

Public Prosecutor

AND

Muhammad Hasrie Bin Abdullah

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 47 of 2025)**

Pg Hj Norismayanti binti Pg Hj Ismail, Judge

Date of Sentencing: 15 October 2025

Criminal law – Sentencing – house-trespass with intent to commit theft - offence under section 451 of the Penal Code – theft of a vehicle – offence under section 379 of the Penal Code — pleaded guilty to both charges – previous convictions – deterrent sentence.

PO Abdul Hanan bin Haji Erwan for Public Prosecutor.
Defendant In Person.

Cases cited:

R v Ball (1951) 35 Cr App R.164)

Mohammad Bin Yusof v Public Prosecutor (Criminal Appeal No.14 of 2018)

Public Prosecutor v Budi Setia Bin Hj Suli & 3 others (ICCT No. 33 of 2019)

Rosazli Bin Haji Metussin v Public Prosecutor (Criminal Motion No.6 of 2018)

S E N T E N C I N G

Pg Hj Norismayanti, Judge:

Introduction

1. This matter was heard before this court on the 1st October 2025. The Defendant, Muhammad Hasrie bin Abdullah faced two charges, one for trespass with intent to commit theft and the other for theft of vehicle. The Defendant pleaded guilty to both charges and the court will address his sentence herein.

Charges

2. The charges read as follows:

Amended 1st charge

“That you, on 29th September 2025, at about 0500 hours, at No.214/ Jalan Jerambak, Seria, in Brunei Darussalam, did commit house-trespass by entering into the said building, in the possession of one Riyan Arfah Gojali, used as a human dwelling, in order to commit an offence punishable with imprisonment, to wit, theft, and that you have thereby committed an offence punishable under Section 451 of the Penal Code, Chapter 22.”

The penalty prescribed is imprisonment for a term of 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.

2nd charge

“That you, on 29th September 2025, at about 0530 hours, at No.214I Jalan Jerambak, Seria, in Brunei Darussalam, did commit theft of property, to wit, one (1) Suzuki Swift bearing registration BAN4510 belonging to one Amaluddin @ Daud bin Julaihi, and you have thereby committed an offence punishable under section 379 of the Penal Code, Chapter 22.”

The penalty for section 379 of the Penal Code is imprisonment for a term not exceeding 3 years, fine or both.

Agreed Statement of Facts

1st charge – house trespass with intent to commit theft

3. The facts agreed upon by the Defendant state that at about 6:30 a.m. on 29th September 2025, Riyan Arfah Gojali woke up at his house at No. 214I Jalan Jerambak Seria (the said house) and went outside. He then noticed that the Suzuki Swift, registration number BAN 4510, belonging to his friend Amaluddin@Daud bin Julaihi, was missing. At first, Riyan was not concerned, assuming that Amaluddin had taken the car.
4. Riyan then received a WhatsApp text from Amaluddin inquiring who had driven the car since it was involved in an accident at Jalan Maulana, Kuala Belait. Since no one of Riyan’s housemates knew anything about the missing car, Amaluddin lodged a police report on the same day.
5. During police investigations, it was discovered that on the 29th September 2025 at about 5.00 a.m. the Defendant was walking back to his house at Jalan Puteri China, Seria and passed by the said house. The Defendant unlawfully entered the said house leading to the living room. Inside the living room, the Defendant noticed the car key on a coffee table and stole it.

2nd charge – theft a vehicle – Suzuki Swift

6. The Suzuki Swift registration BAN 4510 was sent by Amaluddin to Riyan’s house for repairs. Amaluddin last saw the car on the 28th September 2025 at about 10.30 p.m. at Riyan’s house. The following morning, at about 6.58 a.m. Amaluddin received a phone call from his wife telling him that his car was involved in a car accident at Jalan Maulana, Kuala Belait. Amaluddin then called Riyan who told him the car was missing. Amaluddin subsequently made his way to Jalan Maulana and found his car in an accident.
7. Further police investigations revealed that the Defendant stole the key from Riyan’s house and drove away the vehicle. The Defendant first drove the car to Barek Bolkiah to pick up his friend and then proceeded to Supasave in Seria. On the way to the said shop, the Defendant and his friend were involved in an accident at Jalan Maulana.

For both charges

8. The Defendant was subsequently arrested on the 29th September 2025 @ 2.23 p.m. Following the arrest, the Defendant admitted trespassing the said house and to both stealing the car key and the vehicle.

Previous Conviction

9. The Defendant has a prior record for property related offences. The Defendant was first convicted in March 2023 for theft under section 379 of the Penal Code and theft in a building under section 380 of the Penal Code, resulting in sentences of 24 months' imprisonment and 8 months imprisonment, respectively. The prosecution further submits that the Defendant has more recent convictions dated 2nd October 2023, including two charges under section 451 of the Penal Code for trespass and 1 charge under section 379 of the Penal Code for theft.

Mitigation

10. The Defendant did not state much in his mitigation and merely sought for the court's leniency in sentencing.

Sentencing Considerations

11. The Defendant is a 22-year-old Bruneian male, single and unemployed. His history shows that he is a repeat offender, having committed similar offences against properties, and previously served custodial sentences. It is evidence that he has not heeded past punishments and continued with his criminal activities. This case warrants a deterrent sentence.
12. In determining the appropriate sentence, the court acknowledges that the offences before the court are both prevalent and serious crimes. These offences influenced the victim's sense of safety and security, and the impact extends to society at large. As previously stated, the sentences must reflect the need for public protection and deterrence, while also considering the Defendant's guilty plea and mitigating factors, if any.

Case authorities

1st charge – Offence under section 451 of the Penal Code, Cap. 22.

13. First and foremost, the court must consider the public interest (see *R v Ball* (1951) 35 Cr App R.164). With reference to numerous past judgments on similar offences, the court finds that a deterrent sentence is inevitable. In *Mohammad Bin Yusof v Public Prosecutor* (Criminal Appeal No.14 of 2018), the Court of Appeal held that 3 years starting point for a section 451 offence after trial and the Defendant was a first offender, was not manifestly excessive and was consistent with the sentences passed in similar cases.
14. A lengthier sentence was imposed in the case of *Public Prosecutor v Budi Setia Bin Hj Suli & 3 others* (ICCT No. 33 of 2019), where the 2nd Defendant had pleaded guilty to a section 451 offence but had previous convictions for housebreaking and theft. The court took a starting point of 4 years and 6 months' imprisonment for a section 451 offence. The sentence was then reduced to 3 years and 3 strokes on the count of the Defendant's guilty plea.

15. Considering the facts and circumstances of the present case, the Defendant unlawfully entered the said house with the intent to steal while the occupants were asleep. This was a crime of opportunity, which the Defendant took full advantage. Given the Defendant's previous convictions for property-related offences and considering all relevant factors, the court sets a starting point of 4 years' imprisonment. For his guilty plea, the court reduces his sentence to 2 years and 8 months' imprisonment.

2nd charge - Offence under section 379 of the Penal Code, Cap. 22.

16. For the 2nd charge, the court refers to the case of *Rosazli Bin Haji Metussin v Public Prosecutor* (Criminal Motion No.6 of 2018) where the Court of Appeal held that a starting point of 18 months' imprisonment for theft of vehicles and reduced to 12 months' imprisonment on the count of the Defendant's guilty plea was neither wrong in principle nor manifestly excessive. In the present case, the Defendant not only committed trespass to steal the car keys, he also stole the car and consequently got himself into an accident whilst driving the car.

17. Considering the facts and circumstances relating to this charge, following the sentence imposed in the case of *Rosazli*, the court takes a starting point of 18 months' imprisonment. On the count of his guilty plea, the court reduces the sentence to 12 months.

Sentence

18. The court's sentences are as follows:

1st charge: 2 years and 8 months' imprisonment

2nd charge: 12 months' imprisonment

Totality principle

19. The total sentences-imposed add up to 3 years and 8 months' imprisonment. The court considers the totality of the sentences, bearing in mind that a deterrent sentence is warranted in this case. The court notes that the offenses were part of a continuous transaction and involved two separate victims and properties. After careful consideration, the court finds that to reflect the overall criminality involved, the appropriate sentence should be 3 years' imprisonment in total. Hence, the court orders that the sentences for both charges are to run concurrently save for 4 months from the 2nd charge is to run consecutively to the 1st charge.

Final sentence

20. The final sentence for the Defendant is 3 years' imprisonment. The sentence is to take effect from his first date in remand.



PG HJH NORISMAYANTI BINTI PG HJ ISMAIL
Judge, Intermediate Court

