

Public Prosecutor

AND

Mohammad Arif Bin Abd Rahman

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No.45 of 2017)**

Muhammed Faisal Bin PDJLD DSP Haji Kefli, Judge
7th June 2017

Criminal Law – S.380A Penal Code-Theft in a Mosque- Plea of Guilty-1st Offender.

DPP Dr Mohammad Hussin Ali Bin Idris for Public Prosecutor.
Defendant In Person.

SENTENCE

Muhammed Faisal, Judge:

The defendant is charged under section 380A Penal Code for stealing cash to the amount of BND150.00 from Lambak Mosque.

The charge is as follows:

“That you, on 20 May 2017 at around 0700 hours, at a property address at Lambak Mosque, Jalan Pasir Berakas in Brunei Darussalam, a building used as a place of worship, did commit theft of property, to wit, cash amounting to B\$150.00, belonging to Lambak Mosque and you have thereby committed an offence punishable under section 380A of the Penal code, Chapter 22”

The defendant is a 1st offender and has pleaded guilty at the 1st opportunity. The statement of facts are listed down as follows:

“The defendant is a male Bruneian, single and unemployed. Since August 2016, the defendant was given the permission by the Imam of Lambak Mosque, Imam Haji Mahrof Bin Haji Chuchu (‘Imam’), to stay at the mosque because the defendant was expelled from his parents’ house.

On the same day, sometime around 0700 hours and the mosque was empty, the defendant used the key that he took and entered the store room. He saw several metal donation boxes. He then used a blunt object that he found inside the store room and opened one of the metal donation boxes. After he successfully managed to open four of the donation boxes, he then took cash amounting to B\$150.00 and placed the

money in his pocket. The defendant then went out of the store room and locked the room carrying with him the stolen money.

In the same morning, the defendant went out and used the stolen money to buy two tyres for his car and other personal consumption. On 24 May 2017, the Imam was informed by one of his staffs that there was a theft inside the store room and money was missing from the donation box. A police report was lodged on the same day.

On 26 May 2017, sometime in the evening, the defendant went to see the Imam at the mosque. The defendant confessed to the Imam that he stole money from the mosque on 20 May 2017. The defendant then gave the Imam the key to the store room. Upon police investigation, the Police arrested the defendant. The defendant admitted in his statement that he stole the money amounting to B\$150.00 from the store room of Lambak Mosque on 20 May 2017. On record, he has no previous conviction.”

The offences under S.380A are specifically for offences of theft at places of worship. The punishment is considerably higher than that under section 380 Penal Code, to show how the authorities view the seriousness of such offences.

In this particular instance, aggravating factor was that the defendant was a person, who the Mosque Officials let in, in an act of humanitarian and sympathy. He ultimately abused this and stole monies that were donation from the donation box to the mosque. The cash were used for his own personal use, and were never recovered nor compensated by the defendant.

Given the nature of the offence and the facts of the case, my starting point is an imprisonment of 24 Months and whipping 3 strokes. The sentence is reduced by 1/3 for guilty plea.

Sentence to 16 Months imprisonment and 2 strokes whipping. Sentence to take into effect from the 1st June 2017.

MUHAMMED FAISAL BIN PDJLD DSP HAJI KEFLI
Judge, Intermediate Court