

Rawana Bin Haji Othman

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 2 of 2022)**

Criminal law – Causing hurt – Sentence – s.323 of the Penal Code.

Steven Chong, C.J.

18 April 2022

Appellant In Person.

PO Syafina Abd Hadzid for the Public Prosecutor.

Case cited:

Hj Khairulisham Bin Metussin v Public Prosecutor [Criminal Appeal No. 25 of 2018]

Steven Chong, C.J.:

On 7 February 2022 in the Magistrate’s Court the appellant pleaded guilty to a charge of voluntarily causing hurt contrary to section 323 of the Penal Code.

Magistrate Nur Eleana Binti Dato Seri Paduka Hj Hairol Arni imposed a fine of \$1,000 or one month’s imprisonment in default of payment and granted a period of one month to pay.

This is an appeal by the appellant to pay the fine by monthly instalments of \$100.

According to the Statement of Facts the offence occurred on the morning of 18 January 2018 at a commercial complex in Tutong. At the time the appellant was with his “girlfriend” who was the complainant’s ex-wife. There appears to be some animosity between the appellant and the complainant over the former’s relationship with the latter’s ex-wife. As soon as the appellant saw the complainant at the complex he confronted him. The appellant told the complainant not to “interfere” with his relationship with the ex-wife. An argument ensued and the appellant punched the complainant’s right eye.

The complainant made a police report about the incident before going to the hospital for medical attention. The medical officer found that the complainant had sustained a small laceration and haematoma on the right orbital. The wound required stitches and was categorized as “*hurt*”.

Any offence of violence must be treated seriously by the court. In this case the aggravating feature is that the appellant who was 46 years old assaulted someone who was much older than him. The complainant was aged 79. Whatever the appellant’s grievance against the complainant there was no justification to resort to physical violence. This kind of lawless behavior must be discouraged: *Hj Khairulisham Bin Metussin v Public Prosecutor* [Criminal Appeal No. 25 of 2018].

I agree with the prosecution that the appellant was given adequate time to pay the fine. Allowing the appellant to pay by monthly instalments would weaken the deterrent element in the sentence.

The appeal is therefore dismissed.

DATO SERI PADUKA STEVEN CHONG
Chief Justice