

Public Prosecutor

AND

Mohammad Shahiful Rizal Bin Bakri

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 22 of 2025)**

Pg Masni Pg Hj Bahar, Judge

Date of Sentence: 12 May 2025

Headnote: Sentencing- Offences - Section 29(1) Public Order Act, cap 148 - in possession of offensive weapon in public places without lawful authority or lawful purpose - Section 324 Penal Code - Voluntarily causing hurt by dangerous weapon - Pleaded guilty - Previous conviction of mischief and violence - Appropriate Sentence - Protection to community.

DPP Mohammad Syafi'e Habibuallah Edi Mirhan and DPP Hjh Nur Ruzana Hj Adnan for Public Prosecutor.

Defendant In Person and Unrepresented.

SENTENCE

Pg Masni, Judge:

Background:

1. The Defendant, Mohammd Shahiful Rizal bin Bakri, is charged with in possession of offensive weapon without lawful authority or solely for a lawful purpose contrary to section 29(1) of the Public Order Act, Cap 148 and two count of charges for voluntarily causing hurt to two people using the said offensive weapon by dangerous weapon contrary to section 324 of the Penal Code, Cap 22.
2. These charges were read and explained to the Defendant in Malay.

Charge:

3. These charges read as follows:

1st Charge:

That you, on 18th February 2025, at about 1800hrs, at the vicinity of a parking lot at Jeti 5, Kg Bolkiah A, Kampong Ayer, in Brunei Darussalam, being a public place, did have in your possession an offensive weapon, to wit, one (1) Katana sword, otherwise than with lawful authority or solely for a lawful purpose, and you have thereby committed an offence punishable under Section 29(1) of the Public Order Act, Chapter 148.

2nd Charge:

That you, on 18th February 2025, at about 1800hrs, at the vicinity of a parking lot at Jeti 5, Kg Bolkiah A, Kampong Ayer, in Brunei Darussalam, did voluntarily cause hurt to Haidi bin Awg Haji Pungut (Male, 41 years old, BYIC No: 00-300523) to wit, by wriggling and pulling a katana sword, an instrument which, when used as a weapon of offence, is likely to cause death, while both of the said Haidi's hands were grasping the sword, and you have thereby committed an offence under Section 324 of the Penal Code, Cap.22.

3rd Charge:

That you, on 18th February 2025, at about 1800hrs, at the vicinity of a parking lot at Jeti 5, Kg Bolkiah A, Kampong Ayer, in Brunei Darussalam, did voluntarily cause hurt to Muhammad Karim bin Haji Metussin (Male, 52 years old, BYIC No: 00-251083), to wit, by wriggling and pulling a Katana sword, an instrument which, when used as a weapon of offence, is likely to cause death, while both of the said Muhammad Karim's hands were grasping the sword, and you have thereby committed an offence under Section 324 of the Penal Code, Cap.22.

4. Defendant informed the court that he understood the charges and its penalty read and explained to him. Defendant entered a guilty plea to all the three charges.
5. I accept his guilty plea because I am satisfied that the Defendant understood the nature and the consequences of his plea. Therefore section 175 CPC duly complied with.

Statement of facts:

6. The statement of facts to these charges were read and explained to the Defendant in Malay language. Defendant informed the court that he understood and admits to the fact read and explained to him. Defendant admitted to the following facts.
7. Defendant admitted that on the 18th of February 2025, at around 6:00 PM, Haidi bin Awg Haji Pungut and Muhammad Karim bin Haji Metussin encountered a man known as "Come!" (the Defendant) at a parking lot near Jeti 5, Kg Bolkiah A, Kampong Ayer, Brunei. The Defendant confronted Haidi about staring at him, leading to a verbal argument. The

Defendant then drew a Katana sword from his car, intending to intimidate Haidi, and pointed it at him. Fearing for their safety, a physical struggle ensued between Haidi, Karim, and the Defendant.

8. During the scuffle, Haidi and Karim tried to disarm the Defendant by placing their palms on the Katana, but the Defendant forcibly pulled the sword away, causing deep laceration injuries to Haidi's both palms and Karim's left palm. The fight was stopped by a bystander, after which the Defendant fled the scene.
9. A police report was filed, and the Defendant was arrested following investigations. The Defendant admitted to carrying and displaying the Katana during the argument. Medical reports confirmed the injuries to Haidi and Karim, and the Katana used was recovered by the police. The Doctor's Report read and explained to the Defendant. Defendant understood and accept the Doctor's Report in Annex A and B.

Antecedent:

10. The Defendant admitted that he had prior convictions related to property and bodily harm offences. The Defendant admitted that in 2016, he was convicted for offence under section 28(1) of the CYPA Cap 210 for 8 months and 1 stroke of whipping for causing fear to his 4-year-old girlfriend's child.
11. Defendant also admitted that in 2018, he was sentenced to a total of 48 months' imprisonment for two counts of offence under section 426 PC (mischief), one count under section 352 PC (assault or criminal force other than in grave provocation), and two counts of offence under section 506 PC (criminal intimidation). He was released from Prison in 2021.

Mitigation:

12. Defendant applied for this court to impose a concurrent sentence.

Court's Consideration:

13. Defendant pleaded guilty to all the charges preferred against him. By doing so, the Defendant is entitled to have a one-third discount from the starting point save where there is a starting point where the Defendant is entitled to the minimum sentence prescribed under the said offence.

Penalty:

14. Section 29 (1) Public Order Act, Cap 148 provides for a minimum sentence of not less than 1 year and not more than 10 years with whipping not less than 3 strokes.
15. Section 324 of the Penal Code provides for an imprisonment sentence for a term not exceeding 7 years and whipping.

Sentencing Consideration:

16. The Defendant pleaded guilty to possession of a deadly weapon without lawful authority in a public place. He used the weapon to cause injury to two of the named victims specified in the charge.
17. Defendant has a history of violence and the Defendant appears to exhibit a violent nature in this present case.
18. I take note that this is the Defendant's first offence under the Public Order Act and causing hurt with a deadly weapon. However, the fact remains that what the Defendant had committed could have easily led to the death of the victim. Such lawless behavior poses a significant threat to public safety and must be firmly addressed to protect the community.
19. The sentences passed by this court must adequately reflect and take into consideration the seriousness of the offence, the injury to the victim and proper public concern about violence of this nature. Furthermore, the sentences should also deter others from such violent conduct.
20. I hereby passed the following sentence:
 - 1st charge: the minimum sentence of 1-year imprisonment and 3 strokes of whipping for his guilty plea.
 - 2nd charge: Considering of the weapon used is a Katana sword which could have easily led to death and the injury sustained, a starting point 3 years and 1 stroke of whipping reduced to 2 years and 1 stroke of whipping is appropriate as a deterrent sentence.
 - 3rd charge: Similarly, the same starting point of 3 years and 1 stroke of whipping reduced to 2 years and 1 stroke of whipping should be imposed on the Defendant.
21. Therefore, the individual sentence imposed on the Defendant are as follows:
 - 1st charge: 1-year imprisonment and 3 strokes of whipping
 - 2nd charge: 2 years and 1 stroke of whipping
 - 3rd charge: 2 years and 1 stroke of whipping

Totality Principle:

22. The Defendant inflicted injuries to two different individuals using a katana sword. This conduct warrants for a consecutive sentence, which brings a total of 4 years' imprisonment and 2 strokes of whipping. However, the said consecutive sentence should run concurrently with the sentence of the first charge, as both charges arise from the same transaction.
23. The total sentence imposed on the Defendant is 4 years' imprisonment and 3 strokes of whipping. I order for the sentence to run from the date the Defendant was remanded.

PG MASNI PG HJ BAHAR
Judge, Intermediate Court