

IN THE MAGISTRATE'S COURT AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. 28 of 2015

STATE

v

DANNY AJAY KARAN

Counsels : **WCPL Qolitabua** for the Prosecution
Mr Sharma. S for the Accused

Sentence : **11 May 2018**

SENTENCE

1. The accused, *Danny Ajay Karan*, today is for sentencing for the offence of *Annoying Any Person* under section 213(1)(a) of the *Crimes Act*.
2. On 5 July 2016, the Accused pleaded guilty to the charge in the presence of his counsel. I find the accused plea to be unequivocal as it was given on his own free will.
3. The brief summary of facts are;-

"On 13 January 2015, the accused, Danny Ajay Karan went to the shop of Swaran Lata, the victim, at Waiqeale, to buy kava. There the accused was swearing at the victim who was inside the shop with her husband saying "bajaru" meaning bitch which annoyed the victim."

4. The accused admitted to the above summary of facts on 5 September 2016, and convicted as charged.
5. The maximum sentence for *Annoying Any Person* is 1 year imprisonment. The tariff is 3 to 6 months imprisonment.
6. Considering the aggravating factors, the compelling mitigating factors, and all the circumstances of the case, I pick 5 months imprisonment as your sentence.
7. In this sentence, I have considered *section 4* of the *Sentence and Penalties Act*. I take note of the facts that you are currently serving and your sentence in Criminal Case No. 558 of 2015 and 578 of 2015, which pronounced together today for you to serve imprisonment term longer than this sentence.
8. Danny Ajay Karan, I now sentence you to 5 months imprisonment with immediate effects. Your sentence is to be served concurrently with the sentence that you currently serving in other cases.

28 days to appeal



C. M. Tuberi
RESIDENT MAGISTRATE