who has lost his way but rather a record of someone who has chosen this path, repeatedly and deliberately, despite any medical issues that the Defendant claims to have suffered. In the circumstances, a deterrent sentence is not only justified, it is called for.
20. The Court however acknowledges that the Defendant entered guilty pleas to all the seven charges brought before this Court. This is to his credit, and the Court accords him the customary discount on sentence – reflecting the time and resources saved by avoiding a full trial.
21. After careful consideration of the facts and circumstances of the case, the court finds the following as aggravating factors in the present case:
  - (i) Multiple offences committed: The Defendant committed a total of seven offences across different locations and against multiple victims over a period spanning from late February to March 2026, demonstrating a sustained and persistent course of criminal conduct.
  - (ii) Premeditation and planning: The offences were not opportunistic. The Defendant equipped himself with tools (including a screwdriver and pliers) to facilitate break-ins, and systematically targeted residential properties in the area.
  - (iii) Several offences involved the invasion of the sanctity of private residences and their surrounding compounds, causing fear and distress to homeowners.
  - (iv) Financial gain: In multiple instances, the Defendant quickly disposed of stolen items by selling them to scrap metal facilities and third parties at a fraction of their value, demonstrating a calculated approach to profiting from his criminal activity.
  - (v) Prior antecedents: The Defendant’s prior record of convictions for property-related offences indicates a recidivistic pattern of behaviour that has not been deterred by previous legal consequences.
  - (vi) Stolen items not fully recovered: In respect of the 3<sup>rd</sup> Charge, the items stolen from Complainant C were not recovered. In respect of the 1<sup>st</sup> Charge, two items (the bicycle and DVD player) also remain unrecovered.

22. The following are the mitigating factors in favour of the defendant:
- (i) The Defendant has admitted to the offences and pleaded guilty, thereby saving the Court's time and resources and sparing the complainants from having to give evidence in Court.
  - (ii) In respect of the majority of the charges, the stolen items were recovered and will eventually be returned to the respective complainants.
23. The Court will first address the sentencing for the amended 1<sup>st</sup> charge for housebreaking with intent to commit theft. For this offense, the Court bears in mind his guilty plea and that a majority of the numerous items stolen were safely recovered. There was damage caused to the back kitchen door which was a point of entry for the defendant. He also used tools to remove the kitchen safety grill and forcing open the window, using screwdrivers and pliers. The items stolen were valued at BND\$2000 and were easily disposed which the Defendant did by selling them off to metal scrap company for a mere \$8.90. The Court notes that this would be the Defendant's first house breaking offense but considering his long history of offences against property, the court is likely to treat this offence in a similar category as his past property related offences.
24. In the case of *Public Prosecutor v Mohammad Aimaduddin bin Zefry (Criminal Appeal No.19 of 2016)*, the Court of Appeal held that "... a sentence of 3 years after trial would be at the lower end of the range of sentencing for offences contrary to section 454.". The same Court further held that after a plea of guilty, the shortest sentence which should have been passed was 2 years imprisonment and one stroke for each offence. Applying this approach to the present case, considering all the aggravating factors, facts and circumstances involved, the Court adopts a starting point of 3 years and 6 months. In light of the Defendant's plea of guilty and mitigating factors involved, the Court reduces the sentence by one third (1/3) resulting in the reduced sentence of 2 years and 4 months imprisonment. It is to be further noted that since the Defendant is above the age of 50, the Court will not be imposing any order for whipping.
25. The Court now moves on to the additional 2<sup>nd</sup> and 6<sup>th</sup> charge for the offences of criminal trespass under section 447 of the Penal Code. Considering the facts and circumstances of each offence and the defendant's criminal history, the court takes a starting point of 6 months imprisonment for each offence. In view of the Defendant's guilty pleas, the sentences are reduced to 4 months each.
26. The Court now addresses the Defendant's four (4) charges for theft under section 379 of the Penal Code (additional 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 7<sup>th</sup> charge). All four offences were committed within the same period of time i.e. in the month of March 2026 but involved different premises, victims and properties stolen. Save for the items stolen under the additional 3<sup>rd</sup> charge, all other stolen items were successfully recovered by the police. Bearing in mind that the defendant has a long history of theft offences under section 379, a hefty sentence is definitely warranted here. In light of the facts and circumstances of each offence, the court adopts a starting point of 18 months imprisonment for the additional 3<sup>rd</sup> charge and 12 months imprisonment each for the additional 4<sup>th</sup>, 5<sup>th</sup> and 7<sup>th</sup> charge. The sentences are accordingly reduced to 12 months for the additional 3<sup>rd</sup> charge and 8 months imprisonment each for the additional 4<sup>th</sup>, 5<sup>th</sup> and 7<sup>th</sup> charge.

## Totality Principle

27. As the Defendant falls to be sentenced on multiple charges, the Court is required to consider the appropriate sentence that reflects the overall criminality of the offending conduct and to ensure that the aggregate sentence is not disproportionate or excessive.
28. The amended 1<sup>st</sup> charge for housebreaking represents the most serious charge before the Court. This is reflected in the prescribed maximum penalty of 5 years imprisonment, extendable to 10 years where the intent is to commit theft. This offence is distinct in nature from the remaining charges and involved the taking of 22 items, two of which remain unrecovered to date.
29. Turning to the 2<sup>nd</sup> and 6<sup>th</sup> charge for criminal trespass, both offences were committed within days of one another at two separate premises. Having regard to the nature of these offences and their overall criminality, the Court is of the view that it would be appropriate for the sentences imposed in respect of both charges to run concurrently with one another.
30. The Court turns finally to the four theft charges. The Court notes that, with the exception of the additional 3<sup>rd</sup> charge, for which no specific timeframe has been established, the remaining theft offences were committed between the 19<sup>th</sup> to 23<sup>rd</sup> March 2026. While these offences involved separate victims, and separate premises, they are broadly similar in nature. It is, however, noted in the Defendant's favour that the majority of the stolen items have been recovered. Taking all these circumstances into account, and having regard to the overall criminality of the offending, the Court is likewise minded to order that the sentences for the theft charges be served concurrently with one another.

## Final Sentence

31. The following is the summary of the final sentence imposed on the Defendant:

Charges	Sentence
Amended 1 <sup>st</sup> charge (Housebreaking)	2 years and 4 months imprisonment
Additional 2 <sup>nd</sup> & 6 <sup>th</sup> charge (Criminal Trespass)	4 months imprisonment <i>(concurrent with each other)</i>
Additional 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> & 7 <sup>th</sup> charge (Theft)	12 months imprisonment <i>(concurrent with each other)</i>

32. The Court orders that the concurrent sentences imposed in respect of the 2<sup>nd</sup> and 6<sup>th</sup> charges, and the concurrent sentences imposed in respect of the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 7<sup>th</sup> charges, shall each be served consecutively to the sentence imposed for the amended 1st charge. Accordingly, the total aggregate sentence is 3 years and 8 months' imprisonment. The sentence shall take effect from the date on which the Defendant was first remanded.

  
DK HJH NORISMAYANTI PG HJ ISMAIL  
Judge

