

HAZ bin HAG

AND

Public Prosecutor

**(High Court of Brunei Darussalam)
(Criminal Appeal No. 16 of 2024)**

Haji Abdullah Soefri bin POKPSM DSP Haji Abidin, J.C.

Date of Ruling: 8th October 2025.

Headnote:

Ms Lenny Rahman of M/S HLR Law for the Appellant/Defendant.
DPP Nurul Fitri Kiprawi for the Public Prosecutor/Respondent.

JUDGMENT

Haji Abdullah Soefri, J.C:

This is an appeal by the Appellant/Defendant against the conviction entered against him by the Magistrate. The Defendant was convicted on 16 March 2024 and was subsequently sentenced to 16 months' imprisonment.

The imprisonment sentence took effect from the date of his conviction on 16th March 2024. By the time this appeal was heard, the Defendant had completed and served the imprisonment sentence. As stated earlier, the Defendant is appealing against the conviction on the charge that was preferred against him.

Charge:

That you on the 26th July 2020 at about 1800 hours, at house address No.3, Simpang 455-13A, Kg Sungai Bakong Lumut, Belait, KC 2935 in Negara Brunei Darussalam, did use criminal force onto one Mrs X (female, 33 years old) intending to outrage or knowing it to be likely that you would thereby outrage the modesty of the said Mrs X, to wit, by inserting your hand under her blouse and touching her nipples and by rubbing her genital area using your hand, and you have thereby committed an offence punishable under section 354 of the Penal Code, Chapter 22.

Penalty under section 354 of the Penal Code, Chapter 22, imprisonment for a term not exceeding 5 years and whipping

The Defendant laid out 4 grounds of appeal.

2.1 The Appellant conducted the trial as a self-represented litigant in person

- 2.2 The decision of the defence *voir dire* application to admit the Appellant's police statement was wrong in law and procedure.
- 2.3 The trial was not conducted according to the requirements under the Criminal Procedure Code; and
- 2.4 The Appellant did not have the necessary legal expertise to call the relevant witnesses for the defence's case, particularly a crucial eye witness Hajah Rohana binti Datu Hulubalang Haji Abd Wahab, who was undeniably present throughout the entire incident at the Appellant's residence in No.3, Simpang 455-13A, Kg Sungai Bakong Lumut, Belait, KC 2935 on 26 July 2020 at about 1600 hours. This witness was with the Appellant, the complainant, her husband and her children during the entire duration of their visit and could have provided direct testimony about whether the alleged acts occurred.

The Defendant expanded the grounds in their submissions. The Respondent had filed their reply to the Appellant's submission. I have also being extended the Magistrate's Notes of Proceedings and her Judgment and also other documents.

Having had perused all these documents, I am satisfied that the grounds of appeal could not stand as there is nothing that the Magistrate had done and decided showed that she had erred. The grounds of appeal are wholly without merit and there is no miscarriage of justice and the conviction is safe and proper and the appeal is dismissed.

Appeal is dismissed and conviction is upheld.

Full reasons of the decision will be given in the full written judgment.

HAJI ABDULLAH SOEFRI BIN POKSM DATO SERI PADUKA HAJI ABIDIN
Judicial Commissioner