

**Mohamad Mahari bin Ibrahim**

**and**

**Public Prosecutor**

---

**(High Court of Brunei Darussalam)  
(Criminal Appeal No. 29 of 2018)**

---

**Pg DP Rostaina bte Pg Hj Duraman, J**  
**16<sup>th</sup> January 2019**

*Criminal Law --- Appeal asking for more time to pay --- currently facing sentence for consuming Methylamphetamine --- Class A controlled drug --- contrary to section 6(b) of the Misuse of Drugs Act, Cap 27.*

**Cases cited:**

*Muhammad Daniel bin Abdullah Teo vs PP (Criminal Motion No.19 of 2018)*

Appellant in person.

DPP Emily Goh Miem Yien for Respondent/Public Prosecutor.

**JUDGMENT**

***Pg DP Hjh Rostaina, J***

1. On 22<sup>nd</sup> October 2018, in the Magistrate's Court the appellant was convicted on his own plea for consumption of a Class A controlled drug namely Methylamphetamine contrary to section 6(b) of the Misuse of Drugs Act, Cap 27.

**Charge**

That you, on or about 9<sup>th</sup> September 2016 in Brunei Darussalam not being a person authorised by the Misuse of Drugs Act, Chapter 27, or the regulations made thereunder, did consume a Class A controlled drug, to wit, Methylamphetamine, in contravention of Section 6(b) of the Misuse of Drugs Act, Chapter 27 and you have thereby committed an offence punishable under Section 29 read with the Second Schedule of the said Act.

| <b>Penalty</b>                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------|
| Imprisonment and fine: Imprisonment maximum 10 years; Fine maximum \$20,000<br>Others – for second or subsequent offence, minimum 3 years |

2. Magistrate Pengiran Shahyzul Khairuddien bin Pengiran Abdul Rahman imposed a fine of \$1,500 or 3 months' imprisonment in default of payment and ordered for the fine to be paid on the same day.
3. The appellant is 33 years old and is married with 3 young children. His current living arrangement is provided by JAPEM. He has no fixed income. He supports his family by relying on part time jobs of repairing and painting cars from which he used to earn

B\$200 a month but since the compressor broke down his earning capacity is now reduced to an estimated B\$100 monthly. He proposed to sell his only asset which is his car but is yet to find a buyer. He is asking for a further 3 months extension towards paying the fine and promised to pay \$500 monthly towards the fine until full settlement.

4. I find he has not make any effort towards paying the fine and I doubt his ability to pay as he could not say with certainty when he could settle this fine. Allowing him a further extension of time would dilute the deterrent element of the sentence.
5. The appeal is dismissed.

**PG DP HJH ROSTAINA BTE PG HJ DURAMAN**

**Judge, High Court**

**16<sup>th</sup> January 2019**