

Public Prosecutor

AND

Mohammad Khairul Ridzwan bin Rosli

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 12 of 2026)**

Hazarena bte POKSJ DP Hj Hurairah, Judge

Date of Sentence: 5th August 2026

Headnote: Criminal – housebreaking – theft – employer - Sentencing — multiple offences - Plea of guilty — Mitigation — Reduction in sentence for guilty plea — Timing of plea — Whether one-third discount appropriate — Aggravating factors — Deterrence — Totality principle — Concurrent and consecutive sentences — Credit for remand.

DPP Nurul Fitri Kiprawi for Public Prosecutor.

Defendant In Person and Unrepresented.

Cases cited:

Public Prosecutor v Mardhi bin Lit and Hirman bin Lit (Court of Appeal of Brunei Darussalam Criminal Appeal No. 11 of 2018, 19 November 2018)

Rosazli bin Haji Metassan v Public Prosecutor (Court of Appeal of Brunei Darussalam, Criminal Motion No. 6 of 2018, 1 May 2018)

Mohammad bin Yusof v Public Prosecutor (Court of Appeal of Brunei Darussalam, Criminal Appeal No. 14 of 2018, 8 November 2018)

Azami bin Asmat v Public Prosecutor (Court of Appeal of Brunei Darussalam, Criminal Appeal No. 8 of 2021)

Mohammad Joll bin Tumih v Public Prosecutor (Court of Appeal of Brunei Darussalam, Criminal Appeal No. 5 of 2005)

Mohammad bin Lito v Public Prosecutor (Court of Appeal of Brunei Darussalam, Criminal Appeal No. 3 of 2005)

S E N T E N C E

Hazarena, Judge:

Introduction

1. The defendant, Mohammad Khairul Ridzwan bin Rosli, pleaded guilty at the first opportunity to four charges under **section 451 of the Penal Code**.
2. The four charges and penalties faced by the defendant are as follows:

1st Charge

"That you, on the 29th of May 2026, sometime between 0100 hrs and 0200 hrs, at Gardenia Food Industries Sdn Bhd, Lot 12 & 60, Simpang 46-20-12, Beribi Light Industrial Gadong, in Brunei Darussalam, did commit house-trespass by entering into the property, belonging to Gardenia Food Industries Sdn Bhd, in order to commit an offence punishable with imprisonment, to wit, theft, and you have thereby committed an offence punishable under section 451 of the Penal Code, Chapter 22."

Penalty under section 451 of the Penal Code, Chapter 22

Imprisonment for a term which may extend to 5 years and shall also be liable to fine. If the offence intended to be committed is theft, imprisonment for a term which may extend to 10 years.

2nd Charge

"That you, on the 5th June 2026, sometime between 0100 hrs and 0200 hrs, at Gardenia Food Industries Sdn Bhd, Lot 12 & 60, Simpang 46-20-12, Beribi Light Industrial Gadong, in Brunei Darussalam, did commit house-trespass by entering into the property, belonging to Gardenia Food Industries Sdn Bhd, in order to commit an offence punishable with imprisonment, to wit, theft, and you have thereby committed an offence punishable under section 451 of the Penal Code, Chapter 22."

Penalty under section 451 of the Penal Code, Chapter 22

Imprisonment for a term which may extend to 5 years and shall also be liable to fine. If the offence intended to be committed is theft, imprisonment for a term which may extend to 10 years.

3rd Charge

"That you, on the 12th June 2026, sometime between 0100 hrs and 0200 hrs, at Gardenia Food Industries Sdn Bhd, Lot 12 & 60, Simpang 46-20-12, Beribi Light Industrial Gadong, in Brunei Darussalam, did commit house-trespass by entering into the property, belonging to Gardenia Food Industries Sdn Bhd, in order to commit an offence punishable with imprisonment, to wit, theft, and you have thereby committed an offence punishable under section 451 of the Penal Code, Chapter 22."

Penalty under section 451 of the Penal Code, Chapter 22

Imprisonment for a term which may extend to 5 years and shall also be liable to fine. If the offence intended to be committed is theft, imprisonment for a term which may extend to 10 years.

4th Charge

“That you, between 24th and 26th June 2026, sometime between 0100 hrs and 0200 hrs, at Gardenia Food Industries Sdn Bhd, Lot 12 & 60, Simpang 46-20-12, Beribi Light Industrial Gadong, in Brunei Darussalam, did commit house-trespass by entering into the property, belonging to Gardenia Food Industries Sdn Bhd, in order to commit an offence punishable with imprisonment, to wit, theft, and you have thereby committed an offence punishable under section 451 of the Penal Code, Chapter 22.”

Penalty under section 451 of the Penal Code, Chapter 22

Imprisonment for a term which may extend to 5 years and shall also be liable to fine. If the offence intended to be committed is theft, imprisonment for a term which may extend to 10 years.

Facts

3. The defendant unequivocally agreed to the statement of facts presented by the public prosecutor.
4. Between 29th May and 26th June 2026, over a period of around a month, the Defendant unlawfully entered the premises of his former employer, Gardenia Food Industries Sdn Bhd. He broke in on four occasions during the early hours of the morning with the intention of committing theft. He forced entry using tools, disabled CCTV equipment during the first incident, repeatedly returned despite security enhancements, and stole a total of BN\$9,820 in cash over three incidents. During the fourth incident, he attempted unsuccessfully to gain access to a safe before removing CCTV cameras after realising he had been recorded. The stolen money has not been recovered and was spent on his personal expenses.

Aggravating Factors

5. The Court has taken into account the aggravating factors.
6. First, these were not isolated offences but four separate events committed over approximately one month. The Defendant had repeated opportunities to stop but instead returned to the same premises on each occasion.
7. Secondly, the offences were planned and deliberate. The Defendant brought with him tools to facilitate entry and theft. On successive occasions he forced open windows, drawers and a padlock, and later brought a grinder in an attempt to access a safe.

8. Thirdly, the Defendant exploited knowledge acquired during his previous employment with Gardenia. His familiarity with the premises enabled him to target locations where daily cash collections were kept. Although he was no longer an employee, his previous position enabled the commission of these offences.
9. Fourthly, the Defendant took deliberate steps to avoid detection. He disabled the CCTV receiver during the first incident and later removed CCTV cameras after discovering he had been recorded.
10. Finally, substantial financial loss resulted. Approximately BN \$9,820 was stolen and has not been recovered. Additional damage was caused to the premises through repeated forced entry.

Mitigation

11. The Court has also considered the mitigating factors.
12. The Defendant has no previous convictions. He pleaded guilty at the earliest opportunity, thereby saving judicial time and avoiding the need for witnesses to testify. He also cooperated with the police investigation by assisting in the recovery of CCTV equipment.
13. In mitigation, the Defendant informed the Court that he is autistic, has special needs and a low IQ. However, no medical evidence has been produced to substantiate those assertions. While the Court accepts that the Defendant may face personal and financial difficulties, unsupported assertions cannot be given substantial mitigating weight. They do not diminish the seriousness of the offending in the absence of proper evidence.
14. The Defendant also expressed remorse and apologised for his conduct. The Court accepts that his plea and expressions of remorse demonstrate some acceptance of responsibility.

Applicable Principles

15. The Court of Appeal in ***Public Prosecutor v Mardhi bin Lit and Hirman bin Lit (Criminal Appeal COACM 11/2018)*** observed that the guideline sentence for an offence under section 451 is generally in the range of two to three years' imprisonment, depending upon the facts of each case. The present case is considerably more serious than the case law referred to, which involved a single incident, lower-value property and substantial recovery of stolen items.
16. The decision in ***Azami bin Asmat v Public Prosecutor (Criminal Appeal COACM 8/2021)*** is of greater assistance. Similar to the present case, it involved repeated offending against a former employer and emphasised that where multiple offences

form part of a continuing course of conduct, the Court should consider the overall criminality and apply the totality principle rather than mechanically accumulating consecutive sentences.

17. The authorities of *Mohammad Joll bin Tumih v Public Prosecutor* (Criminal Appeal COACM 5/2005) and *Mohammad bin Litoh v Public Prosecutor* (Criminal Appeal COACM 3/2005) reaffirm that the Court must ensure that the total sentence properly reflects the entirety of the offending while avoiding a sentence that is disproportionate.

Sentence

18. Having considered all the circumstances, the Court considers that these offences warrant sentences of immediate imprisonment.
19. The aggravating features substantially outweigh the available mitigation. This was a sustained course of planned offending directed against a former employer. The Defendant repeatedly returned to the premises despite enhanced security, disabled surveillance equipment, caused significant financial loss and demonstrated persistence rather than an isolated lapse of judgment.
20. The Defendant is nevertheless entitled to full credit for his early guilty plea and previous good character.
21. The sentence is therefore as follows:

1st Charge: I take a starting point of 3 years. Since the defendant is afforded a discount of 1/3 the sentence of this charge is reduced to 2 years.

2nd Charge: I take a starting point of 3 years. Since the defendant is afforded a discount of 1/3 the sentence of this charge is reduced to 2 years.

3rd Charge: I take a starting point of 3 years. Since the defendant is afforded a discount of 1/3 the sentence of this charge is reduced to 2 years.

4th Charge: I take a starting point of 3 years. Since the defendant is afforded a discount of 1/3 the sentence of this charge is reduced to 2 years.

22. Applying the totality principle, the Court considers it appropriate that the individual sentences run largely concurrently, with a portion directed to run consecutively so as properly to reflect the overall criminality without imposing an excessive sentence.

23. I have considered the totality principle as explained by the Court of Appeal in ***Mohammad Joll bin Tumih v Public Prosecutor and Mohammad bin Litoh v Public Prosecutor***. While the offences are similar in nature and were committed against the same victim, they were not committed on a single occasion. Rather, they comprised four separate incidents spanning approximately one month, each involving a fresh decision by the Defendant to return to the premises and commit further offences.
24. The offences may properly be viewed as two related courses of criminal conduct. The first and second charges concern the earlier break-ins, during which the Defendant unlawfully entered the premises and stole cash from the receptionist's drawer. The third and fourth charges concern the later incidents, during which the Defendant returned after security measures had been strengthened, armed himself with additional tools, attempted to gain access to a safe and removed CCTV cameras after realising that he had been recorded. The later incidents demonstrate a continuation and escalation of the Defendant's conduct.
25. I therefore consider it appropriate that the sentences imposed on the first and second charges run concurrently with each other, and that the sentences imposed on the third and fourth charges likewise run concurrently with each other. However, the concurrent sentences for the third and fourth charges shall run consecutively to the concurrent sentences for the first and second charges. This reflects that the Defendant embarked upon a second course of criminal conduct after having had ample opportunity to stop following the earlier offences.
26. The resulting global sentence appropriately reflects the seriousness of the offending, recognises the Defendant's mitigation, and gives proper effect to the principles of deterrence, punishment and rehabilitation.
27. **The total sentence is therefore 4 years imprisonment. The sentence is to run from the date the defendant was first remanded on i.e. 1st July 2026.**

 

HAZARENA BTE POKSJ DP HJ HURAIHAH
Judge, Intermediate Court