

6. On 22 July 2025 at about 12pm, you left with the Complainant in his taxi to go to Lautoka as you had informed that the monies was in your account and that you wanted to withdraw to pay the Complainant. The Complainant and his wife waited for you outside the Bank but after sometime they could not locate you.
7. You were then arrested and interviewed under caution, where you denied the allegation. You were then charged for this matter.

Objective Seriousness

8. Considering the gravity of the offence especially which causes ordinary people to suffer financial losses after the hardships they endure, I find that the objective seriousness is high.

Sentencing Purpose

9. 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.
10. 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

11. The maximum penalty for the offence of General Dishonesty - Causing a Loss is 5 years imprisonment.
12. In the case of ***FICAC v Mohammed & Ors***; Criminal Case No. HAC 349 of 2013 (24 June 2015) His Lordship Justice Madigan stated:

“Causing a loss is again a mirror image of obtaining a financial advantage in a case of corruption; then as with that obtaining offence the tariffs for this offence can be split between causing a loss (simpliciter) and causing a loss where there is bribery or corruption involved.

The tariff for general dishonesty for causing a loss could be fixed at between suspended sentence to 4 years with suspended sentences to be passed for very small losses caused unwittingly.

Causing a loss when proved in conjunction with a generating corruption offence will attract the higher tariff of 4 to 5 years.

13. Thus, the tariff is for general dishonesty for causing a loss is between a suspended sentence to 4 years with the suspended sentence being passed for small losses caused unwittingly but when the offence is proven in conjunction with generating corruption offence then it attracts a higher tariff of 4 to 5 years.
14. The Court acknowledges that this case relates to causing a loss (simpliciter).

Mitigating and Aggravating Factors

15. The Court notes the mitigation offered by you.
16. The Court is aware that you took an early guilty plea which highlights your remorse for your actions.
17. The Court was informed that there was no recovery or restitution.
18. Further, the Court was informed that at the time of the offending you had been on bail for an offence of Theft and that you had pleaded Guilty and been convicted in the Rakiraki Magistrates' Court pending Sentence. You were subsequently sentenced in absentia on 1 August 2025. A copy of the Sentence was provided and you were sentenced to 14 months imprisonment where you were to serve 3 months and the remaining 11 months was to be suspended for 5 years. It was only when you were apprehended for this matter that you started to serve your sentence.
19. It is evident that you had not reformed yourself. Moreover, you have not provided the Court with any evidence of any significant contributions made by you to your community. As such, considering section 5 of the Sentencing and Penalties Act 2009, the Court is unable to provide you any discount for your previous character.
20. The aggravating factors are as follows:
 - i. you exploited and breached the trust of the Complainant and his family which caused them to welcome you in their home and provide for you;
 - ii. you lied to the Complainant when you had informed him that your husband was working overseas and this became evident in mitigation when you informed the Court that you were divorced and did not know where your husband was; and
 - iii. there was some degree of pre-meditation on your part when you committed this offence.

Sentence

21. In sentencing you, the Court has taken into account the factors outlined in section 4(1)-(2) of the Sentencing and Penalties Act 2009.
22. Considering the objective seriousness and the purpose of this sentence, I take a starting point of 24 months imprisonment. I will then add 18 months for the aggravating factors making it a total of 42 months imprisonment.
23. For your mitigating circumstances, I will deduct 3 months. For your early guilty plea, I will deduct a further 10 months leaving you with a balance of 29 months imprisonment.
24. Section 18(1) of the Sentencing and Penalties Act states that the Court must fix a non-parole period if it sentences an offender to be imprisoned for life or for a term of 2 years or more. Thus, considering the seriousness of the crime, the purpose of this sentence and opportunities for rehabilitation, your non-parole period will be for a period of 17 months effective forthwith.

25. Thus, your sentence is 29 months imprisonment with a non-parole period of 17 months imprisonment.
26. Further, as you had been on bail in your Rakiraki matter and then you committed this offence, pursuant to section 22(6) of the Sentencing and Penalties Act, your Sentence herein is to be served consecutively to any uncompleted sentence of imprisonment as there are no exceptional circumstances to warrant otherwise.
27. Any party aggrieved with this decision has 28 days to appeal to the High Court.



N. Mishra
Resident Magistrate

