



Haji Azmaan @ Azaman Bin Hj Arsad

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 1 of 2015)**

**Steven Chong, J.
9 May 2015**

Criminal law – Sentence – Drug consumption – second offender – Long lapse between convictions, by itself, cannot be regarded as a ground for not imposing the minimum sentence.

Appellant unrepresented.

DPP Ms Emily Goh for the Public Prosecutor/Respondent.

Case cited:

Warsono Bin Sukaimi v Public Prosecutor [2005]2 JCBD 68.

Steven Chong, J.:

This is an appeal against sentence.

On 13 January 2015 in the Magistrate's Court the appellant was sentenced by Chief Magistrate Muhammed Faisal Bin PDJLD DSP Hj Kefli to 3 years' imprisonment upon pleading guilty to the consumption of methylamphetamine contrary to section 6(b) of the Misuse of Drugs Act.

The offence was committed by the appellant on 30 September 2013 whilst he was under a Narcotics Control Bureau drug supervision program. The appellant was previously convicted of drug use in 1994.



Section 29 (3A) of the Misuse of Drugs Act provides for a minimum sentence of 3 years' imprisonment for a second or subsequent offender under section 6(b). A long lapse between convictions cannot, by itself, be regarded as a ground for not imposing the minimum sentence: *Warsono Bin Sukaimi v Public Prosecutor* [2005]2 JCBD 68.

The appellant is 49 years old and was unemployed at the time he committed the offence. He said he was anxious about the welfare of his wife and “*special needs*” son and urged the court to consider substituting the sentence of imprisonment with a drug rehabilitation order.

I have sympathy for the appellant's family circumstances. Unfortunately, this is an inevitable consequence of the offence. In the absence of extenuating circumstances the Chief Magistrate was right to impose the minimum sentence as it was the appellant's second offence of drug consumption.

The appeal is dismissed.

DATO PADUKA STEVEN CHONG

Judge, High Court