

Nurul Jannah Binti Abdullah@ Lai

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Appeal No 29 of 2015)**

Hairol Arni Majid, J.
22nd October, 2015.

Road Traffic – Sentence – Careless driving – Second offender – Lapse of time between convictions – Disqualification quashed – Section 29 (1) and 29 (2) of the Road Traffic Act.

Appellant In Person.

Mr. Mohammad Aiman Adri Ahmad Zakaria (Prosecuter Officer) for Public Prosecutor

Cases cited in the Judgment:

PP vs Lim Jin Lee and Salina bte Mohammad Salleh [2002] 2JCBD 217

Awg Haji Mustafa BPK Haji Abd Wahid [High Court Criminal Appeal No 14 of 2011]

J U D G M E N T

Hairol Arni, J.:

On the 23rd July 2015, the appellant was convicted on her out plea to an offence of careless driving contrary to section 29 (1) of the Road Traffic Act Cap 68. She was sentenced to a \$400 fine in default of payment, 1 week imprisonment and a disqualified from driving for 18 months following her previous conviction in 1999. It is against the disqualification that the appellant appeals before me.

Counsel for the respondent, concedes that in view of the 16 year lapse between the first and the present conviction, the Magistrate Court below erred in imposing the 18 months disqualifications. I totally agree. In *PP vs Lim Jin Lee and Salina bte Mohammad Salleh* [2002] 2JCBD 217 and *Awg Haji Mustafa BPK Haji Abd Wahid* [High Court Criminal Appeal No 14 of 2011] the courts in both instances considered the lapse of 5 years in Lim's case, 9 years in Salina's case and 15 years in Awg Hj Mustafa's case respectively, between convictions as special reason for not disqualifying from holding or obtaining a driving license.

In the present case, the lapse of 16 years between convictions would have amounted to a spent conviction for the earlier one and the latter would be considered as a first conviction against their appellant.

For the foregoing reasons, the appeal is allowed. The order of disqualification is hereby quashed.

Dato Paduka Hairol Arni Majid
Judge, High Court