

Public Prosecutor

AND

Mohamad Aliana Bin Ibrahim

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 34 of 2016)**

Muhammed Faisal Bin PDJLD DSP Haji Kefli, Judge
4th October 2016

Criminal Law – Sentencing – S.326 Penal Code – Voluntarily causes grievous hurt by means of an instrument – Hammer – Plea of guilty.

Criminal Law – Sentencing – S.447 Penal Code – Criminal trespass – Plea of guilty.

Criminal Law – Sentencing – Voluntarily causing hurt – Plea of guilty.

DPP Vuina Song for DPP Muhammad Aiman Adri bin Ahmad Zakaria for Public Prosecutor.
Defendant In Person and Unrepresented.

SENTENCE

Muhammed Faisal, Judge:

In considering my sentence against the defendant I take into consideration the fact that the defendant has pleaded guilty of his pleas in mitigation.

He has previous conviction, but for theft and house trespass related offences and not for offences against the persons.

The defendant faced Seven charges, Six of which are for offences against the persons, Four under section 323 Penal Code and One charge each under section 324 and S.326 Penal Code respectively.

The offences under section 323 were committed between the years of 2012, 2013, 2014 and 2015 respectively.

Thereafter he committed the offence under section 324 in February 2015 and under section 326 in May 2016.

The defendant was only arrested in late 2016 after committing the offence under section 447 penal code.

The defendant has slowly escalated to a more physical attack against each of his victim.

Although in the earlier offences, that have been committed, Police report were filed, it seems that no action were taken to stop the defendant.

It is clear to me that the defendant is a repeat offender, and since no actions were taken, has slowly become more and more violent in his offences to his victims.

I hope, that the authorities, are aware of this, and will ensure cases of similar nature, will not go on without actions being taken.

I now turn to the case in hand and consider the defendant sentence.

I am most grateful to the DPP in providing case authorities in assisting me in considering the defendant sentence.

In pleading guilty, the defendant has also saved the court time in bringing in all the witnesses for all Seven charges for trial.

I will also consider the extent of the injuries, sustained by the victims in considering the defendant sentence.

For the First charge, given its seriousness, the weapon used and extent of injuries suffered by the complainant, I believe that a starting point of Five years and Six strokes is appropriate, which is reduced by 1/3 for a guilty plea.

For the Second charge, my starting point is imprisonment of Three months, reduce by 1/3 for a guilty plea.

For the Third charges, I believe a starting point of Three years and Three strokes is appropriate, reduced by 1/3 for guilty plea.

For the Fourth, Fifth and Sixth charges, I believe that starting point of Six months imprisonment is appropriate, reduce to Four months for guilty plea.

For the Seventh charges, my starting point is One year imprisonment, reduce by 1/3 for guilty plea.

The defendant sentence is there as follows:-

1st charge: Three years' imprisonment and Four strokes.

2nd charge: Two months' imprisonment.

3rd charge: Two years' imprisonment and Three strokes.

4th charge: Four months' imprisonment.

5th charge: Four months' imprisonment.

6th charge: Four months' imprisonment.

7th charge: Eight months' imprisonment.

Taking into consideration the totally principle, First and Third charges imprisonment sentence to be concurrent.

Fourth, Fifth and Sixth charges to run concurrently.

First and Third charges to run consecutively with Fourth, Fifth and Sixth charges and consecutively with Second charges and consecutively with Seventh charges.

Total sentence Four years and Two months and Four strokes.

Sentence to run with effect from date of institution of proceeding, 27th August 2016.

MUHAMMED FAISAL BIN PDJLD DSP HAJI KEFLI
Judge, Intermediate Court