



ATTORNEY GENERAL'S CHAMBERS
BRUNEI DARUSSALAM



From Behind the Desk to Behind *Bars*

[Part 2]

Didi-Nuraza Latiff

Legal Counsel & Deputy Public Prosecutor
Head of Financial Crime and Narcotics Unit
Criminal Justice Division



Penal Code

(Chapter 22)



Obtaining valuables
without consideration



Criminal breach of trust



Forgery



Falsification of accounts



Cheating

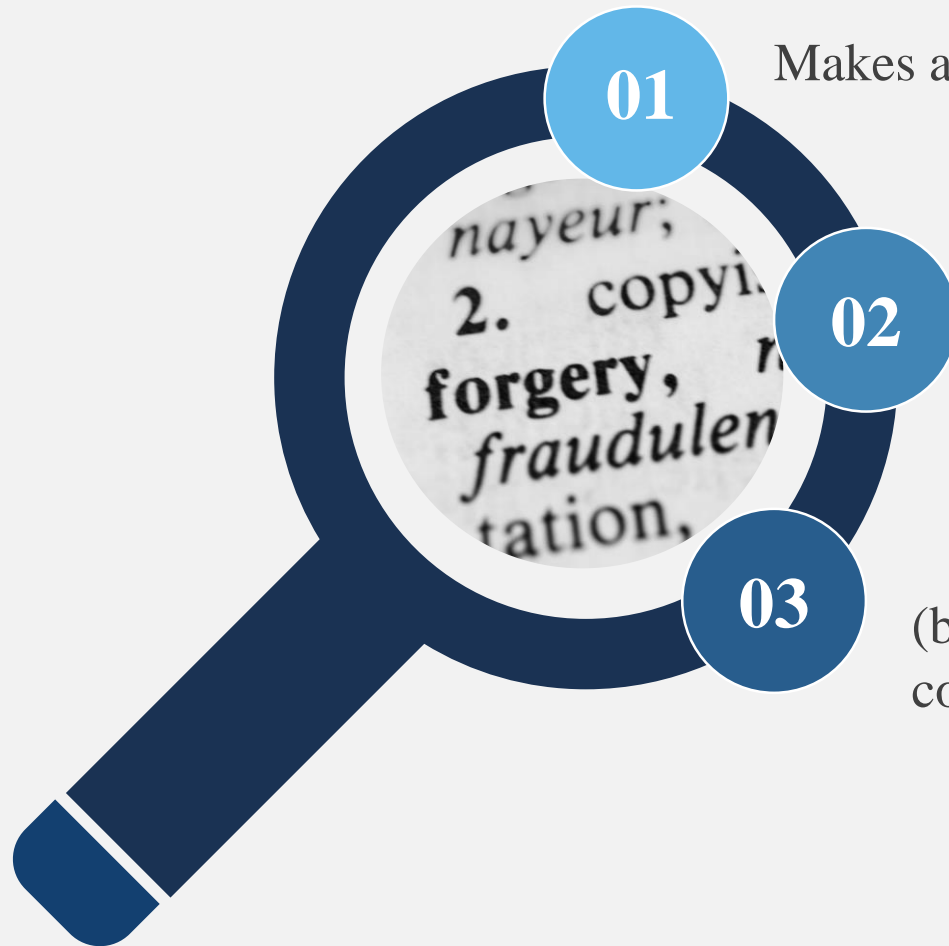


Harassment



Forgery

Section 463 Penal Code



01

Makes a false document or part of a document

02

(a) with intent

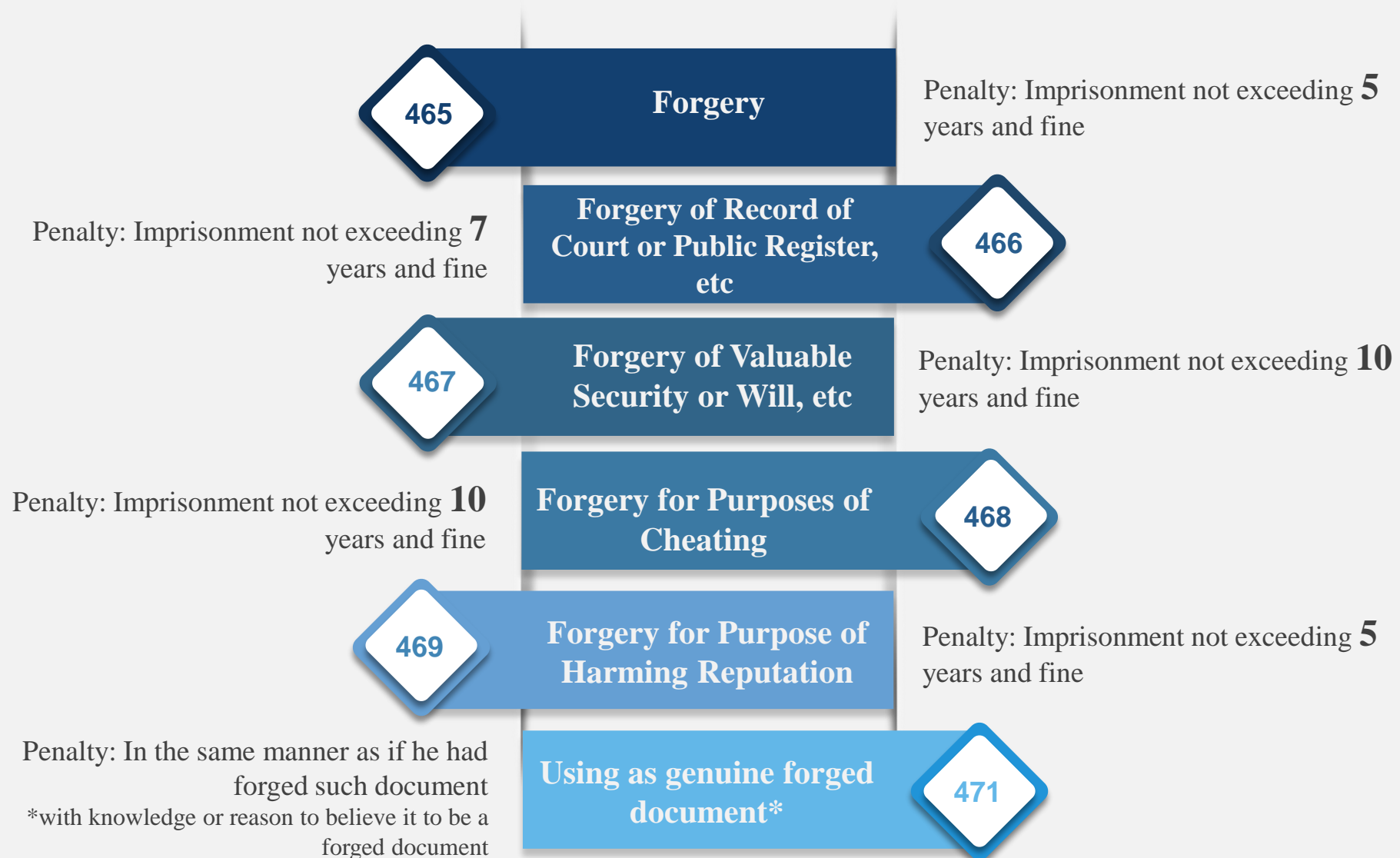
- (i) to cause damage or injury to the public or to any person;
- (ii) to support any claim or title;
- (iii) to cause any person to part with property;
- (iv) to enter into any express or implied contract; **OR**

03

(b) With intent to commit fraud, or that fraud may be committed



Punishments under the Penal Code





Forgery lands government clerk behind bars

February 22, 2021

Fadley Faisal

A government clerk was sentenced to two years' imprisonment by the Intermediate Court on Saturday, for forging Department of Electrical Services' (DES) documents.

Despite [REDACTED]'s instant guilty pleas, Judge Pengiran Hajah Norisma binti Pengiran Haji Ismail noticed his lack of remorse and took a deterrent stance on deciding the sentence.

Deputy Public Prosecutor Pengiran Hajah Nor 'Azmeena binti Pengiran Haji Mohiddin's of the case state that the defendant was a clerk at the DES Registration Unit.

Lady civil servant jailed for forging labour documents

Published:
13 September 2017

Category:
Local News

Hits:
1062



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BY Fadley Faisal

THE Intermediate Court yesterday imprisoned a female government servant for three years after she pleaded guilty to 10 counts of forging workers' labour application forms.

According to DPP Yvonne Lim's statement of facts to the court, 35-year-old [REDACTED] started working as an accountant clerk in 2004 at the Labour Department in Tutong before she got transferred to Jalan Kebangsaan as an assistant labour inspector in 2011.

Her work included signing of workers' contracts and inspection of the contracts.

The Commercial Crime Investigation Division of the Criminal Investigation Department Police received a report on April 15, 2011 made by an Enforcement Unit of Immigration and National Registration Department (INRD) officer which stated that seven fake stamps/chops were found on documents linked to a Bruneian named Mohammad [REDACTED].

It led to the defendant's arrest and further investigations revealed more offences committed by [REDACTED].

The defendant forged BUP500 forms, which is an application to obtain foreign worker employment pass issued by

Court Cases





Falsification of Accounts

Section 447A Penal Code

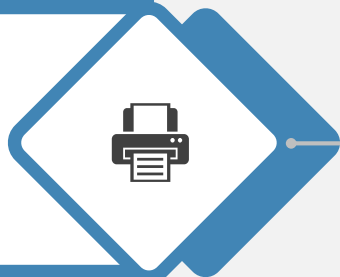
A clerk or officer or servant



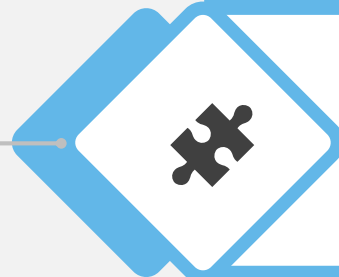
employed or acting in such capacity wilfully and intent to defraud



(a) destroys, alters, mutilates falsifies any book, paper, writing, valuable security or account which belongs to...



or is in the possession of his employer, or has been received by him for or on behalf of his employer; **OR**



b) makes or abets the making of any false entry in or omits or alters or abets the omission or alteration...



any material particular from or in any such book, paper, writing, valuable security or account





Penalty for section 477A Penal Code

IMPRISONMENT

10 years

FINE





Imam jailed for forgeries

March 6, 2020

Fadley Faisal

An Imam initially denied fraud charges against him had a change of heart and was sentenced to three years' jail by the Intermediate Court last Monday.

At the end of Deputy Public Prosecutor Dayangku Didi-Nuraza binti Pengiran Haji Abdul Latiff's case, [REDACTED] hired defence counsel Rozaiman Abdul Rahman and changed his pleas to guilty towards 10 charges of falsifying the mosque's bank account entries. He was acting in his capacity as Head of Imam of Muhammad Jamalul Alam Mosque, Kuala Belait and using forged documents which are purportedly genuine statement of accounts of the bank holding the mosque's money.

Intermediate Court Judge Radin Safiee bin Radin Mas Basiuni heard the prosecution unravel how the defendant had misled the authorities.



Court Cases

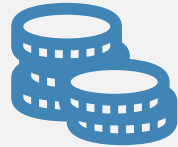


Cheating

Section 415 Penal Code



By deceiving any person



(a) fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property; **OR**



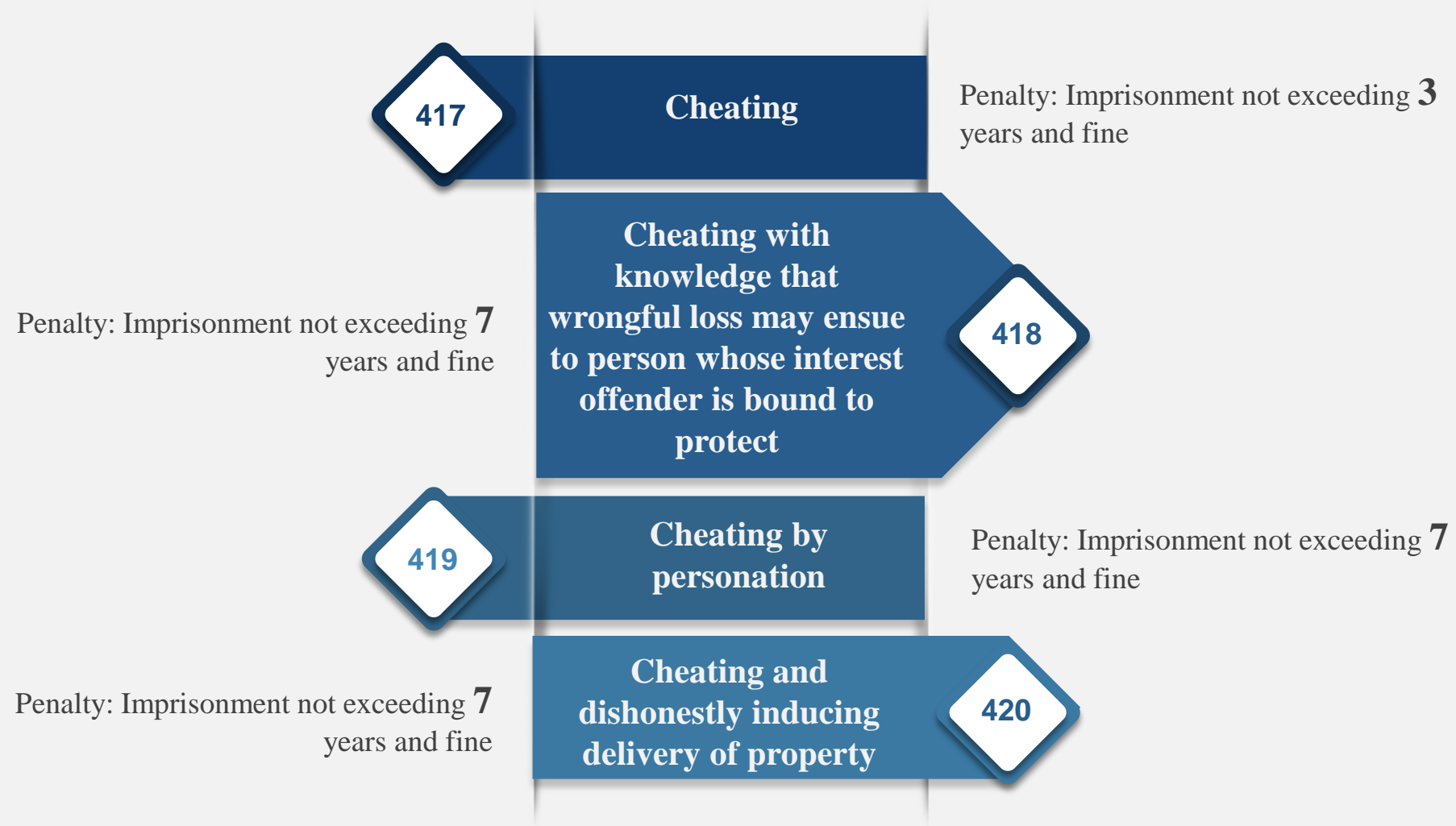
(b) intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived,



AND which act or omission causes, or is likely to cause, damage or harm to that person in body, mind, reputation or property,



Punishments under the Penal Code





Harassment in the Workplace

A large black silhouette of a man in a suit, standing and looking down, positioned on the left side of the slide.

**Outraging
modesty**

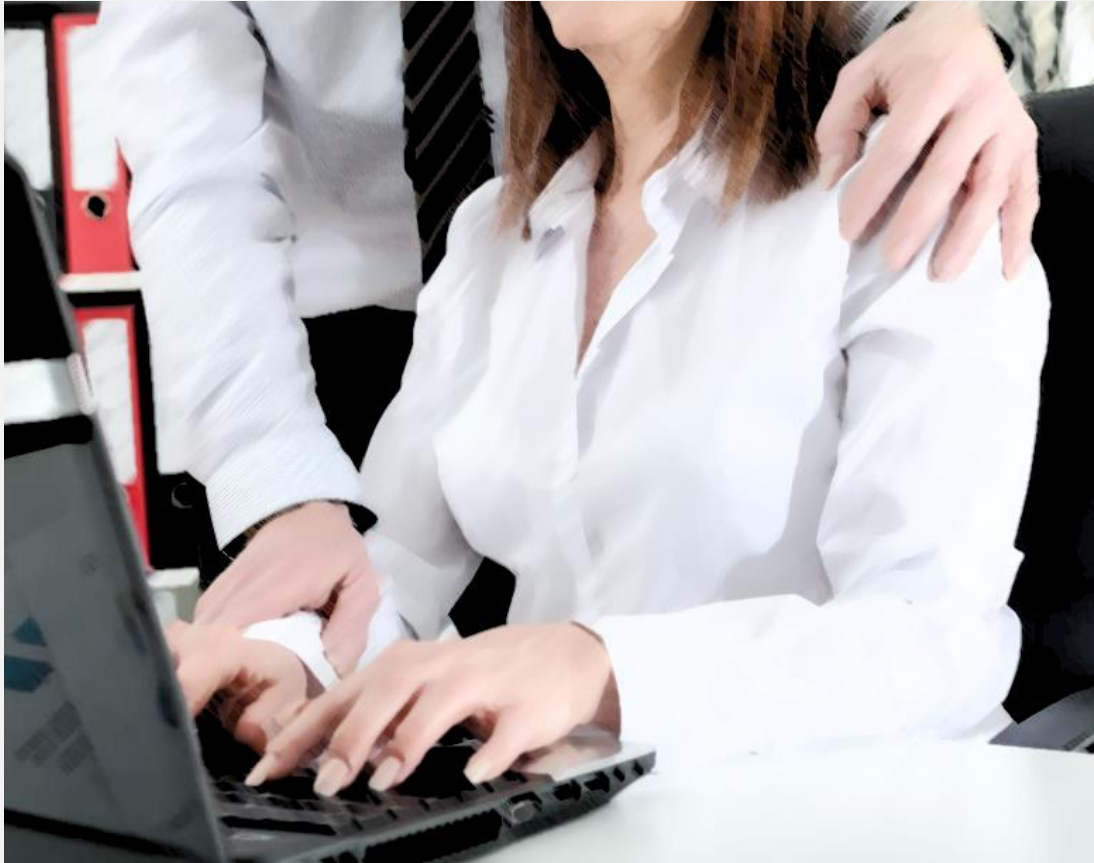
A large black silhouette of a woman in a dress, standing and looking down, positioned in the center of the slide.

**Insulting a
woman's
modesty**

A large black silhouette of a person sitting at a desk, looking at a computer monitor, positioned on the right side of the slide.

Voyeurism

**Criminal
Intimidation**



Assault under section 351 Penal Code

Whoever makes any gesture or any preparation, intending or knowing it to be likely that it will cause any person to apprehend that he who makes the gesture or preparation is about to use criminal force to that person.

Criminal Force under section 350 Penal Code

Whoever intentionally uses force to any person, without that person's consent –

- (a) In order to commit any offence; or
- (b) Intending, by the use of such force, to cause, or knowing it to be likely that by the use of such force, he will cause injury, fear or annoyance to the person to whom the force is used.





Outraging Modesty of a Person

Section 354 Penal Code

Whoever assaults or uses criminal force to any person, intending thereby to outrage, or knowing it to be likely that he will thereby outrage the modesty of that person

Penalty: Imprisonment for a term not exceeding **5** years and whipping



Man jailed for molesting colleague

Published:
31 March 2018

Category:
Local News

Hits:
1725

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BY Fadley Faisal

THE Bandar Magistrate's Court Thursday sentenced a 55-year-old local man to a year imprisonment for molesting a female colleague.

██████████ was charged with outraging the modesty of a woman under Section 354 of the Penal Code, Chapter 22, which carries the maximum penalty of five years' imprisonment with whipping.

However, the defendant had pleaded not guilty and had claimed trial against the charge.

The prosecution called five witnesses to give evidence against the defendant who knew the victim through work.

Over the course of the trial, the court heard that sometime in early February 2014, the defendant went to the victim's office to show her files in a pen drive he had brought with him, and discuss projects with her.

After almost two hours, the victim said she needed to leave for lunch. As she stood up and walked towards the door, the defendant followed her and touched her buttocks.

Former senior policeman gets jail, whipping for harassing subordinate

June 16, 2021

Fadley Faisal

The Magistrate's Court yesterday handed a sentence of 18 months' jail with one whipping to a convicted former senior policeman for sexually harassing a colleague.

Senior Magistrate Azrimah binti Abdul Rahman on handing sentence to former ██████████, said that this was a case of abuse of dominance as a superior officer to a subordinate.

Hajah Anifa Rafiza, who conducted the trial representing the prosecution, proved the case against ██████████ of the charge of making sexual gestures to a female Lance Corporal, while at the Airport Police Administration Office at 11.26am on September 14, 2019.

The court convicted the defendant on finding the victim's evidence consistent – "her vivid description and demonstration made it clear that she had not consented to the act and that



Court Cases



Aggravated Outraging Modesty

Section 354A Penal Code



(1) Whoever, in order to commit or to facilitate the commission of outraging modesty:



(a) voluntarily causes or attempts to cause that person, death, hurt or wrongful restraint; or



(b) puts that person in fear of death, hurt or wrongful restraint



(2) Whoever commits (1) against a person under the age of 14

(2)

Penalty:
Imprisonment for
a term between
3 and 7 years
and whipping

(1)

Penalty:
Imprisonment for
a term between
2 and 7 years
and whipping



Aggravated Outraging Modesty

Section 354B Penal Code



A person who is -



a) in a position of trust or authority towards a person under the age of 18 years (A); or

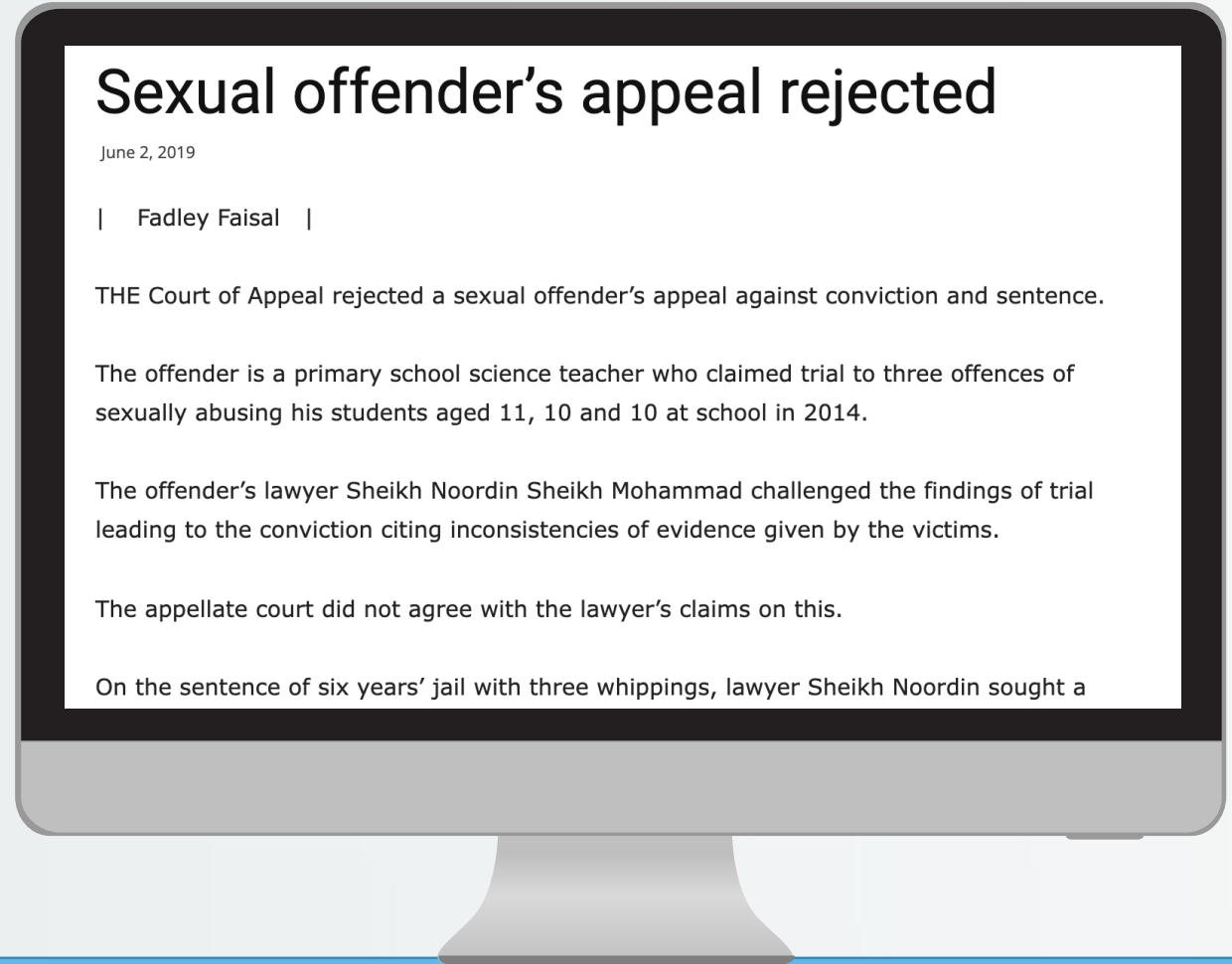


(b) a person with whom A is in a relationship of dependency,



commits the offence of outraging modesty against A.

Penalty:
Imprisonment for
a term between
3 and 7 years
and whipping



Court Cases





Word, Gesture or Act Intended To Insult Modesty of Woman

Section 509 Penal Code

Whoever, intending to insult the modesty of any woman –



(a) utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman; or



(b) intrudes upon the privacy of such woman



Penalty: Imprisonment for a term not exceeding **3** years and fine



Voyeurism: “Private Act”

Section 377H Penal Code

The person is in a place which in the circumstances, would reasonably be expected to provide privacy, and:

the person’s genitals, buttocks or breast are exposed or covered only with underwear

(a)

(b)

the person is using a lavatory; **OR**

the person is doing a sexual act that is not of a kind ordinarily done in public

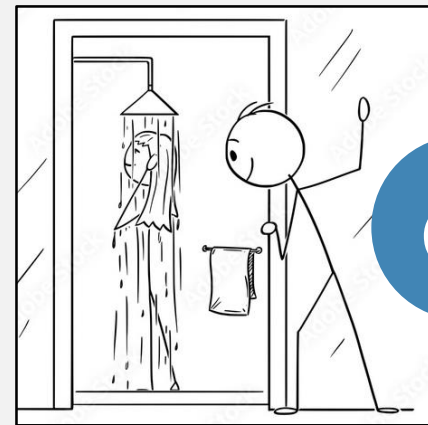
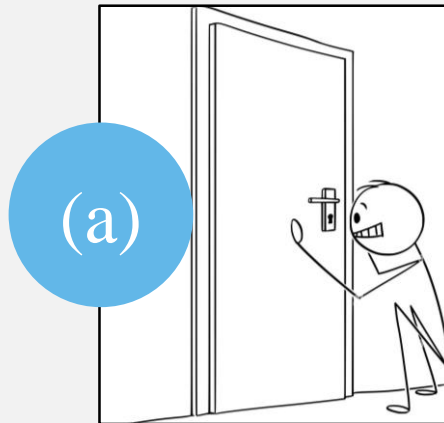
(c)



Voyeurism

Section 377H(1) Penal Code

Whoever - for the purpose of obtaining sexual gratification, observes another person doing a private act ; and



He knows that the person does not consent to being observed for his sexual gratification.



Voyeurism

Section 377H(2) Penal Code

(2) Whoever —

(a) for the purpose of obtaining sexual gratification, operates equipment with the intention of enabling another person to observe, a third person (B) doing a private act; and

(b) he knows that B does not consent to his operating equipment with that intention.





Voyeurism

Section 377H(3) Penal Code

Whoever –

- (a) for the purpose of obtaining Sexual gratification, records another person (B) doing a private act and with the intention that he or a third person will, look at an image of B doing the act; *and*
- (b) He knows that B does not consent to his recording the act with that intention





Penalty for section 377H Penal Code

IMPRISONMENT

3 years

FINE

or both





Four months' jail for voyeurism

November 3, 2020

Fadley Faisal

The Magistrate's Court yesterday handed a four-month jail sentence to a 42-year-old cleaner for recording a video of a woman using the female restroom at a government primary school in the Brunei-Muara District.

Deputy Public Prosecutor Raihan Nabilah binti Haji Ahmad Ghazali informed Magistrate Dewi Norlelawati binti Haji Abdul Hamid that [REDACTED], a Malaysian, had been residing in Brunei since 2012, following his marriage to a local woman.

The court was also informed that he had been employed for a year as a cleaner at the school.

Gym instructor jailed for voyeurism

April 11, 2021

Fadley Faisal

The Magistrate's Court on Thursday sentenced a local man to nine months' jail, for taking video of a 14-year-old girl showering.

Magistrate Dewi Norlelawati binti Haji Abdul Hamid gave credit to [REDACTED] 43, for his instant guilty plea and as a first-time offender, but highlighted the aggravating factors of the case.

In immediately arriving at the decision to hand down custodial sentence instead of imposing a fine, the court was of the view that no woman or girl should fear for their privacy and intrusion.

The court also held that [REDACTED]'s invasion of the young girl's privacy was unacceptable, which called for a deterrent sentence.

Deputy Public Prosecutor Nurul Fitri binti Kiprawi revealed that [REDACTED] a gym instructor.

Jail term for 'Peeping Tom' increased

May 3, 2020

Fadley Faisal

The High Court increased the jail term of a man sentenced to two months' jail for voyeurism to six months' imprisonment yesterday.

DPP Atiyah binti Abas appealed against the Magistrate's Court sentence on [REDACTED] citing that the sentence was "manifestly inadequate".

Chief Justice Dato Seri Paduka Steven Chong agreed with the applicant.

He considered that the offence involved a serious violation of a woman's privacy for the purpose of sexual perversion and its sentence must be a deterrent.

"Public toilets must be safe for women to use," the

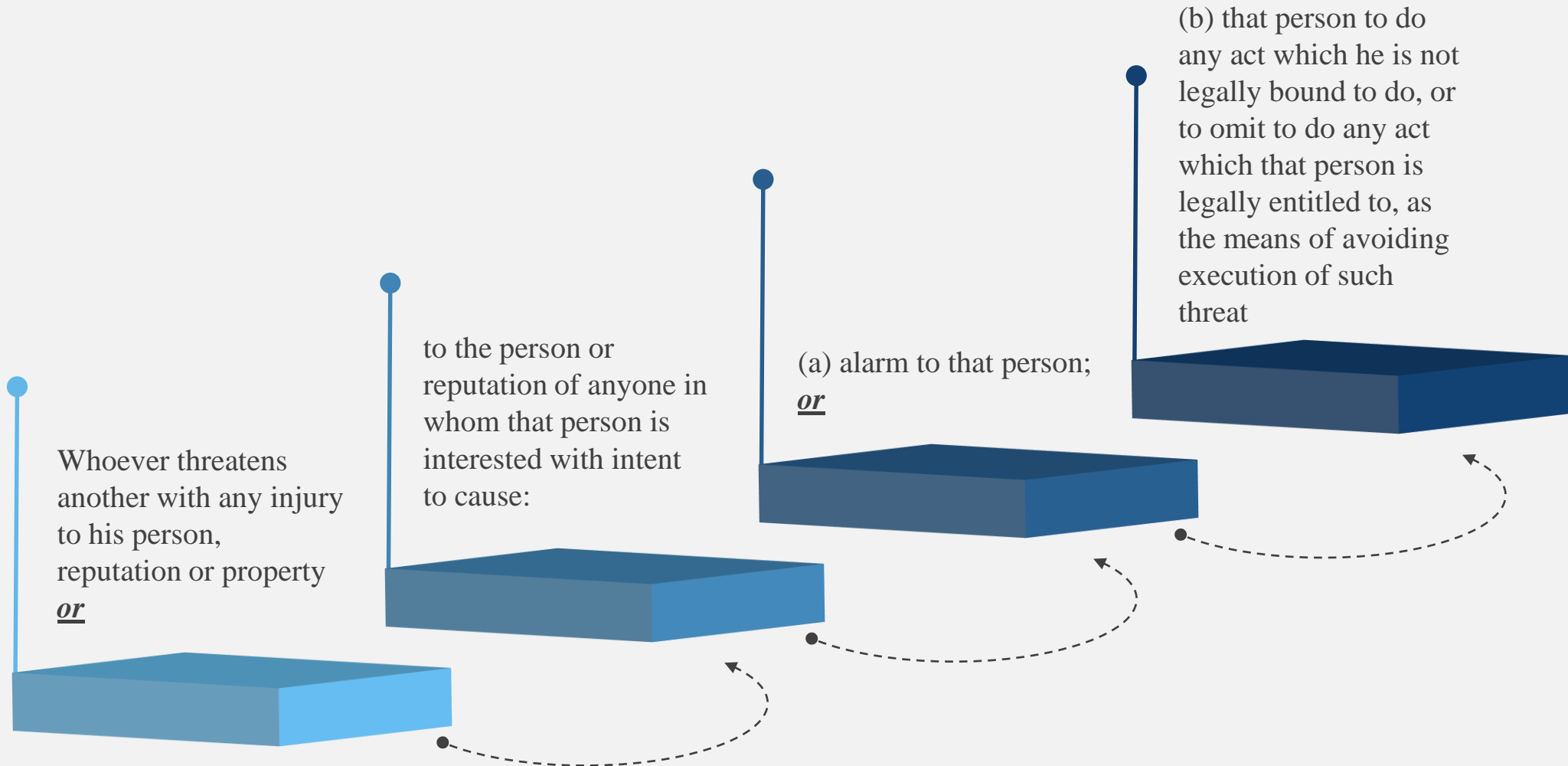


Court Cases



Criminal Intimidation

Section 503 punishable by Section 506 Penal Code





Penalty for section 506 Penal Code



If the threat is –

- a) to cause death or grievous hurt;
- b) to cause the destruction of property by fire;
- c) to cause an offence punishable with death or imprisonment for a term not exceeding 7 years; or
- d) to impute unchastity to a woman

Imprisonment not exceeding **3** years, fine or both.

Imprisonment not exceeding **7** years, fine or both



Man who posted photos of ex online gets eight months' jail

July 12, 2020

Fadley Faisal

The Magistrate's Court yesterday handed an eight month jail sentence to a man who pleaded guilty to charges of public exhibition of obscene photos and criminal intimidation.

██████████'s, 27, instant guilty plea was given consideration by Magistrate Dewi Norlelawati binti Haji Abdul Hamid.

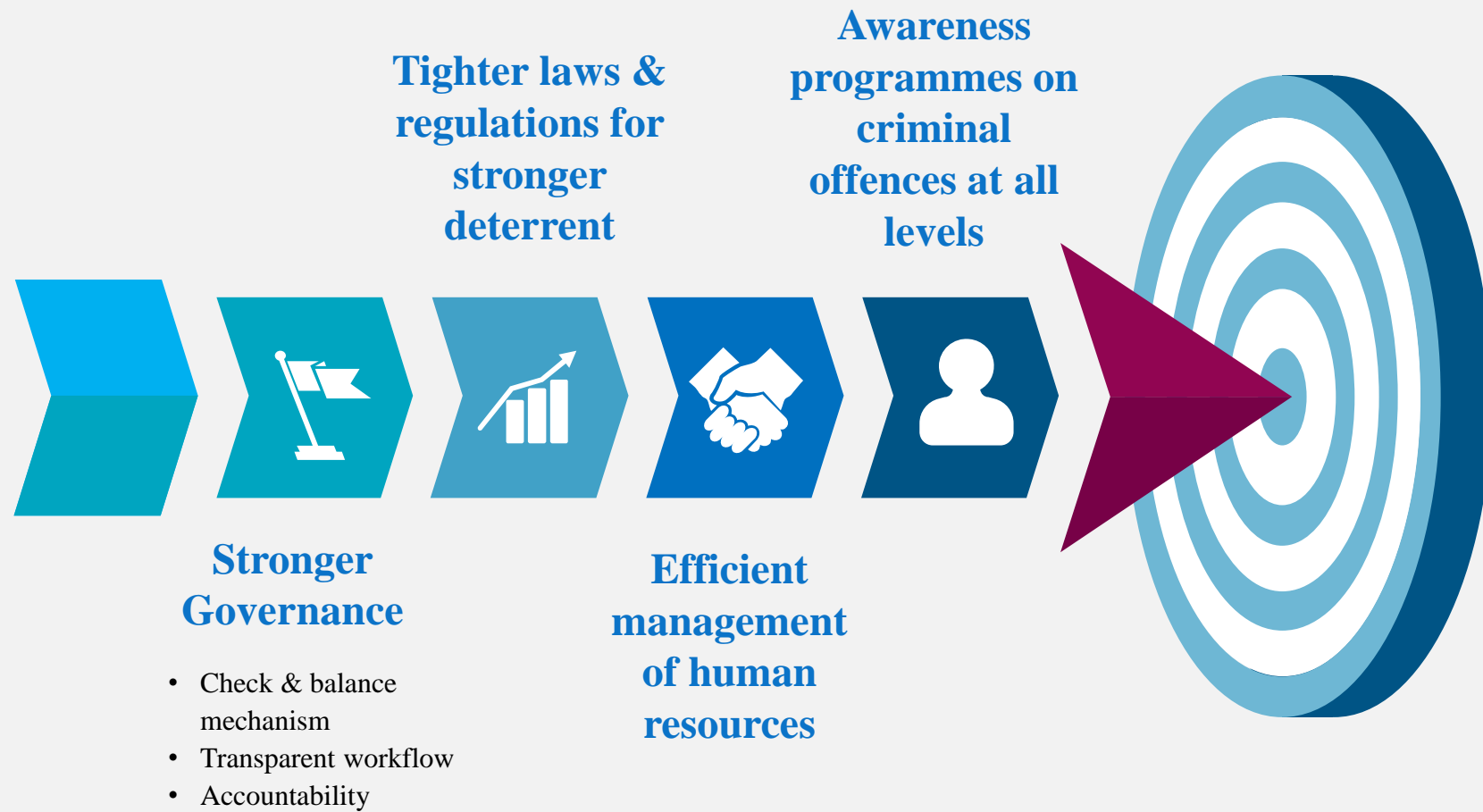
However, the magistrate said the unpleasant breakup does not justify the defendant's acts which had damaged the victim's reputation to the point of being "irreparable".



Court Cases



Promoting a Crime-Free Civil Service





Q & A