



Siah (left) with Budie and his wife at the court complex after the proceedings.

# Bond release of man convicted of transporting illegals upheld



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**KUCHING:** The Federal Court here yesterday upheld the release of a 58-year-old man on a bond of good behaviour after partially allowing the prosecution's appeal over his sentence for transporting Indonesian migrants into Sarawak in 2022.

A three-member panel comprising Justices Datuk Rhodzariah Bujang, Tan Sri Ahmad Terrirudin Mohd Salleh, and Datuk Lee Swee Seng ordered Budie Umbi to remain on bond for three years beginning Feb 5, 2024.

Budie was also directed to report monthly to the nearest police station and to post a RM5,000 bond.

The appeal was filed by the prosecution, who took issue not with the leniency of the sentence but with the form of the High Court's sentencing order.

On Feb 5, 2024, the High Court here sentenced Budie to two years' imprisonment after he pleaded guilty to an amended charge under Section 26J of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, for conveying nine undocumented Indonesian migrants into Sarawak.

However, the jail term was suspended on a bond of good behaviour for three years, subject to conditions including monthly police reporting and a RM5,000 deposit.

The order further stipulated that the two-year prison sentence would be enforced if he committed another offence during the bond period.

The immigrants' illegal entry to Sarawak was arranged by a suspected agent from Indonesia by the name of Junsin, and that they were asked to go to the respondent's longhouse where the respondent would then only send them to the Serian Bus Station once they had arrived.

**Simon Siah**

The prosecution subsequently appealed to the Court of Appeal, arguing that the wording of the order resulted in a sentence 'unknown in law' because it combined imprisonment with a bond.

The appellate court amended the order to clarify that the suspension was made pursuant to Section 294 of the Criminal Procedure Code, thereby recognising it as a lawful suspended sentence.

At the apex court yesterday, defence counsel Simon Siah submitted that the High Court had lawfully and properly exercised its sentencing discretion.

Siah in his submission said Budie was not involved in the planning or bringing the immigrants illegally into Sarawak.

"The immigrants' illegal entry to Sarawak was arranged by a suspected agent from Indonesia by the name of Junsin, and that they were asked to go to the respondent's longhouse where the respondent would then only send them to the Serian Bus Station once they had arrived.

"The respondent was only to bring the nine immigrants to the Serian Bus Station, where the mothers and children would then proceed to reunite with

their husbands and father who have been working at oil palm plantations in Selangau, Sibul, Bintulu and Miri in Sarawak."

Siah added that Budie had taken up the task because he desperately needed to find extra income for his and his wife's medical expenses.

"His wife is a housewife and is suffering from heart disease.

"She needs to seek regular treatment at Sarawak General Hospital in Kuching, and it is the respondent who sends for her treatment.

"The respondent himself is suffering from multiple serious illnesses such as difficulty in breathing, high blood pressure, growth in the nose, and kidney problems.

"The respondent also has to depend on a Continuous Positive Airway Pressure machine in order to sleep," he said.

Siah said despite being released on bond, the respondent continued to appear before the Court of Appeal and before the Federal Court yesterday whenever he was called upon.

"He has truly turned over a new leaf and is a law-abiding citizen.

"As such, it is submitted that the court below was right to release him on a bond of good behaviour," he added.