

Public Prosecutor

AND

Mohammad Haziman Bin Haji Hamdan

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 28 of 2025)**

Pg Masni Pg Hj Bahar, Judge

Date of Sentence: 5 June 2025.

Headnote: Sentencing: Theft from a place of worship- Section 380 A- Pleaded guilty- Appropriate Sentence.

DPP Nurul Husna Aqilah binti Haji Abidin for the Public Prosecutor.
Defendant In Person and Unrepresented.

Cases cited:

Md Afendi Ag Damit V PP (COA no 18 of 2015)

Mohammad Amlil bin Hj Matayir vs PP (COA no 7 of 2016)

SENTENCE

Pg Masni, Judge:

Introduction:

1. The Defendant, Mohammad Haziman bin Haji Hamdan, is charged for stealing money from a Mosque a place of worship, an offence contrary to section 380 A of the Penal Code.

Charge:

2. The charge read as follows:

Charge:

That you, on the 21st May 2025, at about 1030hours, at Paduka Seri Begawan Sultan Omar Ali Saifuddien Mosque, Jln. Katimahar, Kg. Katimahar in Brunei Darussalam, a building used as a place of worship, did commit theft of property, to wit, currency notes amounting to at least \$7, from the donation boxes, in the possession of Paduka Seri Begawan

Sultan Omar Ali Saifuddien Mosque, and you have thereby committed an offence punishable under Section 380A of the Penal Code, Chapter 22.

Penalty:

3. Imprisonment for a term not exceeding 10 years' imprisonment and with whipping.

Section 175 CPC:

4. The charge and its penalty were read and explained to the Defendant in Malay language by Dk Nur Khadijah. Defendant informed the court the he understood the charge and penalty read and explained to him. He informed the court that he was wrong and pleaded guilty to the said charge.
5. In light of his plea, I am satisfied that the Defendant understood the nature and the consequences of his guilty pleas. I accept his guilty plea and this is in compliance with S 175 CPC.

Statement of Facts

6. The Defendant admitted that he is unemployed. He admitted that on the 21st of May 2025, when he was driving his girlfriend father's car, a red Hyundai Atos, he decided to steal from the Mosque at Paduka Seri Begawan Sultan Omar Ali Saifuddien Mosque at Jln Katimahar in Kg. Katimahar.
7. When he arrived at the said Mosque around 10:28 a.m., Defendant admitted that he first went to the donation box labeled "*Tabung Masjid PSB SOAS Kg. Katimahar.*" located at the male prayer area. Defendant admitted that he used a double-sided tape glue stuck on the measuring tape to extract money from the said donation box. Defendant admitted that he managed to extract at least seven currency notes, amounting to approximately BND7 from the said donation box. Defendant admitted that he then hid the stolen money in his pocket.
8. From the said donation box, the Defendant went to another donation box labeled "*Tabung Khairat Masjid Paduka Seri Begawan Sultan Omar Ali Saifuddien*", and attempted to extract money out from the said donation box using the same measuring tape but he was not successful. He admitted that he also stole money from a different donation box and he managed to extract more monies.
9. The Defendant admitted that he tried to steal money from the donation box located at the female prayer section but he was not successful. After these attempts, the Defendant left the mosque with the stolen cash.

10. On the morning of 22nd May 2025, the Imam from the said Mosque, Mohammad Endy Bin Masri, discovered monies missing from the donation box. He reviewed the CCTV footage and he saw a man dressed in yellow t-shirt and dark trousers, extracting monies out from the donation boxes and hid it in his pocket. Mohammad Endy reported the theft to the Sengkurong Police Station, which led to the arrest of the Defendant. The CCTV was shown to the Defendant. Defendant identified and admitted that the person in the CCTV was him.
11. None of the stolen money was recovered. Defendant admitted that he spent the BND7 that he stole on food.

Antecedent:

12. This is the Defendant's first offence.

Mitigation:

13. Defendant told the court that he wished to apologise to the Imam.

Court's Consideration:

14. In considering the appropriate sentence, I refer to the case of ***Public Prosecutor v Mohd Afindi Bin Awang Damit (Criminal Appeal 18 of 2015)***, where the Court of Appeal upheld the intermediate court sentence of 16 months and 3 strokes of whipping on a guilty plea and clean record for offence under section 380 A PC.
15. In this case the Defendant stole donation monies from two donation boxes from a mosque in the total sum of \$15.00. In the commission of the offence, the Defendant used a ruler affixed with double sided tapes to remove the monies from the donation boxes. The Intermediate Court judge took a starting point of 24 months' imprisonment and 3 strokes and considering the Defendant's plea of guilty and previous good character, his sentence was reduced to 16 months and 2 strokes. On appeal by the Defendant and cross-appeal by the prosecution (Criminal Appeal No.18 and 27 of 2015), the Court of Appeal dismissed both the appeals and upheld the sentence imposed by the Intermediate Court judge of 16 months' imprisonment and 3 strokes. The Court of Appeal stated that the Intermediate Court Judge *"carefully balanced the need for an enhanced sentence on the one hand and the need to nonetheless give due weight to all the material facts of the case, both for and against the Defendant, on the other."*
16. In the case of ***Mohammad Amli bin Hj Matayir vs PP (COA no 7 of 2016)***, for the charge of theft under section 380 A PC, he was imposed a starting point of 28 months' imprisonment reduced to 18 month's imprisonment and 2 strokes of whipping.

17. Based on precedents, the starting point of 24 months to 28 months' imprisonment and 2/3 strokes of whipping were the accepted range of penalty for offence under section 380 A PC for a guilty plea and no previous conviction.

Appropriate Sentence:

18. The Defendant in this case pleaded guilty at first instance. He has clean record. I do not see any reason to depart from the starting point of 24 months and 3 strokes of whipping, which I reduce to 16 months' imprisonment and 3 strokes of whipping for his guilty plea and clean record.

Final Sentence:

19. Defendant is hereby sentenced to 16 months' imprisonment and 3 strokes of whipping.
20. I order for the sentence to run from the date the Defendant was remanded.

PG MASNI PG HJ BAHAR
Judge, Intermediate Court