

Ak Abi Hurairah Bin Pg Md Daud

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Motion No. 5 of 2019)**

Steven Chong, C.J.

11 March 2019

Consumption of methylamphetamine – Bad record of previous convictions – Sentence of 5 years’ imprisonment not excessive.

Applicant unrepresented.

DPP Amiriah Binti Haji Ali for the Public Prosecutor/Respondent.

Steven Chong, C.J. (ex tempore):

On 15 November 2016 in the Magistrate’s Court the applicant pleaded guilty to three counts under the Misuse of Drugs Act: (i) possession of 0.2157 gs of methylamphetamine contrary to section 6(a); (ii) consuming methylamphetamine contrary to section 6(b); and (iii) possession of utensils intended for consuming drug contrary to section 7.

Chief Magistrate Muhammed Faisal Bin PDJLD Kol (B) DSP Hj Kefli sentenced the applicant to concurrent terms of imprisonment of 3 years, 5 years and 6 months respectively.

This is an application for leave to appeal out of time against sentence. There is no merit in the application for the following reasons.

Firstly, no satisfactory explanation was given by the applicant for the delay of about 2 years in filing the notice of appeal.

Secondly, and more importantly, the applicant has no arguable case against sentence.

Section 29(3A) of the Misuse of Drugs Act provides that a second or subsequent offender under section 6(b) shall be liable to imprisonment for a term of not less than 3 years.

The offence of drug consumption was committed on 22 July 2014. The applicant has a bad record of seven previous convictions for similar offences from 1998 to 2007. In respect of the last conviction in 2007 the applicant was sentenced to 4 years' imprisonment.

Having regard to the applicant's history of drug abuse the sentence of 5 years' imprisonment is not excessive.

The application is therefore dismissed.

DATO PADUKA STEVEN CHONG

Chief Justice