

Hj Khairulisham Bin Metussin

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 25 of 2018)**

Steven Chong, C.J.
24 September 2018

Causing hurt contrary to section 323 of Penal Code – Appeal for extension of time to pay fine dismissed.

Appellant unrepresented.

PO Nur Eleana Binti Dato Paduka Hj Hairol Arni for the Public Prosecutor.

Steven Chong, C.J.:

On 25 August 2018 in the Magistrate's Court the appellant pleaded guilty to the charge of voluntarily causing hurt to one Ting Ik Lik by punching his head contrary to section 323 of the Penal Code.

Magistrate Kamaliah Fadhilah Binti Hj Ibrahim imposed a fine of \$2,000 or 2 months' imprisonment in default of payment. The appellant was given a period of one month to pay.

The appellant seeks more time to pay. He has retired from the Royal Brunei Armed Forces and receives a pension of \$779. His wife and two of his four children are dependent on him. He proposes to pay by monthly instalments of \$50.

PO Nur Eleana Binti Dato Paduka Hj Hairol Arni opposes the appellant's proposal for payment. She submits that the Magistrate gave the appellant a reasonable period to make payment and allowing him to pay \$50 monthly would take too long and result in a dilution of the deterrent element in the sentence.

I agree. The appellant was one of a group of five men who physically assaulted the complainant because they believed he had cheated a friend of theirs. There was no justification to resort to violence. Making a police report would have been the right thing to do. Lawless acts must be discouraged to safeguard public safety.

The appeal is dismissed.

DATO PADUKA STEVEN CHONG
Chief Justice