

PUBLIC PROSECUTOR

AND

AWG HUSSIN BIN HJ PUTIH

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 17 of 2017)**

**Steven Chong, J.
10 August 2017**

Theft from a house – Guilty plea – Appropriate sentence.

DPP Pg Hjh Nor' Azmeena Binti Pg Hj Mohiddin for the Public
Prosecutor/Appellant.
Respondent unrepresented.

Case cited:

*Public Prosecutor v Md Zulaini bin Hj Sani and Public Prosecutor v
Roddyman bin Awg Hj Radin [2005] 2 JCBD8*

Steven Chong, J.:

This is an appeal against sentence by the Public Prosecutor.

On 13 June 2017 in the Magistrate's Court the defendant pleaded guilty to theft from a house contrary to section 380 of the Penal Code.

Shortly stated the facts were that on the afternoon of 19 May 2017 the defendant gained entry to a house at Jalan Kumbang Pasang which was unoccupied at the time and stole furnishings. A neighbor saw the defendant entering and leaving the house that afternoon. The owner of the house was informed and a police report was made. The defendant was arrested on the same day.

The Deputy Public Prosecutor contends that the sentence of imprisonment on one month imposed by the Magistrate is inadequate.

I agree. The benchmark sentence for an offence of theft from a house is 12 months' imprisonment on a guilty plea: see *Public Prosecutor v Md Zulaini bin Hj Sani* and *Public Prosecutor v Roddyman bin Awg Hj Radin* [2005] 2 JCBD8.

There are no unusual circumstances to justify the unduly lenient sentence imposed by the court below and it is incongruous with the range of sentences usually passed for such offences. Little can be said in the defendant's favour by way of mitigation aside from his guilty plea and clear record. He is a widower, aged 51, and unemployed.

That said, I do not think it would be fair to disturb the sentence. This is because the defendant has already served the sentence of one month.

I dismiss the appeal accordingly.

DATO PADUKA STEVEN CHONG
Judge, High Court