

Public Prosecutor

AND

Mohamed Askar Baseer Ahamed

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 10 of 2026)**

Pg Hjh Masni Pg Hj Bahar, Judge

Date of Sentence: 18th July 2026

Headnote: Sentence- Section 326 PC- Voluntarily causing grievous hurt by dangerous weapon- Plead guilty- First Offender.

DPP Hajah Siti Mu'izzah binti Haji Sabli for Public Prosecutor.

Defendant In Person and Unrepresented.

Assisted by Mr. Abu Bakar Sidiq Gulam, Officer from the Indian Interpreter.

Cases cited:

Mohd Jaya bin Hassan v Public Prosecutor (COA Criminal Motion No. 17 of 2020)

Public Prosecutor v Ida Bagus (HC Criminal Trial No. 11 of 2010)

R v Howell (and other appeals) (1999) 1 ALL ER 50

Public Prosecutor v Sumet Ob-Orm (2008) 1 JCBD 55

SENTENCE

Pg Hjh Masni Pg Hj Bahar, Judge:

Introduction:

1. The defendant, Mohamed Askar Baseer Ahamed, is charged for voluntarily causing grievous hurt to one Seiyadu Jaharan Neina Mohamed (the victim), contrary to section 326 of the Penal Code, Cap 22.
2. The Defendant is an Indian National and speaks Tamil. He is assisted by Mr Abu Bakar Sidiq Gulam, an Officer from the Indian Embassy, who provides interpretation in Tamil language.

Charge:

3. The charge and its penalty were read and explained to the Defendant in Tamil language. The Defendant acknowledged and affirmed his name and his particulars stated in the charge.
4. The Charge and its penalty read as follows:

Charge:

"That you, on the 24th of June 2026, at about 1345 hours, at Yazid Mart, Jalan Pandan 4, Kuala Belait, in Brunei Darussalam, did voluntarily cause grievous hurt to one Seiyadu Jaharan Neina Mohamed [M.30], to wit, by slashing his left forearm repeatedly with a cleaver, an instrument which, used as a weapon of offence, is likely to cause death, and you have thereby committed an offence under Section 326 of the Penal Code, Chapter 22."

Penalty:

Imprisonment for a term not exceeding 15 years and whipping.

S117B CPC:

5. The Defendant informed Mr. Abu Bakar that he understood the charge and the penalty that had been read and explained to him. He further informed Mr. Abu Bakar that he admitted to committing the offence. When questioned by the Court, the Defendant reaffirmed that he understood both the charge and the prescribed penalty.
6. In the circumstances, the requirements of section 117B of the Criminal Procedure Code have been duly complied with. I am satisfied that the Defendant understood the nature of the charge and the consequences of his plea. Accordingly, I accept the Defendant's plea of guilty.

Statement of Facts:

7. The statement of facts was read and explained to the Defendant in Tamil language.
8. The Defendant admitted to the following facts.
9. Defendant admitted that at the material time he was employed as a labourer at Yazid Mart (the said Mart), at Jalan Pandan 4 Kuala Belait and the victim, Seiyadu Jaharan Neina Mohamed (the victim), was his supervisor at the said Mart.
10. The Defendant admitted on the 24th of June 2026 at 1300 hours the victim saw the defendant at the cashier area using his mobile phone. The Defendant admitted that the victim reprimand him and instructed him to resume his duty. The Defendant admitted that he ignored the victim's instruction and continued to remain at the cashier area. Seeing this, the Defendant admitted that the victim approached him and directed him to arrange the sack of rice. Defendant refused to comply and told the victim that there were other workers available to

carry out the task. Thereafter an altercation ensued during which the victim slapped his face and punched him in the presence of customers.

11. Following the altercation, the Defendant admitted running to the meat station, took two cleavers, ran to the isle where the victim was standing. The Defendant admitted he repeatedly swung both the cleavers at, causing injuries to the victim's forearm and chest. The Defendant further admitted that members of staff at the said Mart intervened, disarmed him, and took the cleavers away from him. The Defendant admitted that the incident was captured on the Mart's CCTV system. The staff of the said Mart subsequently contacted the police, leading to the Defendant's arrest.
12. Still photographs extracted from the CCTV footage were produced and marked as Annex A. Photographs of the cleavers used by the Defendant were also included in Annex A. The Defendant admitted that the photographs contained in Annex A accurately depicted the incident and the weapons used.
13. The victim sought medical assistance from the nearby clinic but referred to the Main Hospital, Suri Seri Begawan Hospital due to the severity of the injuries. The Victim's medical report was deduced in Annex B. The report was read to the Defendant. The Report shows that the victim had to undergo surgery and he is admitted in the Hospital for treatment.

Antecedent:

14. Defendant has no prior conviction.

Mitigation:

15. In his mitigation, the Defendant acknowledged his action was wrong.

Prosecution Submission:

16. The Prosecution submits that offences under Section 325 of the Penal Code warrants for custodial sentences due to the seriousness of the injuries and the circumstances of the offence. Prosecution submits a starting point of five years' imprisonment is appropriate for offences involving grievous hurt committed with dangerous weapons, subject to reductions where there is a guilty plea citing the case of ***Mohd Jaya bin Hassan v Public Prosecutor (COA Criminal Motion No. 17 of 2020)***, where the Court upheld a sentence of five years' imprisonment for an accused who deliberately armed himself and inflicted permanent injuries on the victim.
17. In the case of ***Public Prosecutor v Ida Bagus (HC Criminal Trial No. 11 of 2010)***, the High Court adopted a starting point of five years' imprisonment but reduced the sentence to three years' imprisonment and three strokes of whipping following the accused's guilty plea.
18. The Prosecution submits that the present case is aggravated by the Defendant's deliberate decision to arm himself with two meat cleavers, return to confront the victim, and launch a

retaliatory attack in a public supermarket. The victim sustained grievous injuries requiring surgery and prolonged hospitalisation. The other consideration is that the Defendant commits the said offence inside a supermarket during business hours when customers were present. The Defendant's actions not only endangered the victim but also exposed members of the public to danger.

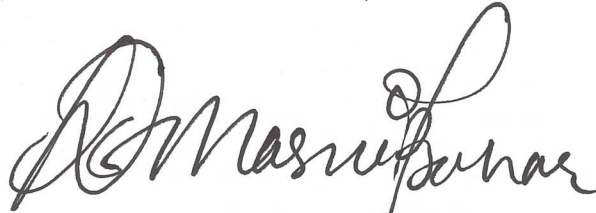
19. Prosecution submits that having regard to the authorities, the Defendant's guilty plea, and the aggravating factors, the Prosecution respectfully submits that a sentence of not less than three years' imprisonment and three strokes of whipping is appropriate.

Court's Consideration:

20. The prescribed penalty warrants for a custodial sentence and whipping. The issue before this Court is the appropriate sentence to impose in the circumstances of this case.
21. In the case of ***R v Howell (and other appeals)* (1999) 1 ALL ER 50**, Bingham LCJ observed, *"The court should always bear in mind that the criminal sentence is in almost every case intended to protect the public whether by punishing the offender or to reform him, or to deter him and others, or all of these things. Court cannot and should not be unmindful of the important public dimension of criminal sentencing and the importance of maintain public confidence in the sentencing system."*
22. The facts of the present case are comparable to those in ***Public Prosecutor v Sumet Ob-Orm* (2008) 1 JCBD 55**. The defendant in this case sought revenge for an earlier argument armed himself with a kitchen knife and attacked the victim in his bedroom whilst the victim was asleep with the knife on his head causing the victim to suffer from a fractured skull, fractures to his right elbow and his left index finger in an attempt to shield himself from the defendant's attack. Justice Dato Chong (as he was then) took a starting point of 5 years and 5 strokes after considering the gravity of the injuries inflicted with the use of a dangerous weapon, to the head of the victim. Justice Dato Chong sentenced the defendant to 3 year and 3 strokes having regards to the defendant's remorse reflected in his admission to the police and his guilty plea at the first opportunity and his clear record. The range of sentencing was upheld by the Court of Appeal in Mohd Jaya bin Hassan's (*Supra*) case.
23. Having regard to the circumstances of the offence, namely that the assault was motivated by revenge following an earlier argument, together with the nature of the assault and the injuries sustained by the victim, I agree that the appropriate starting point is five (5) years' imprisonment and 5 strokes.
24. The Defendant's plea of guilty at the first reasonable opportunity and taking into consideration of his previous good character, I reduce the sentence to three (3) years' imprisonment and three (3) strokes of whipping.

Sentence:

25. For the aforesaid reason, I hereby sentence the Defendant to three (3) years' imprisonment and three (3) strokes of whipping.
26. I order for the sentence to run from the date the Defendant was remanded. I also order for both the cleaver to be forfeited to the state and to be destroyed.



PG HJH MASNI PG HJ BAHAR
Judge, Intermediate Court