

IN THE MAGISTRATES' COURT OF FIJI

AT SUVA

Criminal Case : 830/2025

STATE

V

LOSANA VOKABI BULDUNICEVA

For the Prosecution: Inspector Prasad

The accused: In person

Date of Sentence : 27th of May 2025

SENTENCE

1. LOSANA VOKABI BULDUNICEVA, you have pleaded guilty to one count of Possession of Illicit Drugs, contrary to section 5(a) of the Illicit Drugs Control Act.¹
2. You have also admitted to the summary of facts presented by the Prosecution.
3. According to the summary of facts, on 24/05/2025, you were apprehended while attempting to smuggle cannabis into the Naboro Maximum Facility. During a routine search of the items you brought, prison officers discovered the drugs concealed inside a Bible. You were visiting your husband, who is a serving prisoner at the facility, on that date. In your caution interview, you admitted that the Bible had been given to you by a cousin of your husband and that your husband had asked you to bring it to the correctional center. The drugs were tested and confirmed to be cannabis, with a total weight of 1.2 grams.
4. I am satisfied with your plea and accordingly convict you of this charge.
5. The maximum penalty for Possession of Drugs is life imprisonment/ \$100,000.00 fine.
6. The Supreme Court of Fiji has set out the new tariff in the case of **Arisi Kaitani vs State**² where the court has identified the following categories of **drug** offenders: -

“(i) Category 1: (0 gram to 1,000 grams (1 kilogram))

Possession/cultivation/offending verbs of cannabis sativa. Like **Sulua v State** (supra), a non-custodial sentence is to be given in this category. With the recent discovery of 4 tons of methamphetamine in Nadi earlier this year, there is no need for the State to waste its resources on this category. The cases can be disposed by fines, community services, counselling, discharge with a strong warning etc. Only in the worst

¹ 1. No. 09 of 2004.

² [2024] FJSC 50; CAV 011of 2023 (29 October 2024).

cases, should a suspended prison sentence or a short sharp prison sentence be considered.

(ii) Category 2: (1 kilogram to 5 kilograms)

Possession/cultivation/offending verbs of cannabis sativa. Tariff should be a sentence between 1 to 4 years imprisonment, with liberty to the trial Magistrate/Judge to sentence at what level of the tariff, depending on the mitigating and aggravating factors.

(iii) Category 3: (5 kilograms to 10 kilograms)

Possession/cultivation/offending verbs of cannabis sativa. Tariff should be a sentence between 4 to 8 years imprisonment, with liberty to the trial Magistrate/Judge to sentence at what level of the tariff, depending on the mitigating and aggravating factors.

(iv) Category 4: (10 kilograms to 150 kilograms)

Possession/cultivation/offending verbs of cannabis sativa. Tariff should be a sentence between 8 years to 16 years imprisonment, with liberty to the trial Magistrate/Judge to sentence at what level of the tariff, depending on the mitigating and aggravating factors.

(v) Category 5: (150 kilogram and above)

Possession/cultivation/offending verbs of cannabis sativa. Tariff should be life imprisonment, with liberty to the trial judge to fix a minimum term, depending on the aggravating and mitigating factors, from which to apply for a pardon from His Excellency the President.”

7. You fall into Category 1 of drug offences.
8. The amount of drugs found in your possession was only 1.2 grams.
9. The aggravating factor is that you attempted to smuggle the drugs into a correctional facility, and the drugs were concealed inside a Bible.
10. In mitigation, you submitted that you are 32 years old, married with two young children, and self-employed.
11. The prosecution confirmed that you are a first offender.
12. You pleaded guilty on the first occasion you were produced before the court.

13. Even though this is a Category 1 offence, and the quantity of drugs involved is insignificant, I consider this a serious case in which the court must consider either a suspended sentence or a short term of imprisonment.
14. However, I am mindful that you have two young daughters, aged 5 years and 3 years, who are dependent on you for care and protection. Even a short period of incarceration would deprive them of that maternal care. This is the only reason I have decided not to impose a custodial sentence.
15. Accordingly, I sentence you to 3 months' imprisonment, which is suspended for a period of 2 years. (The suspended sentence has been explained to the accused.)
16. Further, I order that you pay a fine of \$200, and in default of payment, you shall serve 20 days' imprisonment.
17. The drugs are to be photographed and destroyed at the end of the appeal period.
18. 28 days to appeal

