

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CRIMINAL JURISDICTION**

**Criminal Case No: HAC 19 of 2026**

**STATE**

**V**

**LATA**

**Counsel** : Mr. L. Baleilevuka for the State.  
: Ms. S. Ali for the Accused.

**Date of Submissions** : 17 March, 2026

**Date of Sentence** : 31 March, 2026

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**SENTENCE**

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1. The accused is charged in the Magistrate's Court at Lautoka with the following offence:

**AMENDED CHARGE**

***Statement of Offence***

**UNLAWFUL POSSESSION OF ILLICIT DRUGS**: Contrary to Section 5[a] of the Illicit Drugs Control Act 2004.

### ***Particulars of Offence***

LATA and another on the 28<sup>th</sup> of February, 2018 at Lautoka in the Western Division without lawful authority had possession of 421.4 grams of methamphetamine an illicit drug.

2. The accused had pleaded not guilty to the above mentioned charge. The prosecution called five witnesses. At the no case to answer stage the other accused was found not guilty and acquitted. In respect of this accused the Magistrate's Court ruled that there was a case to answer, the accused gave evidence. On 12<sup>th</sup> December, 2025 the learned Magistrate found the accused guilty and convicted her as charged.
3. Upon the application of the prosecution and pursuant to section 190 (1) of the Criminal Procedure Act the file has been transferred to the High Court for sentence.
4. The brief summary of facts are as follows:
  - a) On 27 February 2018, Mr. Muni Narayan, an employee of Carpenters Shipping, Fedx Department received documentation relating to a consignment of items contained in a carton originating from the United States of America, addressed to the accused. Following clearance of the documents for inspection, Mr. Narayan removed the carton from the Customs Bond for examination by a customs officer. Ms. Jyotika Mala, a Customs Officer, thereafter opened the carton in the presence of Mr. Narayan.
  - b) The carton was found to contain toiletries, coffee, medical supplies, and other assorted items. Within the carton were four bottles of coffee. Upon opening three of the bottles, Ms. Mala

discovered six packets of a foreign substance concealed therein, each containing white crystalline material suspected to be illicit drugs. Ms. Mala immediately reported her findings to her supervisor, Mr. Kavueli Tiatia, of the Fiji Revenue and Customs Authority office at Nadi Airport.

- c) Mr. Tiatia proceeded to the Customs Bond office with the detector machine, where the suspect items were subjected to testing for prohibited substances. The detector machine, fitted with a nozzle, is designed to identify chemical compounds concealed within packages. Upon testing, the packages returned a positive result for methamphetamine.
- d) The carton was sealed with customs tape. The police were duly informed, and Detective Sergeant Filipe Ratini took custody of the carton for safekeeping at the Namaka Armoury Unit. The following day, Detective Sergeant Ratini took the carton, together with its contents, to the Lautoka office of Carpenters Shipping.
- e) The accused was asked to collect her parcel. She attended with her identification card and took possession of the carton after signing the requisite documents. Detective Sergeant Ratini thereupon arrested the accused together with the carton and escorted her to the Lautoka Police Station. The accused was subsequently handed over to Assistant Superintendent of Police Silio. The carton was deposited in the exhibit room for safekeeping.
- f) On 01 March 2018, Assistant Superintendent of Police Silio conveyed the same carton to the Nasova Forensic Laboratory in Suva for analysis and weighing. Ms. Miliana Werebauinona conducted the examination of the six packages, which tested positive for methamphetamine, with a total weight of 421.4

grams. Ms. Werebauinona prepared her report and returned the carton to Assistant Superintendent of Police Silio.

g) When Assistant Superintendent of Police Silio returned to the Lautoka Police Station he handed both the certificate of analysis and the carton to the exhibit writer for safekeeping. The accused was thereafter caution interviewed, and formally charged.

5. The state counsel filed sentence submissions and the defence counsel filed mitigation for which this court is grateful.

#### **PERSONAL DETAILS AND MITIGATION OF THE ACCUSED**

6. The counsel for the accused presented the following personal details and mitigation on behalf of the accused:

- a) The accused is 57 years of age;
- b) First offender;
- c) She is a widow with no children;
- d) Unemployed and survives on social welfare assistance;
- e) Is suffering from diabetes, high blood pressure and kidney related problems.

#### **TARIFF**

7. The maximum punishment for unlawful possession of illicit drugs under section 5 (a) of the Illicit Drugs Control Act 2004 is a fine not exceeding \$1,000,000.00 or imprisonment for life or both.

8. The Supreme Court in *Ainars Kreimanis vs. The State, criminal petition no. CAV 13 of 2020 (29 June, 2023)* upheld the guideline tariff for all hard/major drugs sentences in *Joseph Abourizk vs. The State, criminal*

*appeal no. AAU 0054 of 2016 (7 June, 2019). In Abourizk's case (supra) the Court of Appeal stated the tariff at paragraph 145 as follows:*

*Having considered all the material available and judicial pronouncements in Fiji and in other jurisdictions, I set the following guidelines for tariff in sentences for all hard/major drugs (such as Cocaine, Heroin, and Methamphetamine etc.). These guidelines may apply across all acts identified under section 5(a) and 5(b) of the Illicit Drugs Control Act 2004 subject to relevant provisions of law, mitigating and aggravating circumstances and sentencing discretion in individual cases.*

*Category 01 - Up to 05g – 02 ½ years to 04 ½ years' imprisonment.*

*Category 02 - More than 05g up to 250g – 03 ½ years to 10 years' imprisonment.*

*Category 03 - More than 250g up to 500g – 09 years to 16 years' imprisonment.*

*Category 04 - More than 500g up to 01kg – 15 years to 22 years' imprisonment.*

*Category 05 - More than 01kg - 20 years to life imprisonment.*

### **AGGRAVATING FACTORS**

9. The following aggravating factors are obvious:

a) Commercial Supply

The quantity of the drugs indicate involvement in a supply chain rather than possession for personal use.

b) Prevalence of offending

There has been a notable increase in drug related offences, which is a matter of grave concern.

c) Potential Harm to Society

Methamphetamine is a highly addictive and destructive substance, with severe consequences for individuals and communities. The significant potential harm heightens the gravity of the offence.

d) Planning

There is a degree of planning involved. The concealment of the illicit drugs in the coffee bottles was intended to avoid detection. Further, the evidence suggests that the accused had previously received a consignment from the same source.

10. This offending falls under category three of the tariff mentioned above. After assessing the objective seriousness of the offence committed, I take 9 years imprisonment (lower range of the scale) as the starting point. I increase this by 3 years to reflect the aggravating factors, resulting in an interim sentence of 12 years imprisonment. From this I deduct 1 year and 6 months for the accused's good character and other mitigation. The sentence is now 10 years and 6 months imprisonment.
11. The accused has been in remand for a period of 4 months and 3 days. In accordance with section 24 of the Sentencing and Penalties Act, and in exercise of my discretion, I reduce the sentence by 4 months and 5

days to reflect the period of imprisonment already served. The final sentence is 10 years, 1 month and 25 days imprisonment.

12. It is observed from the mitigation submitted that the accused, through her counsel, stated at paragraph 2.4: “*Client still maintains her not guilty plea*”. This position, despite her conviction, reflects a disregard for the authority of the court and is disrespectful. However, this stance has not been taken against the accused in determining sentence.
13. Methamphetamine is a highly addictive drug with devastating social consequences. The court would be failing in its duty if it did not take into account the potential harm to individuals and families, as well as the wider impact on society. The punishment prescribed under the Illicit Drugs Control Act 2004 reflects the serious consideration given by the legislature towards possession of such drugs.
14. In my considered judgment, the accused must now be prepared to face the full brunt of the law. Society is weary of drug cases rearing their ugly head time and again, and this menace must be curtailed sooner rather than later. It is incumbent upon the court to impose sentences that serve both general and specific deterrence, thereby sending a clear warning to all that any breach of the law relating to drugs will not be tolerated and that no leniency will be extended to offenders.
15. The accused is a recipient of social welfare assistance, which demonstrates that she was receiving financial support from the taxpayers of this country. Rather than directing her efforts towards lawful and productive pursuits—efforts that would have earned her the respect of her community—she chose to engage in illegal activity. In light of this, an immediate and lengthy custodial sentence is inevitable.
16. Having considered section 4 (1) of the Sentencing and Penalties Act and the serious nature of the offence committed I am compelled to state that

the purpose of this sentence is to punish offenders to an extent and in a manner which is just in all the circumstances of the case and to deter offenders and other persons from committing offences of the same or similar nature.

17. Under section 18 (1) of the Sentencing and Penalties Act (as amended), this court has the powers to impose a non-parole period to be served before the accused is eligible for parole.

18. In this regard I have taken into consideration the principle stated by the Court of Appeal in *Paula Tora v The State* AAU0063.2011 (27 February 2015) at paragraph 2 Calanchini P (as he was) said:

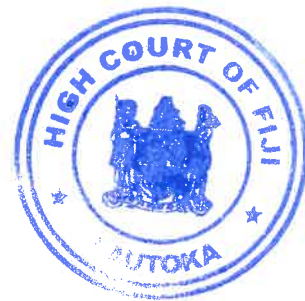
*[2] The purpose of fixing the non-parole term is to fix the minimum term that the Appellant is required to serve before being eligible for any early release. Although there is no indication in section 18 of the Sentencing and Penalties Decree 2009 as to what matters should be considered when fixing the non-parole period, it is my view that the purposes of sentencing set out in section 4(1) should be considered with particular reference to re-habilitation on the one hand and deterrence on the other. As a result the non-parole term should not be so close to the head sentence as to deny or discourage the possibility of re-habilitation. Nor should the gap between the non-parole term and the head sentence be such as to be ineffective as a deterrent. It must also be recalled that the current practice of the Corrections Department, in the absence of a parole board, is to calculate the one third remission that a prisoner may be entitled to under section 27 (2) of the Corrections Service Act 2006 on the balance of the head sentence after the non-parole term has been served.*

19. The Supreme Court in accepting the above principle in *Akuila Navuda v The State* [2023] FJSC 45; CAV0013.2022 (26 October 2023)] stated the following:

*Neither the legislature nor the courts have said otherwise since then despite the scrutiny to which the non-parole period has been subjected. The principle that the gap between the non-parole period and the head sentence must be a meaningful one is obviously right. Otherwise there will be little incentive for prisoners to behave themselves in prison, and the advantages of incentivising good behaviour in prison by the granting of remission will be lost. The difference of only one year in this case was insufficient. I would increase the difference to two years. I would therefore reduce the non-parole period in this case to 12 years.*

20. Considering the above, I impose 8 years as a non-parole period to be served before the accused is eligible for parole. I consider this non-parole period to be appropriate in the rehabilitation of the accused and also meet the expectations of the community which is just in the circumstances of this case.
21. In summary, I impose a sentence of 10 years, 1 month and 25 days imprisonment with a non-parole period of 8 years to be served before the accused is eligible for parole. It is also recommended that the Commissioner of Corrections Services provide facilities in respect of the accused's medical condition such as medical care and attention.
22. 30 days to appeal to the Court of Appeal.

  
**Sunil Sharma**  
Judge



**At Lautoka**  
31 March, 2026

**Solicitors**

**Office of the Director of Public Prosecutions for the State.**

**Office of the Legal Aid Commission for the Accused.**