



Public Prosecutor

AND

**Muhammad Rayyan Adam Bin Abdullah Mulok
@ Royston Anak Mulok**

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 30 of 2016)**

**Steven Chong, J.
2 November 2016**

Theft from school on two separate days – Appropriate Sentence.

DPP Vuina Song for the Public Prosecutor.
Respondent unrepresented.

Case cited:

Public Prosecutor v Md Zulani Bin Hj Sani and Public Prosecutor v Raddyman Bin Awg Hj Radin [2005] 2 JCBD8.

Steven Chong, J.:

On 27 August 2016 in the Magistrate's Court the defendant pleaded guilty to seven counts of theft inside a building contrary to section 380 of the Penal Code.

The Magistrate imposed a sentence of 2 months' imprisonment on each count. The sentences on the 1st to 6th Charges were ordered to be served concurrently whilst the sentence on the 7th Charge was to be served consecutively resulting in a total of 4 months' imprisonment.

This is an appeal by the Public Prosecutor against that sentence on the ground that it is inadequate.



Shortly stated the admitted facts are that on two separate days in August 2016 the defendant went to Sekolah Maktab Sains Paduka Seri Begawan Sultan (*“the school”*) where he stole cash amounting to \$268, three mobile phones and a powerbank from a classroom and a teachers’ room. The defendant was caught by security guards on the second occasion as he was leaving the school compound in his car.

The defendant is aged 29 and he has a wife and 3 year old daughter. He had previously worked as a cleaner in the school but became unemployed in 2015. He told the Magistrate in his mitigation plea that he committed the thefts because he was *“desperate”* and needed money.

Being impecunious cannot provide a licence to steal. Nor can it mitigate the offence. There was a degree of deliberation in the commission of the offences. The defendant picked the school to steal from because he was familiar with the lay-out having worked there as a cleaner.

Deterrence must be the foremost consideration when it comes to sentence for offences of this nature. Unless there are exceptional circumstances, and there is none here, a sentence of 12 months’ imprisonment is appropriate on a guilty plea even for a first offender: see *Public Prosecutor v Md Zulani Bin Hj Sani* and *Public Prosecutor v Raddyman Bin Awg Hj Radin* [2005] 2 JCBD8.

The sentence imposed by the Magistrate is unduly lenient and is unlikely to deter potential offenders.

Accordingly, I allow the appeal of the Public Prosecutor. The sentences of 2 months on each count is quashed and substituted with sentences of 12 months on each count. The Magistrate rightly ordered the sentence on the 7th Charge to run consecutively to the concurrent sentences on the 1st to 6th Charges as there was sufficient time for reflection between the commission of these offences. The last offence was committed about a week after the commission of the earlier six offences.

In the result, having regard to the overall criminality of the offences, the sentence will be 2 years.

DATO PADUKA STEVEN CHONG
Judge, High Court