Wadi Bin Hj Mohd Tuah
Yap Tiew Hon

AND

Public Prosecutor

(High Court of Brunei Darussalam)
(Criminal Motion No. 23 of 2016)
AND
(Criminal Appeal No. 20 of 2016)

Dato Seri Paduka Hj Kifrawi, C.J.
20th October, 2016.

D1 convicted of 2 offences under section 165 of the Penal Code. D2 convicted of 2 offences for abetting D1 under Section 109 of the Penal Code – Appeal against refusal to grant stay of execution, conviction and sentence.

Hj Mohd Rozaiman Bin Dato Hj Abd Rahman (M/S Rozaiman Abdul Rahman) and Mr Balendran Balasingam (M/S Ho & Siong) for 1st Applicant/Appellant and 2nd Applicant/Appellant.
DPP Hjh Suriana Bte Radin for Public Prosecutor.

Cases cited in the Judgment:

Hj Md Ibrahim bin Hj Nudin v Public Prosecutor, Criminal Appeal No. 43 of 1999
Maimun Binti Haji Omar v Public Prosecutor, Criminal Appeal No.1 of 2013
Public Prosecutor v Haji Kazi Habibur Rahman 1993 JCBD pg.26
Pg Ahmad Bin Pg Hj Md Daud v Public Prosecutor (High Court) Criminal Appeal No. 15 of 2013
Public Prosecutor v Haji Mazlan Bin Haji Shahbuddin (BSB/CC/1793/2011)

J U D G M E N T

Dato Seri Paduka Hj Kifrawi, C.J.:

A. Charges

The Appellants, Wadi Bin Hj Mohd Tuah (D1) and Yap Tiew Hon (D2) were charged on 18/4/2013 in the Magistrate's Court with the following charges:

1st Charge (D1)

That you, on the 19th day of November 2011, at about 1520 hours at N0 26, Simpang 125, Kampong Limau Manis, Jalan Kuala Lurah in Brunei Darussalam, being a public servant to wit an Assistant Superintendent of the Fire and Rescue Department, obtained for yourself a valuable thing, to wit, 550 homogenous tile 30 x 30 with a total value of B$605 (Brunei Dollars Six Hundred and Five), without consideration or for a consideration which you knew to be inadequate from one YAP TIEW HON who was the Managing Director of Syarikat Pro-Team Construction and Trading Sdn Bhd who was developing a House Development Project at Lot 27231, Simpang 52-55-30 Kampong Mata-Mata, Mukim Gadong, whom you knew to have a connection with the official functions of yourself as an Assistant Superintendent of the Fire and Rescue Department whose duty it is to inspect and approve the said Housing Development Project, and you have thereby committed an offence punishable under section 165 Penal Code, Cap 22.

Penalty under Section 165 Penal Code, Chapter 22
shall be punished with imprisonment for a term which may extend to 7 years and with fine.

2nd Charge (D2)

That you, on or about the 19th day of November 2011, at about 1520 hours at No 26, Simpang 125, Kampong Limau Manis, Jalan Kuala Lurah in Brunei Darussalam, abetted the commission of the offence under section 165 Penal Code, Cap 22 by Wadi bin Hj Mohd Tuah to wit that Wadi bin Haji Mohd Tuah had obtained himself a valuable thing, to wit, 550 homogenous tiles 30x30 with a total of B$605.00 (Six hundred and five Brunei dollars), without consideration from you or for a consideration which you knew to be inadequate the Manager of Pro Team Construction and Trading Sdn Bhd, who was developing a Housing Development Project at Lot 27231, Simpang 52-55-30, Kampong Mata-Mata, Mukim Gadong and Wadi Hj Mohd Tuah as an Assistant Superintendent of the Fire and Rescue Department whose duty it is to inspect and approve the said Housing Development Project which was committed in consequence of your abetment, and you have thereby committed an offence under section 109 Penal Code read with section 165 Penal Code.

Penalty under section 109 Penal Code
Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, shall be punished with the punishment provided for the offence.
Penalty under Section 165 Penal Code, Chapter 22
Shall be punished with imprisonment for a term which may extend to 7 years and with fine.

3rd Charge (D1)

That you, in the month November 2011, at No 26, Simpang 125, Kampong Limau Manis, Jalan Kuala Lurah in Brunei Darussalam, being a public servant to wit an Assistant Superintendent of the Fire and Rescue Department, obtained for yourself a valuable thing, to wit, 2 tons of cement with a total value of B$350 (Brunei Dollars Three Hundred and Fifty), without consideration or for a consideration which you knew to be inadequate from one YAP TIEW HON who was the Managing Director of Syarikat Pro-Team Construction and Trading Sdn Bhd who was developing a Housing Development Project at Lot 27231, Simpang 52-55-30, Kampong Mata-Mata, Mukim Gadong, whom you knew to have a connection with the official functions of yourself as an Assistant Superintendent of the Fire and Rescue Department whose duty it is to inspect and approve the said Housing Development Project, and you have thereby committed an offence punishable under section 165 Penal Code, Cap 22.

Penalty under Section 165 Penal Code Chapter 22

shall be punished with imprisonment for a term which may extend to 7 years and with fine

4th Charge (D2)

That you, in the month November 2011, at No 26, Simpang 125, Kampong Limau Manis, Jalan Kuala Lurah in Brunei Darussalam, abetted the commission of the offence under section 165 Penal Code, Cap 22 by Wadi Bin Haji Mohd Tuah to wit that Wadi Bin Haji Mohd Tuah had obtained himself a valuable thing, to wit, 2 tons of cement with a total value of B$350 (Brunei Dollars Three Hundred and Fifty) without consideration or for a consideration which you knew to be inadequate from you the Manager of Pro Team Construction and Trading Sdn Bhd, who was developing a Housing Development Project at Lot 27231, Simpang 52-55-30, Kampong Mata-Mata, Mukim Gadong, and Wadi bin Haji Mohd Tuah knew you to have a connection with the official functions of Wadi bin Haji Mohd Tuah as an Assistant Superintendent of the Fire and Rescue Department whose duty it is to inspect and approve the said Housing Development Project which was committed in consequence of your abetment, and you have thereby committed an offence under section 109 Penal Code read with section 165 Penal Code.

Penalty under section 109 Penal Code

Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, shall be punished with the punishment provided for the offence.

Penalty under Section 165 Penal Code, Chapter 22

Shall be punished with imprisonment for a term which may extend to 7 years and with fine

They pleaded not guilty and claimed trial. The Senior Magistrate found them guilty as charged and sentenced on 4/7/2016 as follows:

(i) Wadi Bin Hj Mohd Tuah was sentenced to twelve months imprisonment for 1st Charge and 3rd Charge. The sentences were ordered to run concurrently.
(ii) Yap Tiew Hon was sentenced to twelve months imprisonment for the 2nd Charge and 4th Charge. The sentences were to run concurrently.

B. Appeal

The Appellants (D1 and D2) applied for stay of execution pending appeal. The Senior Magistrate refused to grant a stay of execution. The Appellants filed a notice of criminal motion in the High Court applying to appeal against the refusal by the Senior Magistrate and a notice of appeal against conviction and sentence.

I have decided to hear both the appeal against the refusal to grant stay of execution pending appeal and the appeal against the conviction and sentence at the same time.

The grounds of appeal against refusal to grant stay of execution and against conviction and sentence, inter alia, are as follows:

(i) That the learned Trial Magistrate erred in principle and in law in applying the elements of offence (*mens rea*) under section 165 of the Penal Code as provided and applied in ***Haji Kazi Habibur Rahman vs Public Prosecutor*** **[Criminal Appeal No.16 of 1992]**. The learned Trial Magistrate failed to take into account that the transaction of purchasing the tiles by the 1st Appellant (D1) from the 2nd Appellant (D2) took place after the official transactions of carrying out the inspection had been completed. The evidence adduced showed that the 1st Appellant ordered the tiles from the 2nd Appellant on 17th November 2011, after the 1st Appellant had approved the inspection for the 2nd Appellant's project in Kg Mata-Mata. In furtherance of this matter, both Appellants agreed that the purchase price for the supply of the tiles were at $600.00 ($1.10 per tiles x 500 tiles).

(ii) The Learned Trial Magistrate erred in principle and in law by failing to take into consideration that the 1st Appellant had paid for the tiles, $600.00 to the 2nd Appellant on 3rd November 2011. The payment was received by the 2nd Appellant and the payment was subsequently received by Haridawati Binti Awang Harith (PW4) and entered into the petty cash book on 11th January 2012.

(iii) The Learned Trial Magistrate erred in principle and in fact to disbelieve the defence submitted by both the 1st and 2nd Appellants. In the Learned Trial Magistrate's judgment, she was satisfied beyond reasonable doubt that PW4 was a credible witness. Upon satisfying herself with PW4's credibility, the learned Trial Magistrate should have accepted PW4's evidence that the payment of $600.00 was received by PW4 from the 2nd Appellant on 11th January 2012, many months before the ACB began their investigation on both the 1st and 2nd Appellants. The Appellants' submit herewith that this is a vital piece of evidence which clearly showed that the Appellants did not abet nor commit an offence of supplying tiles without adequate consideration or without any total consideration.

(iv) The Learned Trial Magistrate had erred in law to consider or had misdirected herself to the principles of law under section 165 of the Penal Code. Inter alia, particulars of inconsistencies could be found in paragraphs 242 and 243 of the judgment. If the learned Trial Magistrate had accepted the defence submission that there was no direct evidence to prove the intention of D1 and that the prosecution case was based on circumstantial evidence, with utmost respect, this showed that the prosecution had not proven its case beyond reasonable doubt against the Petitioners.

(v) The Learned Trial Magistrate was wrong in fact and erred in principle to disbelieve the existence of Pg Yassin bin Pg Chuchu. PW6 had admitted that he omitted and / forgot to record everything that was said to him by D1. Thus through hindsight, it was also possible that Pg Yassin's name was mentioned by D1 but PW6 did not record this matter.

(vi) The Learned Trial Magistrate had erred in principle and in fact by failing to take into consideration the evidence of PW4 that she on two occasions, 7th June 2012 and 9th June 2012, called the 1st Appellant to pay for the overdue balance of $335.00. The Learned Trial Magistrate had stated in her judgment that she found PW4 as a credible witness and believed her evidence. The fact that she testified and the 1st Appellant had settled his debt with the 2nd Appellant on 9th June 2012 showed that the purchase of tiles and cement by the 1st Appellant from the 2nd Appellant was with consideration and the payment was made with a specific price.

The grounds of appeal against sentence are as follows:

(i) The Learned Trial Magistrate erred in principle not taking into consideration the delay in the proceedings of the trial. The Appellants submit that there was a period of delay between April 2013 and year 2015. The Learned Trial Magistrate erred in principle to reach a conclusion that there was no delay and blaming counsel for the delay. The Appellants submit as authority ***Maimun Binti Haji Omar and Public Prosecutor*, Criminal Appeal No.1 of 2013**, where the CA commented that whilst "*the Court has no control over the length of time taken to investigate a case and bring a charge but it has considerable control over the speed with which cases are then brought to trial and brought to a conclusion*". The Appellants thus submit that the Learned Trial Magistrate should have given a discount in their sentence.

(ii) The Learned Trial Magistrate sentence against both Appellants are manifestly excessive and failed to take into consideration the case of ***Hj Md Ibrahim bin Hj Nudin and Public Prosecutor,* Criminal Appeal No. 43 of 1999**. The High Court in this case had imposed a custodial sentence of 6 months' imprisonment on the accused upon being convicted after trial and after considering the length of delay during the trial.

(iii) In all the circumstances of the case, the Petitioners convictions are unsafe and unsatisfactory and that their sentences are also manifestly excessive. The Petitioners' pray that such order may be made thereon as justice may require.

C. Senior Magistrate's Finding

The Senior Magistrate found D1 and D2 guilty to all the charges after examining the whole evidence of the Prosecution and Defence case. She stated her findings are based on the circumstantial evidence of the case.

She accepted and believed the evidence of the Prosecution witnesses, in particular, PW4, as supported by PW1, PW2, PW7 (receptionist) and by the Anti-Corruption Bureau (ACB) officers who recorded the Appellants' statements (PW5 and PW6) and the investigation officer(PW8).

She did not believe the evidence given by D1 and D2.

It is not in dispute that the tiles were delivered to D1's house on 19/11/2011 and cements were delivered sometime in the same month after the inspection was done on 17/11/2011 by the relevant authority comprising D1 and several other public officers and others representing the contractor. D2 was present during the inspection. It was during the brief meeting and later conversation on the phone, D1 and D2 agreed for D2 to find the tiles as requested by D1 and for D2 to deliver cements for D1. The Delivery Order (Ex.P5) was prepared on 18/11/2011 by PW1, the Supplier's clerk when requested by D2. The tiles were delivered by PW2 to D1's house. D2 asked PW4 to treat the payment of the tiles as part of "Mata-Mata Housing Project". There was no proper documentation to support the sale and purchase of the cements.

The Prosecution contended that no payment was made for the tiles and cement until after the ACB started their investigation on 6/6/2012

PW4 gave evidence that before D2 was brought by the ACB officers to the ACB office. D2 gave instruction for PW4 to prepare a project claim (Ex.P13) which is a Pro Team claim to D1 for the supply of cement and tiles for the sum of $955 and to be backdated to 28/12/2011.

On 7/6/2012, D2 instructed PW4 to call D1 to pay overdue debt of $355 as soon as possible. D1 came to PW4's office on 9/6/2012 and paid the $355. PW4 issued a receipt (Ex.P14 3rd receipt). According to PW4, D1 requested for receipt for $600. PW4 refused to do so because she was not the one who received the money. When she informed D2 about this on 12/6/2012, she was instructed to give the receipt and to be backdated to 28/1/2012 (Ex.P14 4th receipt). After D1 made payment of $355, D2 instructed PW4 to write in the Pro Team Baiduri Bank Berhad (BBB Book)(Ex.P17) 'received payment from Wadi Bin Hj Mohd' amounting to $955.

On 13/6/2012 D2 gave PW4 money amounting to $600 and the money from D1 $355 to be deposited into Pro Team Account as reflected Ex.P16. The statement given by D2 to the ACB was inconsistent. At first he said $600 were paid by D1 to his foreman, Bong. This was confirmed by D1 who was also brought to the ACB office for his statement to be taken. D1 stated he paid Bong $300+ (plus). Later on, D2 changed his story when Bong, who was also at the ACB office, denied he received the money by saying D1 paid to him $600 at the Land Transport Car Park.

D2 jolted D1's memory, during their brief encounter at the ACB office by telling D1 whether he remembered giving him $600 in car park at the Land Transport. D1 then informed the ACB officer (PW5) about this. In D1's and D2's statements to the ACB, there was no mention of Pg Yassin witnessing the payment.

The Appellants on the other hand claimed that D1 paid $600 before the ACB started their investigation and later $355 was paid by D1 after he received a call from PW4.

D. The Law

As regards the 1st Charge and 3rd Charge, the Prosecution has to prove beyond reasonable doubt that

(a) D1 was a public servant;
(b) D1 accepted or obtained a valuable thing;

(c) That no consideration was given for it or a consideration which D1 knew to be inadequate;
(d) That that person (D2) from whom D1 accepted the valuable thing was known by D1 to be or to be likely to be, concerned in the public servant's official business.

It is, therefore, not necessary to prove any corrupt motive. Roberts, C.J. stated in ***Public Prosecutor v Haji Kazi Habibur Rahman*** **1993 JCBD pg.26** '*However, the Act (the Prevention of Corruption Act) and section 161 P.C. (Penal Code) deal with acts of corruption intended to achieve specified favours. Section 165 P.C. is a general provision designed to prevent the acceptance of any valuable thing by a public servant from anyone with whom he may have official business. It is objected that section 165 P.C. does not specify an absolute offence and that it is necessary to show that the offence was carried out with some mens rea. This, it was argued, could be found only in an intention of the acceptor to act in a corrupt manner. I do not agree. I think that it is sufficient for the prosecution to show that the acceptor of a valuable consideration, under a charge under section 165 P.C., knew what he was doing and knew that he was accepting a valuable thing without consideration from someone with whom he was likely to have official dealings. There is no need to show that there was any real or veiled gratification, as there is under the Act and under section 161 P.C..*'

And page 28 of the case, he stated ….'*On the basis of these authorities, section 161 P.C. and section 6 of the Act are both aimed at specified acts of corruption, whereas section 165 P.C. is more general and is designed to prevent the acceptance of valuable things by a public servant. It is not necessarily aimed at corruption as such, but at certain transactions that may, in the event, lead to corruption, or appear to do so*.'

As regards the 2nd Charge and 4th Charge, the Prosecution has to prove beyond reasonable doubt that

(a) D2 knew that D1 was a public servant;
(b) D2 instigated D1 to accept or obtain the valuable thing in question from D2;
(c) That D1 gave no consideration for it or if he did, it was for a consideration which they both knew as inadequate and
(d) That both D1 and D2 knew that D2 was known to be or to be likely concerned in the public servant's official business.

E. (i) 1st Ground of Appeal (Ground A)

The Appellants submitted that D1's request for the delivery of the tiles and cement and the receiving of the tiles and cement from D2 by D1 happened after the official transaction had been completed.

The inspection was completed on 17/11/2011 and the Completion Certificate was duly signed on the same day. The Senior Magistrate found that D1 telephoned D2 to buy tiles and cement from D1 in the afternoon on the same day as when the inspection took place on 17/11/2011 in the morning.

It is obvious from the evidence when D1 accepted the tiles and cement, D1 was still a public servant and D2 was still the Managing Director of Pro-Team Construction and Trading Sdn. Bhd, a company doing business on housing development. So when D1 accepted the tiles and cement from D2, D1 knew D2 to be or to be likely to be concerned in the public servant's (D1's) official business. D1, a public servant, received the tiles and cement from D2, a contractor, who has just completed the construction of houses which D1 had together with other public officers approved. D1 has inspected and was likely, in the near future, make the same inspection of D2's another completed houses. D1 had, therefore, placed himself in a compromise position by receiving a valuable advantage from D2 with whom he has or is likely to have an official dealing.

The Senior Magistrate stated she was satisfied beyond reasonable doubt that D1 still has 'official transaction' with D2. By that, the Senior Magistrate meant that D1 knew when he obtained the tiles and cement, D1 knew D2 had a connection with D1's public duty to inspect and approve housing development project. I agree with the Senior Magistrate's finding that when D1 accepted the tiles and cements from D2, D1 knew D2 was concerned or to be likely concerned in D1's official business as a public servant. D1 had placed himself in a compromise position when no payment was made by D1 to D2.

(ii)2nd, 3rd and 6th Grounds of Appeal (Grounds B, C and F)

As regards the 6th grounds of Appeal, I wish to highlight the evidence as regards the payment of 2 tons of cement. It is not disputed that D1 came to D2's office on 9/6/2012 and paid $355 after D1 received a phone call from PW4. PW4 called D1 because she was instructed by D2 to do so on 7/6/2012. This was the day after D2 and D1 were brought by ACB officers for investigation on 6/6/2012. This evidence would be sufficient to prove the 3rd Charge and 4th Charge that D1 obtained the 2 tons of cement with a total value of $350, from D2, without consideration or for a consideration which D1 and D2 knew to be inadequate. D2 abetted D1 by giving the cements to D1 for free.

The 2nd and 3rd ground of Appeal stated that the Senior Magistrate erred in principle and in law by failing to take into consideration that D1 had paid for the tiles $600 to D2 on 3/12/2011. D2 received the payment and subsequently handed the money to Haridawati Binti Awang Harith (PW4) who made entry into the petty cash book on 11/1/2012. The Senior Magistrate found PW4 to be a credible witness. PW4 gave evidence that the payment of $600 was received by PW4 from D2 on 11/1/2012 many months before the ACB began their investigation on both D1 and D2. Yet the Senior Magistrate disbelieved the defence submitted by both D1 and D2.

The Senior Magistrate, in her judgment, rightly explained that before making her finding she considered the evidence of both the Prosecution and Defence's, bearing in mind, of course, what she has stated earlier that the burden is on the prosecution to prove beyond reasonable doubt the charges against D1 and D2. She, in general, accepted and believed the evidence of the Prosecution witnesses and she did not believe the evidence given by D1 and D2. The Senior Magistrate did not believe their evidence that D1 paid $600 at the parking lot of the Land Transport Department witnessed by Pg Yassin who unfortunately passed away in April 2014.

The Senior Magistrate noted that D2 gave inconsistent statement to the ACB officers regarding the payment of $600. At first D2 stated D1 paid the $600 to Bong. Then later D2 stated D1 paid $600 to him at the Land Transport. D1 and D2 did not mention in their statements to the ACB that Pg Yassin witnessed the payment of $600. The Senior Magistrate found that the entries in the Petty Cash book (Ex.D2(1)), the Project Claim (Ex.P13), the Official Receipt (Ex.P14) and the Baiduri Bank Berhad Book (Ex.P17) were prepared by PW4 upon the instruction of D2. The dates in the documents were backdated as instructed by D2.

The Senior Magistrate found that, although PW4 stated she received $600 from D2 and made the entry in the petty cash book (Ex.D2(1)) on 11/1/2012, the Senior Magistrate found the date to be false because the reference number stated in the petty cash PTCT/PC-0123/11 was only created on 6/6/2012 when D2 instructed PW4 to open a Project Claim (Ex.P13) for D1. The Senior Magistrate is entitled to make such finding after hearing and observing the demeanor of all the witnesses and examining the documentary evidence.

(iii)4th Ground of Appeal (Ground D)

I agree with the DPP that as regards Ground D, the Senior Magistrate at para 242 was, in fact, merely referring to D1's counsel's submission in relation to the issue of whether or not consideration was proven. The Senior Magistrate did state at para 243 that the Prosecution has no 'direct evidence' to prove the intention of D1. In addition to that statement, the Senior Magistrate also stated the Prosecution case is based on circumstantial evidence. The Senior Magistrate did not state in para 243 that the Prosecution had not proven its case beyond reasonable doubt. I agree with the DPP the Senior Magistrate, as can be seen at para 246 onwards, went on to consider the issue whether or not consideration was given and set out the reasons as to why she found that there was no consideration given.

(iv)5th Ground of Appeal (Ground E)

As I have already mentioned earlier, the Senior Magistrate did not believe D1's and D2's evidence that D1 paid $600 at the Land Transport Department's car park. D1 and D2 did not mention in their statements to ACB that Pg Yassin witnessed the payment. Since this is very important evidence for them, if this was true, they would have mentioned this in their statements to ACB. For this reason, the Senior Magistrate did not believe this. The Senior Magistrate is, therefore, entitled to make such a finding.

For the reasons I have given above, the Appellants' appeal against conviction is dismissed.

F. The Appeal against sentence

(i)Delay

The Appellants submitted there was delay in the hearing of the case between April 2013 and year 2015. The Senior Magistrate has considered this and noted that the hearing dates were adjourned on several occasions from April 2013 to 2015. She found that this was due to the Counsels' other commitments. I noted that the adjournment was mostly due to the Counsels (Prosecution and Defence) being needed in the other courts. Sometimes hearing has to be adjourned because of Counsel's ill health and to accommodate the defendants' personal requests such as to attend a daughter's wedding or a child's graduation ceremony outside the country. In general, I agree with the Senior Magistrate that there was no inordinate delay unlike what happened in the *Maimun*'s case when it took 10 years to prosecute the charges from the date when the offences were committed. The Senior Magistrate, therefore, rightly imposed a custodial sentence against the Appellants without giving any discount.

(ii)Manifestly excessive

I was referred to several cases, such as the following:

(a) *Hj Md Ibrahim Bte Hj Nudin v Public Prosecutor* (High Court) Criminal Appeal No. 43 of 1999;
(b) *Pg Ahmad Bin Pg Hj Md Daud v Public Prosecutor* (High Court) Criminal Appeal no. 15 of 2013;
(c) *Public Prosecutor v Haji Mazlan Bin Haji Shahbuddin* (BSB/CC/1793/2011)

I agree with the DPP, in the Ibrahim's case, the Defendant only received $400 whereas D1 in this instant appeal case, received tiles and cements valued to be about $950. In Pg Ahmad's case, the Defendant (Appellant) faced 4 charges, 2 charges under section 6(a) of the Prevention of Corruption Act and 2 charges under section 165 of the Penal Code.

The Defendant was sentenced to a total of 36 months after a trial. The Defendant was sentenced to 18 months' imprisonment for each charge under section 165 of the Penal Code.

In the *Mazlan's* case, the Defendant was sentenced to 10 months' imprisonment after trial for obtaining B$400 without consideration an offence under section 165 of the Penal Code.

For the reasons I have given, I find the sentences of 12 months imprisonment are neither manifestly excessive nor wrong in principle. I, therefore, dismiss the application for a stay of execution and the appeal against sentence.

DATO SERI PADUKA HJ KIFRAWI BIN DATO PADUKA HJ KIFLI
Chief Justice