

**IN THE HIGH COURT OF THE COOK ISLANDS  
HELD AT RAROTONGA  
(CRIMINAL DIVISION)**

**CR NO. 1095/2022**

**POLICE**

v

**RAVINESH RAM CHETTY**

Hearing: 21 March 2024  
Appearances: Ms L Rishworth for Crown  
Ms L Rokoika for Defendant  
Sentence: 21 March 2024

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**SENTENCING NOTES OF KEANE, CJ**

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[09:34:16]

[1] Ravinesh Chetty, you appear for sentence for careless driving causing injury on 17 August 2022.

[2] At 6. 17 p.m. that Wednesday you were driving a Toyota pickup truck on the Main road from Rutaki towards the Kavera Central Store. As you approached the store you decided to cross the road to park outside.

[3] As you were making that right hand turn you failed to see James Cummings, approaching opposite on his Honda motorcycle, and his scooter collided with the front centre of your truck.

[4] When you were questioned you accepted you were responsible. You had slowed down and crossed the centre line without ensuring sufficiently the opposite lane was clear.

**Victim impact**

[5] As a result, Mr Cummings suffered a deep laceration to his right shin and minor cuts to his left leg. At hospital, his shin wound was dressed, he was given antibiotics, injected against tetanus, and discharged.

[6] In his victim impact statement, Mr Cummings said he was still having difficulty walking. He did not seek reparation for damage to what he described as his, "old bike".

[7] You and he were both blood tested with the same minimal result. Alcohol was not a complicating issue.

**Pre-sentence report**

[8] Your pre-sentence report says you are a Fijian national and work here as a joinery company foreman, to support your wife and daughter in Fiji. You have no previous convictions. You express remorse.

[9] Your report recommends you be placed on probation for 12 months, attend counselling workshops, and not leave the country without the consent of the Court.

**Submissions**

[10] The police submit your carelessness was at the lower end of the scale, without anything aggravating, and that you be fined, and meet the blood test costs (\$300), leaving to the Court whether you be disqualified.

[11] Your counsel applies instead for you to be discharged without conviction under Section 112 of the Criminal Procedure Act 1980-81, on the ground that a conviction would be disproportionate.

[12] You appear for the first time. This was a single mistake. Your referees describe you as a responsible and dependable, and a cautious driver. You co-operated fully with the Police and apologise to your victim. You donated to him \$300.

[13] Your concern is that a conviction may prevent you from renewing your work permit, because immigrant workers are normally deported and their contracts terminated.

### **Conclusion**

[14] You pleaded guilty in the Justices Court on 6 October 2022. The victim impact statement is dated 25 October 2022. Your pre-sentence report, dated 20 October 2022, was filed on 16 November 2022. You have been awaiting sentence ever since.

[15] When you first appeared in this Court on 20 January 2023, I was told your pre-sentence report had still to be prepared. Your victim impact statement had still to be filed. I could not fix a sentence date.

[16] Your case was not then called before me until 15 December 2023. Why that was I do not know. In the meantime, on 4 May 2023, you had to apply for release of your passport so you could visit your family in Fiji. All of this is clearly unacceptable.

[17] When you committed your offence, you accepted responsibility immediately, and made a donation to your victim. Since your offence on 17 August 2022, you have not committed any further offence. You have been on bail.

[18] You and your family are dependent on your income here. Any risk to your ability to remain working here has to be very concerning. All of these factors combined satisfy me that a conviction is disproportionate to your offence.

[19] I vacate your conviction, if any has been entered, and discharge you without conviction. I make no order as to costs.



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**P J Keane, CJ**