

7 years, rotan for molesting stepdaughter

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KOTA KINABALU: A 39-year-old man was jailed seven years and ordered given two lashes of the cane by the Sessions Court, Friday, for committing physical sexual assault against his underage stepdaughter three years ago. Judge Elsie Primus found the man guilty of committing the crime against the 12-year-old girl for sexual purposes by holding the child's breast at 3am on April 23, 2021 in a house in Kota Marudu. In delivering her decision at the end of the man's defence, Elsie held that the court was satisfied that the prosecution had successfully made out all the ingredients of the offence, for the alternative charge had established its case beyond reasonable doubt. The man, who was initially tried for raping the girl under Section 376(3) of the Penal Code, was ordered to enter his defence to an alternative charge of committing physical sexual assault against the child. The alternative charge was framed under Section 14 (a) of the Sexual Offences against Children Act 2017 read with Section 16(1) of the same Act because the accused was in a relationship of trust with the child as her father. Section 14(a) of the Act carries a jail term of up to 20 years and liability of a fine on conviction, while Section 16(1) of the same Act, provides for a jail term of up to five years and whipping of not less than two strokes of the cane, if convicted. Counsel Nabila Norsahar, representing the man, applied for a lower sentence to be imposed from the date of his arrest. The man was doing odd jobs in the village before he was arrested and has no previous conviction record, said Nabila. Deputy Public Prosecutor (DPP) Suriyati Jumain, who stood in for DPP Siti Hajar Mazlan, applied for a heavier sentence due to the seriousness of the offence. She said the man failed to carry out his responsibility to protect the child by committing the offence. She also applied for the sentence to run from the date of his conviction. The court ordered the man to undergo rehabilitative counselling while in prison and to be placed under police supervision for three years after serving his sentence. Eight prosecution witnesses were called by the prosecution while the man who gave evidence under oath, was the sole witness in his defence.