

Public Prosecutor

AND

Muhammad Nurilham bin Mohammad Nasri

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 15 of 2026)**

Hazarena bte POKSJ DP Hj Hurairah, Judge

Date of Sentence: 8th August 2026

*Headnote: Criminal law – sentence- Section 451 of the Penal Code – early guilty plea – house trespass
– theft – Human dwelling – multiple value items – previous convictions*

DPP Hajah Atiyyah Azzahra binti Haji Abas for Public Prosecutor.
Defendant In Person.

Cases cited:

Mohammad bin Yusof v Public Prosecutor (Court of Appeal, Criminal Appeal No. 14 of 2018)
Abdul Wakil bin Samsun Yusra v Public Prosecutor (Court of Appeal, Criminal Motion No. 35 of 2014).

S E N T E N C E

Hazarena, Judge:

Introduction

1. The defendant pleaded guilty before the Intermediate Court on 5th August 2026. He is

“That you, sometime in the morning of the 18th day of July 2026 at a house addressed at No. 40, Simpang 83, Jalan Serasa, Kampong Serasa in Brunei Darussalam, a building used as a human dwelling, did commit house-trespass by entering into the said house, in the possession of one Md Abdul Bari, in order to the committing of 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.”

2. The penalty is:

Imprisonment for a term which may extend to five 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 ten years.

Summary of the agreed facts

3. On the morning of 18 July 2026, the Defendant travelled by bus from his residence in Jalan Kota Batu to Kampong Serasa. After alighting from the bus, he walked to the house at No. 40, Simpang 83, Jalan Serasa, Kampong Serasa.
4. While walking in the area, he decided to enter the house through an unlocked rear door. Once inside, he entered a bedroom and stole:
 - one iPhone 16 Pro;
 - one DJI Air 3 drone;
 - one Dell laptop;
 - one Citizen wristwatch; and
 - one Alba wristwatch.
5. The Defendant then left the house and returned home by bus. He kept the stolen property in his room. Later that day, he took the iPhone to a mobile-phone shop in Gadong intending to have it reformatted. The shop was unable to do so, and he returned home with the phone.
6. On 19 July 2026, while away from home, the Defendant instructed his wife to dispose of a large blue bag. He did not tell her that the bag contained stolen property.
7. The Defendant was arrested on 23 July 2026 and taken to Muara Police Station. During the investigation, he admitted entering the house unlawfully and stealing the items. All the stolen items were subsequently recovered from his house.
8. The Defendant accepted the Statement of Facts without qualification.

Sentencing Considerations

9. I take into consideration the aggravating and mitigating factors as well as the case law submitted by Counsel in determining my sentence.

Aggravating Factors

10. The principal aggravating factor is the fact Defendant is not a first offender. His antecedents include convictions under sections 451, 448 and 457 of the Penal Code, together with several convictions for theft under sections 379 and 380. His last offence was served in 2023, where he was sent to prison for 3 years and 6 months and three strokes for an offence under section 457 read with Section 34 of the Penal Code, which is a more serious but related offence.
11. The current offence is therefore not an isolated lapse. It demonstrates persistence in property-related offending and a failure to respond to previous sentences.
12. I also consider that the premises were used as a human dwelling. Unlawful entry into a home is inherently serious because it violates the occupier's privacy, security and sense of safety.

13. Although no force was used because the rear door was unlocked and may reduce the seriousness compared with a forced entry, however, an unlocked door is not an invitation to enter.
14. Further, the Defendant did not merely enter the outer part of the house. He proceeded into a bedroom, an especially private area, to locate and remove valuables.
15. Five separate items were taken, including an expensive telephone, drone and laptop. These were portable, valuable and readily disposable items. The precise total value is not stated.
16. The attempted reformatting supports an inference that he was seeking to defeat the owner's security or identification of the phone. The disposal instruction was also an attempt to distance himself from or conceal the stolen property.

Mitigating factors

17. The Defendant pleaded guilty when the charge was read.
18. The Defendant also admitted during police investigation that he had entered the house and stolen the property. This constitutes cooperation and some acknowledgment of wrongdoing.
19. However, its weight is limited because the facts do not indicate whether the admission led directly to recovery or whether there was already other compelling evidence.
20. All the stolen items were recovered. This reduced the ultimate financial loss suffered by the victim.
21. Entry was made through an unlocked rear door. There was no forced entry and no confrontation with an occupant. No physical injury was caused.
22. These matters place the offence below cases involving forced entry, threats, violence or an occupied-house confrontation. They are more properly treated as an absence of further aggravation rather than strong positive mitigation.
23. The Defendant explained his employment history and was unemployed at the time of the offence. This does not excuse his conduct and carries little weight in view of his extensive and relevant antecedents.

Cases cited

24. In *Mohammad bin Yusof v Public Prosecutor* (Court of Appeal, Criminal Appeal No. 14 of 2018) the Court of Appeal held that three years' imprisonment was the proper starting point for a section 451 offence involving house-trespass with intent to commit theft.
25. In *Abdul Wakil bin Samsun Yusra v Public Prosecutor* (Court of Appeal, Criminal Motion No. 35 of 2014). The accused pleaded guilty to three section 451 offences committed with an

accomplice. The sentencing judge adopted a starting point of three years for each offence. The Court of Appeal held that the sentences were entirely proper.

Sentence

26. Taking the authorities into account, I am of the view that three years' imprisonment as the standard prison term for an ordinary section 451 offence.
27. The present case requires an upward adjustment because of the Defendant's directly relevant antecedents, the failure of previous sentences to deter him, the intrusion into a bedroom, the number and nature of the items taken, and his subsequent attempts to conceal or dispose of the stolen property.
28. I therefore I take a starting point of four years' imprisonment. I reduce that sentence by one-third to reflect the Defendant's early guilty plea. The resulting sentence is **two years and eight months' imprisonment**.
29. The Defendant is therefore sentenced to **two years and eight months' imprisonment**. The sentence shall take effect from the date he was first remanded.


HAZARENA BTE POKSI DP HJ HURAIRAH
Judge, Intermediate Court