

**IN THE MAGISTRATES' COURT**  
**AT BA**  
**CRIMINAL JURISDICTION**

***Criminal Case No. 134/2025***

**BETWEEN:**    **STATE**

**PROSECUTION**

**AND:**            **RIZWAN ALI**

**ACCUSED**

**Counsel:**                    WCPL 4897 Venu Singh for Police Prosecution  
   Accused unrepresented and in person

**Date of Sentence:**        3 October 2025.

**SENTENCE**

**Introduction**

1. Mr. Rizwan Ali, on 1 October 2025, you pleaded Guilty to 1 count of Giving False Name to a Public Servant contrary to section 201(a) of the Crimes Act 2009 which carries a maximum penalty of 5 years imprisonment. The particulars of the offence are:

**Statement of Offence**

**Giving False Information to a Public Servant:** *Contrary to Section 201(a) of the Crimes Act 2009.*

**Particulars of Offence**

***Rizwan Ali*** on the 3<sup>rd</sup> day of January, 2025 at Raviravi Police Post, Ba in the Western Division gave ***Woman Police Constable 6086 Siteri***, information that he was robbed by two Fijian man at Tavarau, Ba which he knew to be false and intending to cause the said ***Woman Police Constable 6086 Siteri*** to lodge an official complaint to effect police investigation of such information given to her which she ought not to do if the true facts respecting which such information is given were known to her.

2. Satisfied that you have fully comprehended the legal effect of your plea and that your plea was voluntary and free from influence, I now convict you and proceed to sentence you for this offence.

**Circumstances of the offending**

3. According to the Summary of Facts you admitted in Court, on 18 March 2025, DC Tevita called into Ba Police Station to lodge a complaint against you as you had lodged a false report at Raviravi Police Post on 3 January 2025 vide report number 51/01/25. You had called into the Police Post and reported that 2 Fijian men of Indian descent had approached you, assaulted you and stole \$2,900.00 of fish sale money from you while you were selling fish by the roadside at Raviravi.
4. WPC 6086 Siteri served you by having you record your Police statement and writing your report in the Report Book. The matter was then referred to DC Jone to conduct further investigation.
5. On 18 March 2025, a Imran Ali had called into Ba Police Station giving information that you had admitted to him that the report you lodged at Raviravi Police Post was false and

that you had lied about the incident in order to take the sales of the fish sold. You were arrested on the same date and interviewed under caution where you admitted to the offence. You were then charged for this matter.

#### Objective Seriousness

6. Considering that giving false information to the Police undermines the justice system by misdirecting police resources and potentially causing significant harm to innocent individuals, I find that the objective seriousness is high..

#### Sentencing Purpose

7. Considering that the primary purpose of this sentence is founded on the principle of deterrence, it is the responsibility of the Court to deter others from committing such offences of the same or similar nature as well as to protect the community from those who commit such offences.
8. A deterrent sentence for such offences of this nature demonstrates the gravity of the offence and reflects the society's immediate denouncement of such crimes.

#### Sentencing Regime

9. As previously stated in paragraph 1 herein, the maximum penalty for the offence of Giving a False Information to a Public Servant is 5 years imprisonment.
10. The case of **Dakaibitu v State** Criminal Appeal No. HAA 23 of 2019 (23 December 2019) which was an appeal against conviction and sentence. When dealing with the appeal against sentence wherein the Appellant was sentenced to 14 months imprisonment with a non-parole of 8 months for the offence of Giving False Information to a Public Servant contrary to section 201(a) of the Crimes Act, His Lordship Justice Rajasinghe observed the following:

*9. The learned Magistrate has taken into consideration the following case authorities in order to guide himself about the sentencing practices. They are, **Balaggan v State [2012] FJHC 1032; HAA031.2011 (24 April 2012), State v Raitekiteki - Sentence [2016] FJHC 1105; HAC285.2015 (7 December 2016), Matavura v State [2012] FJHC 1365; HAA19.2012 (11 October 2012), Fiji Independent Commission Against Corruption v Padarath [2016] FJMC 31; Criminal Case 594.2011 (9 March 2016)**. Having referred to the above judicial precedents, the learned Magistrate had found 24 months as the starting point based on the objective seriousness of the offence. However, the learned Magistrate has not specifically stated what are the factors that he had taken into consideration as objective seriousness of the offence.*

*10. The factual backgrounds in **Balaggan (supra)** and **Padarath (supra)** are different to the factual background of this matter. In **Balaggan (supra)** the accused made a false allegation of sexual harassment against the lawyer who represented her in another criminal matter. In **Padarath (supra)** the accused made a false information to the Director Immigration regarding the status of a foreigner. In **Balaggan (supra)** the Court has selected 24 months as the starting point.*

*11. However, in this matter the Appellant had given a false name to the police when the police inquired about his identity. The Appellant had not involved in any other crime when he was questioned by the police. Therefore, the objective seriousness, that the learned Magistrate had taken into consideration in order to select 24 months as the starting point, cannot be the same as of the case of **Balaggan (supra)**.*

*12. In **State v Raitekiteki (supra)** the High Court has sentenced the accused to a period of six months imprisonment for giving a false name to a police officer when he*

was arrested for a case of Aggravated Robbery and Rape. In State v Mere Vula (HAA 83 of 2017) the High Court affirmed the sentence of six months for giving a false name to a police officer.

13. In view of the above discussed judicial precedents, a sentence of fourteen (14) months imprisonment is harsh and manifestly excessive for an offence of giving a false name to a police officer. Since the Appellant had already spent nearly five (5) months in prison, it would be unjust to impose any alternative punishment. I accordingly, quash the sentence imposed in the Magistrate's Court and discharge the appellant forthwith without any further punishment.

#### Mitigating and Aggravating Factors

11. The Court notes the mitigation offered by you.
12. The Court is aware that you have taken an early guilty plea which highlights your remorse for your actions.
13. Further, the Court was informed that you are a first offender.
14. The aggravating factor is that you committed this offence to allow you to take the monies you had received from the fish sale.

#### Sentence

15. Considering the objective seriousness and the purpose of this sentence, I pick a starting point of 14 months imprisonment. I will then add 8 months for the aggravating factor mentioned at paragraph 14 herein making it a total of 22 months imprisonment.
16. For your mitigating circumstances being that you are 35 years with no prior convictions, I will deduct 3 months. For your early guilty plea which highlights your remorse, I will deduct a further 7 months, leaving you with 12 months imprisonment.
17. Section 26(1) of the Sentencing and Penalties Act allows a court to make an order suspending the whole or part of the sentence if it is satisfied that it is appropriate to do so in the circumstances whilst section 26(2)(b) provides the Magistrates Court with the discretion to suspend a sentence where the sentence does not exceed 2 years.
18. However, the Court does not find that this is a case where a fully suspended sentence is warranted. Rather, a partly suspended sentence is warranted as the Court cannot be seen to condone such actions especially as your actions led the police to utilize resources which would have been better used for other genuine matters requiring investigation.
19. As such, you shall serve 6 months of your sentence immediately and the remaining 6 months is suspended for 3 years.
20. If you commit any crime during the 3 years, you are liable to be charged and prosecuted for an offence pursuant to section 28 of the Sentencing and Penalties Act.
21. Any party aggrieved with this decision has 28 days to appeal to the High Court.

