

Public Prosecutor

AND

Amirskandar Bin Ali

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 43 of 2025)**

Pg Masni Pg Hj Bahar, Judge

Date of Sentence: 11th February 2026

Headnote: Sentencing - Two charges - Section 451 PC read with section 34 PC - Common intention to commit House trespass with the intention to commit theft an offence punishable with imprisonment - Section 379 PC read with section 34 of the same- Theft of a car - Plead guilty - clean record - Public Interest - Deterrence sentence - Appropriate Sentence.

DPP Abdul Musawwir bin Awg Haji Mahli for the Public Prosecutor.
Defendant in person and unrepresented.

Cases cited:

Daud Bin Hj Zainal vs Public Prosecutor (Court of Appeal) (Criminal Appeal No: 11 of 2004),
Rosazli bin Hj Metassan v PP (Criminal Motion 6 of 2018),
Ahmadi bin Hj Nawi v PP (Criminal Motion 1 of 2015),
Abdul Wakil bin Samsun Yusra v PP (Criminal Motion 35 of 2014)
Mohd Zahiruddin bin Hj Junaidi v PP (Criminal Motion 38 of 2013)
Public Prosecutor v Pg Abd Rahman bin Pg Shahbudin [2003] BLR 138
Mohammad Ezam Bin Tuah v Public Prosecutor [2015] 2 JCBD 185
Norfazil Bin Tamit v Public Prosecutor [2003] 1 JCBD 274

SENTENCE

Pg Masni, Judge:

1. The Defendant, Amirskandar bin Ali, is faced with two charges for house trespass with the intention to commit theft with two other persons, an offence under section 451 PC read with section 34 of the same.
2. He is also faced with an additional charge for theft of a car with two different persons, an offence under section 379 PC read with section 34 of the same.

The Charges:

3. The charges provide as follows:

1st Charge:

That you and two (2) others, sometime in the early hours of 25th June 2025, inside a stall addressed at No. 1, Simpang 159, Jalan 3 Perpindahan Lambak Kanan, Kg. Lambak Kanan, in Brunei Darussalam, in furtherance of your common intention, did commit house-trespass by entering into the said building used for the custody of property, in the possession of Pengiran Razali bin Pengiran Haji Metali (Male, Bruneian national), in order to the commit an offence punishable with imprisonment, to wit, theft, and all of you have thereby committed an offence punishable under Section 451 of the Penal Code, Chapter 22 read with Section 34 of the same.

Additional 2nd Charge:

That you, and two (2) others, sometime between 1330 hrs and 1940 hrs on 10th of July 2025, in the vicinity of No. 40 D, Simpang 34, Kg Lumapas B, Brunei-Muara, in Brunei Darussalam, in furtherance of your common intention, did commit theft of property, to wit, a Daihatsu Charmant vehicle bearing registration no. KJ9750, in the possession of one Mohammad Fadilah Wahab and all of you have thereby committed an offence punishable under Section 379 of the Penal Code, Chapter 22 read with Section 34 of the same.

Penalty:

Section 451 PC:

4. The penalty for the offence under 451 PC reads with section 34 carries an imprisonment sentence for a term which may extend to 5 years and shall also be liable to fine, and, if the offence intended to be committed is theft, the term of imprisonment may extend to 10 years.

Section 379 PC:

5. Section 379 PC is an offence of theft, which carries an imprisonment sentence of 3 years and with fine.

Plea:

6. The two charges and their respective penalties were read to the Defendant on the 18th August 2025. The Defendant initially claimed trial to the 1st charge but pleaded guilty to the 2nd charge. The Statement of Facts in respect to the 2nd charge was read and explained to the Defendant, who admitted to the facts. The Court accordingly convicted the Defendant on the 2nd charge but reserved the sentencing until the conclusion of the trial for the 1st charge. The court scheduled the 26th to the 31st January 2026 for the hearing of the 1st charge.

7. The trial for the first charge commenced on the said date. While the Prosecution was calling its fourth witness, the Defendant indicated his intention to change his plea. The charge and penalty were read and explained to the Defendant in Malay, and the Defendant confirmed his understanding and pleaded guilty. Defendant also reaffirmed his earlier pleas of guilty to the 2nd charge.
8. For the said reason, the Court is satisfied that the Defendant understood the nature and the consequences of the plea, in compliance with section 175 CPC.

Statement of facts:

9. The Statement of facts for both the charges read as follow:
10. The Defendant, Amirskandar bin Ali, a 36-year-old unemployed Bruneian national, was charged with two offences.

1st Charge:

11. The first charge concerned a break-in at a Nasi Katok stall owned by Pengiran Razali bin Pengiran Haji Matali in Kg. Lambak Kanan. On the 26th June 2025, the complainant discovered that the stall's padlock had been cut and several items were missing, including four gas cylinders, a CCTV camera, raw chicken, a cash box, and a TV box, valued at approximately BND \$700.
12. Police investigations revealed that in the early hours of the 25th June, Amirskandar, together with Muhammad Saifuddin and Awang Muhammad Saifullah, drove to the stall. Saifullah forced open the padlock while Amirskandar assisted in removing the stolen items. Later, two gas cylinders were sold to one buyer for BND \$100 and another two for BND \$80, with the proceeds shared among the three men. Police managed to recover the two of the stolen cylinders, while the rest remained unrecovered.

Additional 2nd charge:

13. The second charge involved the theft of a Daihatsu Charmant vehicle belonging to Mohammad Fadilah Wahab. On the 10th July 2025, Amirskandar, his girlfriend Siti Khatijah, and Haji Januddin (Haji Tin) arranged for a tow-truck to remove the vehicle from Mohammad Fadilah Wahab, (Complainant 2) uncle's house while he was away.
14. They later sought false documentation from a friend, Moh Solahie (Sisol), and sold the vehicle to a scrap metal shop for BND \$140. Amirskandar kept BND \$50, while Haji Tin and Sisol received the remainder. He later admitted that his motive was retaliation, as Complainant 2 had previously damaged his own car.

15. Police investigations led to Amirskandar's arrest, during which he confessed to both offences.

Antecedent:

16. He has no prior convictions on record.

Mitigation:

17. The Defendant seeks leniency in sentencing and urge this Court to impose the sentences to run concurrently for the reasons that this is his first offence. Furthermore, the Defendant has dependents who rely upon him for financial support, and with outstanding loans which he is obliged to repay.

Court's Consideration:

18. House trespass with the intention to commit theft is a serious offence. This has been echoed by the Appellate Court over and over again that offences against property are serious offences and a deterrence sentence has to be imposed as a matter of public interest in order to protect the public and their property. - ***Daud Bin Hj Zainal vs Public Prosecutor (Court of Appeal) (Criminal Appeal No: 11 of 2004)***.
19. In deciding the appropriate sentence, this Court refers to numerous cases which has been upheld by the Court of Appeal in determining the appropriate sentence for offence under section 451 PC. In the case of ***Rosazli bin Hj Metassan v PP (Criminal Motion 6 of 2018)***, ***Ahmadi bin Hj Nawi v PP (Criminal Motion 1 of 2015)***, ***Abdul Wakil bin Samsun Yusra v PP (Criminal Motion 35 of 2014)*** and ***Mohd Zahiruddin bin Hj Junaidi v PP (Criminal Motion 38 of 2013)***, the sentence of 2 years' imprisonment was upheld for offender with clear record and pleaded guilty.
20. The Defendant pleaded guilty at the earliest opportunity. By doing so he has saved the court's and prosecution time from undergoing a full lengthy trial. He is also entitled to a one-third discount from the starting point.

Appropriate Sentence:

21. The Defendant committed house trespass with the intention to commit theft. Hence it falls under the 2nd limb of the penalty, which warrants for an imprisonment sentence of 10 years.
22. I take into consideration that the Defendant is 36 years old and he has a wife and children. He was unemployed when he committed the offences. He urged the court to impose lenient sentence on the ground that his family is suffering hardship without his financial

support. Hardship to an offender's family is not normally considered a mitigating factor since it is a consequence of his criminal act: ***Mohammad Ezam Bin Tuah v Public Prosecutor* [2015] 2 JCBD 185.**

1st charge:

23. Taking into consideration that this is the Defendant's 1st offence, I sentence the defendant to 2 years imprisonment with the starting point of 3 years' imprisonment.

2nd charge:

24. On the charge of theft of car, vehicle thefts are prevalent and deterrent sentences are necessary in the public interest. A starting point sentence of 12 months' imprisonment is proper where the offender has a clear record with an appropriate deduction for pleading guilty: ***Norfazil Bin Tamit v Public Prosecutor* [2003] 1 JCBD 274.**

25. For the 2nd charge, the Defendant is hereby sentenced to 9 months' imprisonment.

Sentence:

26. The Defendant is sentenced to as follows:

1st charge: 2 years' imprisonment
2nd charge: 9 months' imprisonment

Totality Principle:

27. I ordered for the both the sentences to run consecutively with each other for the reason that that these two offences committed by the Defendant arises from different transaction, different time and involving different victims.
28. For the said reason, the Court sentence the Defendant to 2 years and 9 months' imprisonment.
29. I order for the sentence to run from the date the Defendant was remanded.

PG MASNI PG HJ BAHAR
Judge, Intermediate Court

