

Man jailed for raping underage wife wins appeal after court accepts couple married under customary law

KUCHING: The High Court here yesterday allowed the appeal of a man to set aside his sentence of 15 years' jail and four strokes of the cane imposed by the Sessions Court last year for raping his underage wife.

Judge Leonard David Shim ruled in favour of the 26-year-old appellant after hearing submissions from both the prosecution and defence, and substituted the sentence with a five-year good behaviour bond with bail of RM5,000 and two local sureties.

The appellant's lawyer Moh Ung Kieng had earlier argued that his client and the 14-year-

old victim had been married according to Iban customs and possessed a 'Surat Penerang Jadi Melaki Bini' (customary marriage certificate), witnessed by the Tuai Rumah (longhouse chieftain) in Debak, Sri Aman on Jan 14, 2024.

Following the customary marriage, the lawyer said the appellant and his wife lived in a longhouse in Debak together with her parents.

He said the girl was confirmed to be five months pregnant on July 1, 2024 during a check-up at a health clinic.

As the victim was still a minor and with the marriage not registered with the National

Registration Department, a police report was lodged against the appellant for committing rape.

The appellant had in September 2024 pleaded guilty at the Sessions Court to two counts of rape under Section 376(1) of the Penal Code, and was sentenced to 15 years in jail for each charge—to run concurrently—and a total of four strokes of the cane.

He was incarcerated at Sri Aman Prison and filed his appeal on Sept 13.

Deputy public prosecutor Nor Azhari Yusof represented the prosecution at yesterday's proceedings.