

Sex via Tik Tok: Guard jailed

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The offence under Section 376(1) of the Penal Code carries a jail term of up to 20 years and whipping, on conviction.

KOTA KINABALU: A 35-year-old security guard who befriended an underaged girl via TikTok and later had sex with her was jailed 10 years and ordered to be given a stroke of the cane. Sessions Court Judge Noor Hafizah Mohd Salim handed the sentence to Fendey Sitah who changed his plea and admitted to the charge against him during the first day of his trial on Thursday. Fendey had raped the 15-year-old girl at 4.50pm on Oct 28, 2022 in a room of a unit in Jalan Bundusan Villa, here. The offence under Section 376(1) of the Penal Code carries a jail term of up to 20 years and whipping, on conviction. The court ordered Fendey to serve the jail sentence from June 9, 2023. During mitigation, counsel Muhammad Firman Mohd Siril Asrar from National Legal Aid Foundation (YBGK) who defended Fendey, asked for leniency, saying that prior to his arrest, Fendey worked as a security guard and half of his salary was given to his single mother living in Tenom. Muhammad Firman also have seven siblings who needed his help.

However, Deputy Public Prosecutor Atiqa Nazihah Azmi urged the court to impose a deterrent sentence on the grounds that Fendey had committed a serious offence and such case was rampant nowadays. The court heard that Fendey was arrested following a police report lodged by the victim after the rape incident was discovered by her parents. Investigation revealed that Fendey and the victim had befriended through TikTok four months before the incident and they became lovers. On the day of the incident, the victim had asked Fendey who worked as a security guard at the girl's housing estate to buy food for her and later they ate together at the girl's house. After having the meal, they went to the girl's room. Fendey wanted to have sex but the girl refused. However, after being persuaded, she had sex with Fendey.