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Foreigner's sentenced enhance to 12 years from 5 years

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KOTA KINABALU: The Court of Appeal here on Monday enhanced the jail sentence of a 23-year-old foreigner to 12 years from five years for gang-robbery. Court of Appeal Justices Dato' Tengku Maimun Tuan Mat, Datuk Vernon Ong Lam Kiat and Dato' Abdul Rahman Sebli were unanimous on Arbili Ibrahim following an appeal by the prosecution against the inadequacy of sentence imposed by the High Court.

The court in allowing the appeal held that they found merit in the prosecution's appeal and set aside the High Court's decision and substituted it to 12 years' jail.

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Arbili was sentenced to five years' jail and ordered caned three times by the High Court following an appeal by the prosecution against Arbili's acquittal at the end of his defence at the Sessions Court on July 10, 2015.

Arbili was found guilty of robbing one Ong Tee Boon of RM3,000 along with an accomplice still at large at 6am on Oct 21, 2014 at the staircase of a hotel, along Jalan Pantai here

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Deputy Public Prosecutor Tengku Intan Suraya Tengku Ismail informed the court that the lower court failed to consider that it was a full trial, the frequency of the offence and that the victim suffered injuries due to a struggle during the robbery.

Counsel Goldam Hamid said Arbili was a young offender and that it was his first offence.

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In another case, a 32-year-old man who was freed from committing criminal breach of trust involving a sum of RM100,000 belonging to the Fishermen's Association of Marudu-Pitas was sentenced to two years' jail and ordered caned three times.

The court found merits in the appeal by the prosecution against Fitri Alias' acquittal and set aside

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Fitri was found guilty, convicted and ordered to serve the sentence effectively from Monday.

He was discharged and acquitted of the offence by the Sessions Court, which was affirmed by the High Court on Jan 14, 2016.

The charge stated that Fitri, who was the association's general manager in the area, was entrusted with the money from Dana Transformasi Nelayan Syarikat Siti Bersatu but breached the trust by giving the money to one Yunus Odis.

They were accused of committing the offence on March 24, 2009 at the association's office in Kota Marudu.

Yunus had been sentenced to two years' jail by the Sessions Court for misappropriating the money.

Deputy Public Prosecutor Ag Armadajaya Ag Mahmud appeared for the prosecution as the appellant while Fitri was represented by counsel Michelle Rossana Usman.

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