

Public Prosecutor

AND

Mahdini bin Haji Mustapa (D1)
(Abdul Saiful bin Majini (D2)
Asrimi bin Damit (D3)

(Intermediate Court of Brunei Darussalam)
(Criminal Trial Case No. 37 of 2015)

Muhammed Faisal Bin PDJLD DSP Haji Kefli, Judge
31st December 2015.

DPP Kamaliah Binti Haji Ibrahim for Public Prosecutor.
Defendants In Person.

SENTENCING

Muhammed Faisal, Judge:

This case was instituted on the 14/12/2015 in the Magistrate's Court. It was remitted to the Intermediate Court this morning.

All the defendants' pleas were recorded and they have all pleaded guilty to their respective charges.

I now have to consider the appropriate sentence for each defendant for each of the charges that they are charged with.

I shall not repeat the facts of the case in my sentencing, unless necessary to do so.

In considering my sentence, I take into consideration that all defendants have pleaded guilty of the first instance and opportunity and apply for leniency. The 2nd defendant is a 1st time offender whilst D1 and D3 have multiple convictions.

Due to their plea of guilty the defendants are allowed a 1/3 discount in sentence, which, is reflected in each of the individual charges. Their sentences are as follow:-

Amended 1st charge

D1: 4 years' imprisonment and 3 strokes whipping.

D2: 2 years' imprisonment and 2 strokes whipping.

2nd charge

D1: 4 years' imprisonment and 3 strokes whipping.

D2: 2 years' imprisonment and 2 strokes whipping.

3rd charge

D3: 1 year imprisonment.

4th charge

D3: 6 months' imprisonment

5th charge

D1: 4 years' imprisonment and 3 strokes whipping.

D3: 3 years' imprisonment and 3 strokes whipping.

6th charge

D1: 2 years' imprisonment and 3 strokes whipping.

D3: 2 years' imprisonment and 3 strokes whipping.

7th charge

D1: 4 years' imprisonment and 3 strokes whipping.

D3: 3 years' imprisonment and 3 strokes whipping.

8th charge

D1: 4 years' imprisonment and 3 strokes whipping.

D3: 3 years' imprisonment and 3 strokes whipping.

9th charge

D3: 3 years' imprisonment and 3 strokes whipping.

In considering my sentence I also had taken into account the age of the D1 and the fact that his age of the D1 and the fact that his list of conviction is far more longer than that of D3.

For D1

1st, 2nd, 5th, 6th, 7th and 8th imprisonment charges to run concurrently and whipping to be cumulative.

Total sentence is 4 years' imprisonment and 3 strokes whipping.

For D2

1st and 2nd charges to run concurrently and whipping to be cumulative.

Total sentence is 2 years' imprisonment and 2 strokes whipping.

For D3

3rd and 4th charges to run concurrently. 5th, 6th, 7th, 8th and 9th charges to run concurrently but consecutively to 3rd and 4th charges. Whipping to be cumulatively.

Total sentence is 4 years' imprisonment and 3 strokes whipping.

All sentences to run with effect from today

MUHAMMED FAISAL BIN PDJLD DSP HAJI KEFLI
Judge, Intermediate Court