



## **ATTORNEY GENERAL'S CHAMBERS**

### **PRESS RELEASE**

**SATURDAY, 20 AUGUST 2022**

#### **PUBLIC PROSECUTOR'S APPEAL FOR DANGEROUS DRIVING AND IGNORING POLICE ORDERS ALLOWED IN THE HIGH COURT**

The Appeal by the Public Prosecutor against sentence imposed by the Magistrate's court of \$2,500 on a 39-year-old local citizen, Mohammad Khairul Adzmie bin Sahari ("Respondent") for dangerous driving under section 28(1) of the Road Traffic Act and ignoring police orders under section 39(1)(a) Road Traffic Act. This appeal was heard before the Honourable Chief Justice Dato Seri Paduka Steven Chong Wan Onn on 20<sup>th</sup> August 2022 in the High Court of Brunei Darussalam.

During the appeal, Prosecuting Officer Hajah Siti Mu'izzah binti Haji Sabli appearing for the Public Prosecutor submitted that the Magistrate had failed to place sufficient weight on the aggravating factors present and that a custodial sentence was warranted in the circumstances.

The Prosecution submitted to the Court that the Respondent had driven in a dangerous manner in an attempt to flee from the Narcotics Control Bureau ("NCB") Officers who intended to arrest the Respondent. The Respondent managed to escape and drove away. Following that, one of the NCB officers immediately contacted Bangar Police Station to seek assistance from the police to detain the Respondent. Subsequently, several members of the police were dispatched to conduct a roadblock at the vicinity of Jalan Labu to look out for the Respondent's vehicle and thereafter to detain him. Upon seeing the roadblock further up the road, the Respondent made a sharp U-turn in a blatant disregard for the safety of other road users.

The Prosecution also highlighted to the Court that the Respondent had driven erratically and dangerously throughout in order to evade arrest, by weaving in and out on the single carriageway whilst in the presence of vehicles on the opposite lane. It was also submitted to the Court that when the police managed to overtake the Respondent's vehicle, the Respondent was still driving in a fast speed and eventually crashed into the rear of the police's car, causing damage and putting lives of the police officers in danger.

In delivering his judgment, the Honourable Chief Justice pointed out that this was a serious case of dangerous driving with a high culpability from the Respondent. The Honourable Chief Justice stated that it was a prolonged, persistent and deliberate course of dangerous driving and that the Respondent's behavior demonstrated a selfish disregard for the lives of others especially the law enforcement officers.

The Honourable Chief Justice, having considered all the factors in this case, was of the view that the sentence of a fine was wrong in principle and was manifestly inadequate. Therefore, the Honourable Chief Justice quashed the fines imposed in the lower court and substituted it with a custodial sentence of 4 months' and 4 weeks' imprisonment respectively.

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