

Liew Shauw Ming

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 14 of 2018)**

Steven Chong, C.J.

11 August 2018.

Possession of contraband cigarettes and alcoholic drinks – Gravity of offences and need to deter militate against allowing extension of time to pay fine.

Appellant unrepresented.

PO Hajah Siti Mu'izzah Binti Haji Sabli and DPP Raihan Nabilah Binti Hj Ahmad Ghazali for the Public Prosecutor.

Steven Chong, C.J.:

On 19 May 2018 in the Magistrate's Court the appellant pleaded guilty to two counts of possession of contraband cigarettes and alcoholic drinks contrary to section 146(1)(d) of the Excise Order.

Magistrate Hajah Noor Amalina Binti Dato Paduka Haji Alaihuddin imposed a total fine of \$242,000 or 26 months' imprisonment in default of payment. The appellant was given a period of 6 months to pay.

The offences concern the possession of 235 cartons of cigarettes and 42 bottles of alcoholic drinks. The duty evaded amounted to over \$24,000.

Neither the fine nor the sentence of imprisonment in default of payment can be said to be excessive having regard to (1) the formula provided in the Excise Order for the calculation of the fine to be imposed according to the amount of duty evaded, and (2) the range of sentences passed in similar cases of this nature.

The appellant is seeking more time to pay the fine. He earns about \$1,000 per month working as a part-time driver. He says he is "trying" to sell a property to pay the fine. But he was unable to tell the Court with any certainty when he would be able to make payment.

That is not a satisfactory situation. I think the Magistrate has given the appellant sufficient time to pay. The gravity of the offences and the need to deter militate against allowing him an extension of time to pay.

I therefore dismiss the appeal.

DATO PADUKA STEVEN CHONG
Chief Justice