

IN THE MAGISTRATE'S COURT AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. 289 of 2017

STATE

v

SENIROQA COLATI

Counsels : **WSGT Mere for the prosecution**
Ms Singh. M for the accused

Sentence : **8 June 2018**

SENTENCE

1. Seniroqa Colati today is for sentencing for *Setting Fire To Crops* where you contravened *section 364(a)* of the *Crimes Act*.
2. On 5 March 2018, you pleaded guilty to the charge in the presence of your counsel. I find your plea to be unequivocal as it was given on your own free will.
3. The brief summary of facts are;-
"On 15 June 2017, at about 3.30pm at Dagau, Seaqaqa, the accused Seniroqa Colati had an argument with Janesh Karnal Prasad (complainant) a farmer of Dagau, Seaqaqa about their salary. The accused was not satisfied and informed the gang members that he will be leaving for Labasa. On his

way, the accused light a wooden match stick and set fire to the complainant's sugar cane farm. The complainant saw the smoke coming from his sugar cane farm. They tried to put out the fire but it was unsuccessful. There was about 100 tonnes of cane damaged with estimated costs of \$1,200.00. The matter was reported, investigation carried out, the accused was cautioned interviewed and admitted to the allegation."

4. You admitted to have the above summary of facts on 5 March 2018, and convicted as charged. Your counsel filed mitigation on 16 March 2018.
5. The maximum penalty for *Setting Fire To Crops* is 10 years imprisonment. I am not aware of any set tariff for this offence. The Counsel for the accused also submitted that there is no set tariff for this offence.
6. The tariff for the offence of Arson is 2 to 4 years imprisonment. The maximum penalty for Arson is life imprisonment and it is an indictable offence. *Setting Fire To Crops* is a summary offence and logically, the tariff for this offence will be below the tariff for Arson.
7. The aggravating factors are;-
 - a. the financial loss to the victim.
 - b. you deprive the victim to enjoy the fruit of his hard work and sweat.
8. The compelling mitigating factors are;-
 - a. *first and young offender.*
 - b. *sole bread winner.*
 - c. *cooperated with the police.*
 - d. *remorseful and seeking the court forgiveness.*
 - e. *promise not re-offend.*
9. Considering the importance of sugar cane to the farmers as their source of income to support their livelihood, I pick 2 years as my starting point to show the seriousness of the offence.

10. I add 1 year for the aggravating factors and that increase your sentence to 3 years imprisonment. I reduce 8 months for your mitigation and that reduce your sentence to 2 years and 4 months imprisonment.
11. You entered an early guilty plea and you are entitled for a one third reduction, which is 9 months. I reduce 9 months for your early guilty plea and that reduce your sentence to 1 year and 7 months imprisonment.
12. There was no information from the prosecution or from your counsel on the remand period. In perusing the court record, you were bailed on the first day you produce in court.
13. Your final sentence is 1 year and 7 months imprisonment.
14. In this sentence, I have considered and take note of *section 4* of the *Sentence and Penalties Act*. I also take note of the principle of rehabilitation. To ensure that sugar cane farmers are protected from unauthorised burning of sugarcane, I based this sentence on the principle of deterrent both specific and general to denounce such act.
15. Seniroqa Colati, I now sentence you to 1 year and 7 months imprisonment with immediate effects.

28 days to appeal.



C. M. Tuberi

RESIDENT MAGISTRATE