

HONG KONG / JUDGMENT

HKSAR v. SHOHIDUL ISLAM

COURT

Court of First Instance

DECIDED

8 February 2012

CASE / FILE NUMBER

HCMA826/2011

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bjbj HCMA 826/2011 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE MAGISTRACY APPEAL NO. 826 OF 2011 (ON APPEAL FROM STCC 2686 OF 2010)

BETWEEN HKSAR Respondent and SHOHIDUL-ISLAM Appellant

Before: The Honourable Mr Justice Line in Court Date of Hearing: 8 February 2012 Date of Judgment: 8 February 2012

J U D G M E N T

This is an appeal against a sentence of 13 months imprisonment imposed for unlawfully remaining in Hong Kong, contrary to section 38(1)(b) of the Immigration Ordinance, to which the appellant pleaded guilty. He had been arrested in June of 2007 for unlawfully remaining and released upon a recognisance having admitted that he had sneaked into Hong Kong. He was then dealt with in November of 2008 for an offence relating to a forged trademark. That triggered the prosecution for this offence. The policy is applied even-handedly as is the guideline sentence on a plea of guilty of 15 months imprisonment which the magistrate followed. He reduced the 15 month sentence to 13 months by reason of the time the appellant had spent in custody of the Immigration Department since his arrival here. The appellant today asks me very nicely and politely to reduce his sentence saying that he has family and a small daughter here in Hong Kong and badly wishes to see them. Despite the attractive way he puts his case I regret to say that nothing can justify me from departing from the standard guideline here. Accordingly I am bound to dismiss his appeal against sentence (P Line) Judge of the Court of First Instance of the High Court Ms Peggy Leung, Senior Public Prosecutor of the Department of Justice, for the Respondent Appellant appeared in person PAGE - PAGE - CRT16/8.2.2012/CH HCMA826/2011/

Judgment A B C D E F G H I J K L M N O P Q R S T U V A B C D E F G H I J K L M N O P Q R S T U V
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