

Public Prosecutor

AND

Haji Abdul Aris Bin Awang Haji Ismail

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 36 of 2015)**

Muhammed Faisal Bin PDJLD DSP Haji Kefli, Judge.
30th December 2015.

Criminal Law – Sentencing – S.407 Penal Code.

Criminal Law – Order for compensation under section 382 Criminal Procedure Code.

SENTENCING

Muhammed Faisal, Judge:

In delivering and coming to my decision, I have taken into consideration that the defendant has pleaded guilty, and has a previous clean record.

I also have taken into consideration his plea in mitigation, that he is married and plea for leniency.

The defendant has converted the monies that he stolen for his own use and to pay his debts.

As stated in the statement of facts and as submitted by the learned DPP, only \$4310 in cash and \$720 in monies worth (i.e: a washing machine, Acer Tab and Selfie Stick) were recovered out of the \$18,281.00 dishonestly misappropriated by the defendant.

An offence of this nature, where a person is in a position trust has chosen this privilege, the court should take a serious view.

Unless for exceptional circumstances, it is an imprisonment sentence which would be imposed.

My starting point is an imprisonment of 3 years. The defendant has pleaded guilty and is entitled to a discount in sentence of 1/3. There was no delay in investigation and prosecution of matter.

I thus sentence the defendant to 2 years' imprisonment, sentence to run with effect from 29th December 2015.

Order Under Section 382 Criminal Penal Code

The prosecution is applying also for an order for compensation against the defendant in favour of his employees.

This application is granted.

The defendant is order to pay the balance of \$13,971, being the amount of monies not recoverable.

I believe the \$720 worth of items recovered would not be of worth to the former employees, and these item to be forfeited to the state and disposed of.

The defendant is given 3 months' grace period to settle the amount, if not paid an in default imprisonment sentence of 6 months to be imposed to run consecutively to the defendant's imprisonment sentence.

MUHAMMED FAISAL BIN PDJLD DSP HAJI KEFLI
Judge, Intermediate Court