

Public Prosecutor

AND

**Pengiran Zunidi Bin Pengiran Othman (D1)
Muhd Khairuddin Bin Mohammad (D2)**

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 23 of 2026)**

Hazarena bte POKSJ DP Hj Hurairah, Judge

Date of Sentence: 6th September 2026.

Headnote: Criminal – sentencing – House-trespass – House-trespass in order to commit theft – Section 451 Penal Code, Chapter 22 – Dwelling house – Theft – Guilty plea – Early guilty plea – One-third discount – Relevant antecedents – Previous conviction for theft – Repeat offender – Deterrence – Aggravating factors – Financial difficulties – Personal mitigation – Recovery of stolen property.

DPP Nurul Fitri Kifrawi for the Public Prosecutor.

D1 In Person.

Cases cited:

Mohd Saifullah bin Hj Ahmad v Public Prosecutor, COACM. 16 of 2010

Mohd Zahiruddin bin Hj Junaidi v Public Prosecutor, Criminal Motion No. 38 of 2013

SENTENCING FOR D1

Hazarena, Judge:

Introduction

1. The Defendant is Pengiran Zunidi bin Pengiran Othman, a 43-year-old Bruneian national, born on 28 March 1984, and the holder of Brunei Yellow Identity Card No. 00-300521. He pleaded guilty to a single charge before this Court on 23rd September 2026.
2. The charge reads as follows:

Amended 1st Charge

That you, on the 13th day of September 2026, between about 0915 hours and 1040 hours, in a building addressed at No. 70'D', Kampong Lurong Dalam, Kampong Ayer, Bandar Seri Begawan in Brunei Darussalam, did commit house-trespass by entering a building belonging to one Voon Sew Ping, a building used as a dwelling house, in order to the commission of the 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, and, if the offence intended to be committed is theft, the term of imprisonment may extend to 10 years.

3. The charge and penalty were read and explained to the Defendant in Malay. He confirmed that he understood the charge. The Statement of Facts was subsequently read to him in Malay, which he understood and agreed to. He also agreed to the record of his previous convictions tendered by the Prosecution.

Facts

4. On 13 September 2026, the Defendant was employed as a worker by Syarikat Wazzati, which was carrying out renovation works at the house at No. 70'D', Kampong Lurong Dalam, Kampong Ayer. That morning, his employer asked him to attend the premises for work. The Defendant refused and his refusal subsequently led to his resignation. Upon resigning, he requested payment of the balance of his salary.
5. While waiting for his salary to be paid, the Defendant went to the vicinity of the house. Upon arrival, he noticed that the premises were unoccupied and formed the intention to steal from them. Having previously worked at the premises, he knew what items were stored inside. Taking advantage of the absence of the workers, he entered the house and stole two TCL one-horsepower window air-conditioning units, one Dongcheng circular saw and one Realme C33 mobile phone.
6. After leaving the premises with the stolen property, the Defendant contacted the second defendant, Muhd Khairuddin bin Mohammad, who resided nearby. He offered one of the air-conditioning units and the mobile phone to the second defendant for him subsequently to sell.
7. The employees of Syarikat Wazzati had left the premises at approximately 9.15 a.m. to obtain further equipment and returned at approximately 10.40 a.m., when they discovered that the property was missing. A police report was lodged and investigations subsequently led to the arrest of the Defendant and the second defendant.

8. One air-conditioning unit and the circular saw were recovered from the Defendant. The second air-conditioning unit had been sold to a buyer in Kampong Setia, Kampong Ayer, and was subsequently recovered. The Realme C33 mobile phone was not recovered. Investigations revealed that it had been sold by a shopkeeper to a foreigner who had since returned to his country. The mobile phone belonged to an employee of Syarikat Wazzati and had originally been purchased for BND200. During police investigations, the Defendant admitted entering the premises and stealing the items.

Prosecution's Submissions

9. The Prosecution did not submit on sentence. After the Statement of Facts was admitted and the Defendant agreed to his record of previous convictions.
10. The Defendant's record nevertheless discloses a relevant previous conviction. On 21 April 2022, he was convicted of an offence under section 379 of the Penal Code and sentenced to 16 months' imprisonment, and an offence under section 427 of the Penal Code for which he received 5 months' imprisonment and 2 strokes of whipping. The two sentences were ordered to run consecutively, giving a total sentence of 21 months' imprisonment and 2 strokes of whipping, with effect from 17 January 2022.

Mitigation

11. The Defendant was unrepresented and addressed the Court personally. He asked for the most lenient sentence possible and told the Court that he hoped not to commit any further offences. He promised that, if given another opportunity, he would not offend again.
12. The Defendant explained that before his resignation, his employer had informed him that work would stop for two weeks because the employer could not afford to continue. He said that he needed money to provide for his child and that, despite being divorced, he remained responsible for feeding and supporting his child. According to the Defendant, his employer told him that this was his problem and subsequently told him to resign. The Defendant stated that after resigning he stole because he needed money for his child.

Antecedents and aggravating factors

13. I have considered the Defendant's mitigation and his plea of guilt. However, there are significant aggravating features.
14. First, the offence involved the deliberate invasion of a dwelling house for the purpose of committing theft. Although there was no forced entry and the premises happened to be unoccupied at the material time, the Defendant deliberately took advantage of his knowledge of the workers' absence to enter the premises and steal.

15. Secondly, the Defendant was familiar with the place of incident as he was previously employed there. He knew what property was stored inside and exploited that knowledge. The agreed facts expressly state that upon seeing that the house was unoccupied, he formed the intention to steal and took advantage of the absence of the workers.
16. Thirdly, several items were taken. Although both air-conditioning units and the circular saw were ultimately recovered, the mobile phone was not recovered.
17. Most importantly, the Defendant has a relevant antecedent for theft. He previously received a substantial custodial sentence of 16 months' imprisonment for an offence under section 379 of the Penal Code. The present offence therefore cannot be treated as a first or isolated offence of dishonesty. His previous custodial sentence has failed to deter him from committing another theft-related offence.

Sentence

18. The Court of Appeal authorities establish a starting point of approximately three years' imprisonment for an offence under section 451 of the Penal Code, with a sentence of approximately two years following the usual one-third reduction for a plea of guilt entered at the earliest opportunity. In determining the appropriate starting point, however, the Court must have regard to the particular circumstances of the offence and the offender.
19. In *Mohd Saifullah bin Hj Ahmad v Public Prosecutor*, COACM 16 of 2010, The appellant pleaded guilty to one charge of housebreaking by night under s.457 and two charges of house-trespass to commit theft under s.451.
20. For each s.451 offence, the sentencing judge adopted a starting point of 3 years' imprisonment, which was reduced to 2 years' imprisonment following the guilty plea. For the more serious s.457 offence, the starting point was 5 years, reduced to 3 years 4 months. After considering the offences taken into consideration and applying totality, an overall sentence of 4 years' imprisonment and 2 strokes was imposed.
21. The Court of Appeal dismissed the appeal. It considered the sentence to be within the appropriate range. The Court of Appeal agreed with the sentencing judge who had given consideration of the effect that intrusion into residential property has. This includes disturbing the peace and security of the home and can leave occupiers with a lasting apprehension about their safety. The Court also considered relevant the appellant's failure to mend his ways following his earlier theft conviction.
22. In *Mohd Zahiruddin bin Hj Junaidi v Public Prosecutor*, Criminal Motion No. 38 of 2013. The appellant pleaded guilty to three offences. On two separate occasions, he and another person entered two school buildings (Stella's School and DES School) and stole electrical equipment

and cash. He also subsequently attempted to dispose of property stolen from one of the schools, contrary to s.414.

23. For each of the two s.451 offences, the Intermediate Court adopted a starting point of 3 years' imprisonment, reduced to 2 years following the guilty pleas. Because the offences had occurred on separate occasions, the judge ordered four months of the second sentence to run consecutively, producing 2 years 4 months for the two s.451 offences. The s.414 sentence was concurrent, leaving an overall sentence of 2 years 4 months' imprisonment.
24. The Court of Appeal specifically held that the 3-year starting point was entirely proper and that the one-year reduction for the guilty pleas was also correct.
25. Having considered the nature and circumstances of the offence, the Defendant's relevant antecedent, his mitigation and the applicable sentencing authorities, I consider an increase from the ordinary starting point is warranted. I adopt a starting point of 3 years and 3 months' imprisonment.
26. The Defendant pleaded guilty at the earliest opportunity. He is therefore entitled to the usual one-third reduction for his plea of guilt. Applying that reduction, the sentence is 2 years and 2 months' imprisonment.
27. The Defendant, Pengiran Zunidi bin Pengiran Othman, BYIC No. 00-300521, is therefore sentenced to 2 years and 2 months' imprisonment with effect from the date he was first arrested (17th September 2026).


Hazarena bte POKSJ DP Hj Hurairah
Intermediate Court Judge