



**Adie Norfaizal Bin Mohamad**

**AND**

**Public Prosecutor**

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**(High Court of Brunei Darussalam)  
(Criminal Appeal No. 5 of 2016)**

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**Steven Chong, J.  
25 April 2016**

Criminal law – Extortion – Sentence.

Appellant unrepresented.

DPP Dk Didi Nuraza Bte Pg Hj Abd Latiff for the Public Prosecutor.

**Steven Chong, J.:**

This is a case of extortion by way of using the instant messaging application known as “WeChat” and serves as a cautionary tale of the dangers in the indiscreet use of such a medium.

On 26 January 2016 in the Magistrate’s Court the appellant pleaded guilty to two counts of extortion contrary to section 384 of the Penal Code.

Chief Magistrate Muhammed Faisal Bin PDJLD Kol.(B) DSP Hj Kefli sentenced the appellant to 2 years’ imprisonment and one stroke on each count, the sentences of imprisonment to be concurrent and the whipping to be cumulative, resulting in a sentence of 2 years and 2 strokes.

By this appeal, the appellant seeks a reduction in the sentence of imprisonment.

Shortly stated the facts were that in November and December 2013, the appellant, who is a 28 year old unemployed man, used “WeChat” to pose as a



girl named "*Fiqah*" and lured two unwitting men into sending nude photographs of themselves to him after he had first sent them nude photographs of a girl which he obtained from the internet.

The defendant then threatened to upload the nude photographs of the two men on Facebook unless they paid him cash. He asked for \$3,000 from one and \$5,000 from the other. The trapped men made police reports and the appellant was arrested.

Upon conviction under section 384 the punishment is a minimum of 2 years and a maximum of 7 years with whipping. The Chief Magistrate passed the minimum sentence of 2 years. And 2 strokes is neither excessive nor wrong in principle as the offences involved two different victims on separate occasions.

The appellant has no cause for complaint and the appeal is dismissed accordingly.

**DATO PADUKA STEVEN CHONG**  
**Judge, High Court**