

AZMAN BIN HJ ISMAIL

AND

PUBLIC PROSECUTOR

(High Court of Brunei Darussalam)
(Criminal Appeal No 19 of 2018)

Steven Chong, C.J.
6th August 2018

Possession of contraband beer and cigarettes – Appeal to pay fine by monthly instalments dismissed – Dilution of deterrent element of sentence.

Appellant unrepresented
DPP Nor 'Adliatul Hidayah binti Haji Mohd Zaidi for the Public Prosecutor

Steven Chong, C.J.:

On 13 June 2018 in the Magistrate's Court the appellant pleaded guilty to the charge of the possession of beer and cigarettes for which duty had not been paid contrary to section 146(1)(d) of the Excise Order.

Senior Magistrate Lailatul Zubaidah binti Haji Mohamad Hussain imposed a fine of \$2,800 or 2 months' imprisonment in default of payment and allowed a period of 2 months to pay.

Unsurprisingly, no complaint is made by the appellant about the amount of the fine. It is within the range of fines imposed for an offence of this nature. But the appellant is dissatisfied with the amount of time given to him to pay by the court below.

The appellant proposes to make payment by monthly instalments of \$50. As he is unemployed I doubt his ability to pay. And even if he can pay it would be inappropriate to permit him to do so at that sum since it would take over 4 years for full payment to be made resulting in a dilution of the deterrent element of the sentence.

I therefore dismiss the appeal.

DATO PADUKA STEVEN CHONG
Chief Justice