

IN THE MAGISTRATES' COURT OF FIJI  
AT BA  
[CRIMINAL JURISDICTION]

Criminal Case No: CF 110/22

STATE

v.

MOHAMMED IFTIKAR  
PARNEET ANISH KUMAR  
PRASHANTH MUNI NATHAN  
MOHAMMED TANZEEL  
PRANEEL SACHIN KUMAR  
AMIT KUMAR

For Prosecution: Sgt [4971] V. Vunaki  
Accused 1 – 5: All Appearing with Mr. Charan  
Accused 6: Appearing In Person  
Plea: 3/7/2024  
Trial: 9-11/6/2025, 3/7/2025 & 21/7/2025 (Defense case)  
NCTA Ruling: 3/7/2025  
Judgement: 28/11/2025

JUDGMENT

A. Background

1. This is a case of *Theft of 1x Yamaha Enduro 60HP Boat Engine* valued at \$7, 800.00. The theft allegation is made against the six named accused persons via the Amalgamated Charge dated 13/2/2024 and they are *Mohammed Iftikar, Parneet Anish Kumar, Prashanth Muni Nathan, Mohammed Tanzeel, Praneel Sachin Kumar* and *Amit Kumar* [jointly referred to as 'the accused persons' or individually in their numbered placing via the amalgamated charge].
2. It is the case of the Prosecution that between the 19<sup>th</sup> day of March, 2022 to 20<sup>th</sup> day of March, 2022 at Ba Riverside, Ba in the Western Division the accused persons dishonestly appropriated the said boat engine belonging to one *Jerome Narayan* with the intention to permanently deprive Jerome Narayan of his property.
3. At the inception of this proceeding, the 1<sup>st</sup> accused to the 5<sup>th</sup> accused person were first produced before this Court on 23/3/2022, each preferred the Hindustani language and were represented by Counsel and all were subsequently bailed.

4. On 3/8/2022 the 1<sup>st</sup> accused to the 5<sup>th</sup> accused person plea was taken in the presence of their counsel and each pleaded Not Guilty to the charge. Following the taking of their plea the matter was progressively adjourned for mention for pre-trial issues as well as a trial date being fixed, resultantly on 13/2/2024 the Prosecution then sought leave to file an Amalgamated Charge amalgamating **CF 536/22 of State v Amit Kumar** into this proceeding.
5. CF 536/22 saw the accused Amit Kumar first being produced before this Court on 30/11/2022, he preferred the Hindustani language and opted for Legal Aid representation and was then after released on bail. Upon the matter being called for mention on 13/2/2024 the accused Amit Kumar did not attend Court; the Prosecution however proceeded to make their application for amalgamation of charges to which the Court granted, consequently the Amalgamated Charge was filed in Court. A bench warrant was then issued against the 6<sup>th</sup> accused which was later cancelled on 3/4/2024.
6. On 3/7/2024 all the accused persons in the presence of their respective Counsels (Mr Charan for Accused 1 – 5 and Mr Prakash for Accused 6) pleaded **Not Guilty** to the Amalgamated Charge. The matter was then adjourned for defence position towards the admissions in the accused persons caution interviews and charge statements.
7. Whilst appearing on 4/12/2024 Mr Prakash for Accused 6 sought leave to withdraw as Counsel for reasons noted on the Court Record, after considering the application in the presence of Accused 6 the Court granted leave to Mr Prakash. Accused 6 on like date informed Court that he would self-represent and Mr Charan informed the Court that they relied on fabrication as their contest towards the admissions. The Court considering the 6<sup>th</sup> Accused was now in person notified Prosecution to have all the accused persons interviewing officers, charging officers and any witnessing officers present at the Trial stages and a Trial date was set for 9 – 12/6/2025.
8. Trial proceeded on 9/6/2025, at the outset of the Trial, the Court was informed that one **Shivneel Kishan Kumar** a civilian witnesses of the prosecution was not available, he was a serving inmate and even though a Production Order (P.O) was issued for him, he was not present due to him having chicken pox and was currently in isolation at Natabua Correctional Facility, the Court was informed that there was no confirmation of when he will be likely rid of his medical infection, other than this – the Court was only informed that his release date from incarceration will be on 25/10/2025.
9. The Prosecution proceeded to call their case and called a total number of **13 witnesses** to prove their case and they tendered a total of **14 exhibits**.

Witnesses:

**PW 1** – Jerome Narayan, **PW 2** – Kolinio Sivo, **PW 3** – DC Vipindra, **PW 4** – PC Timoci, **PW 5** – W/Sgt Lavenia, **PW 6** – DC John Lanyon, **PW 7** – PC Sarmesh, **PW 8** – WPC Meredani, **PW 9** – DC Shelvin, **PW 10** – PC Josefa, **PW 11** – PC Vunaki. A and **PW 12** – DC Samisoni, **PW 13** – Shivneel K Kumar.

Exhibits:

PEX 1 – C. I Parneet,

PEX 2 – Charge Statement Parneet,

PEX 3 – C.I Amit,

PEX 4(a) – Search Warrant, PEX 4(b) – Information Obtaining a SW, PEX 4 (c) – Search List,

PEX 5 – Charge Statement Prashanth,

PEX 6 – C. I Praneel,

PEX 7(a) – Photograph of Engine, PEX 7 (b) – C.I Prashanth (\*PEX 7 referenced twice)

PEX 8 – Charge Statement Praneel,

PEX 9 – Photograph Booklet of Yellow Van,

PEX 10 – C.I Mohammed Iftikar,

PEX 11 – Charge Statement Mohammed Tanzeel,

PEX 12 – C.I Mohammed Tanzeel,

PEX 13 – Charge Statement Mohammed Iftikar,

PEX 14 – Charge Statement Amit Kumar.

10. Prosecution's case lasted 4 days (9 – 11/6/2025 & 3/7/2025) with the 4<sup>th</sup> and final day of 3/7/2025 saw to the civilian witness **Shivneel Kishan Kumar (PW – 13)** being called to give his evidence. At the end of PW – 13's evidence the Prosecution closed their case and the Court ruled there was a case to answer against all the accused persons and each were given their right pursuant to Section 179 of the Criminal Procedure Act 2009. Mr Charan informed the Court that only Accused 1 will offer evidence however Accused 2 – 5 will remain silent, Accused 6 appearing in person informed Court he also will remain silent. The matter was then adjourned to 21/7/2025 for Defence case and on 21/7/2025 Mr. Charan then informed the Court that all his clients will remain silent. Time was then given for the filing of closing submissions which was accepted for late filing on 12/9/2025.
11. The matter was then adjourned for Judgement.

**B. Presumption of Innocence**

12. The right of an accused person to be presumed innocent until proven guilty according to law is a right guaranteed under Section 14(2) (a) of the Constitution. (*Qio v State* [2015] FJCA 68; AAU0140.2014 (28 May 2015))

**C. Burden and Standard of Proof**

13. The burden of proof lies with the prosecution as stipulated in section 57 of the Crimes Act 2009 which states as follows:

***'57 (1) The prosecution bears a legal burden of proving every element of an offence relevant to the guilt of the person charged.'***

***(2) The prosecution also bears a legal burden of disproving any matter in relation to which the defendant has discharged an evidential burden of proof imposed on the defendant.'***

14. The standard of proof lies with the prosecution as stipulated in section 58 of the Crimes Act 2009 which states as follows:

***'58 (1) A legal burden of proof on the prosecution must be discharged beyond reasonable doubt.'***

15. The burden of proof of a case against an accused rest fairly and squarely always on the prosecution, that is the State-the complainant. The prosecution is never relieved of that responsibility and it does not shift to the accused at all. If the evidence creates any doubt, should be given to the accused.
16. Each and every element of the offence should be proved beyond reasonable doubt by the prosecution.

#### **D. Summary of Evidence and Analysis**

17. The entirety of the evidence is within the Court Record, each of the witnesses' evidence will not be thoroughly detailed in this Judgment however the Court will make reference only to the salient aspects of the evidence relevant to the elements of the charged offence.

18. The prosecution must prove beyond reasonable doubt the following elements of ***Theft***:

- i. The Accused- (all 6 accused persons),**
- ii. Dishonestly appropriates,**
- iii. Property (1x Yamaha Enduro 60HP Boat Engine) belonging to Jerome Narayan,**
- iv. With the intention of permanently depriving the Jerome Narayan of the property.**

19. In the case of ***Kumar v State [2013] FJHC 725; HAA03.2016*** an appeal Judgement, his Lordship, Justice Aluthge stated 'Section 291 of the Crimes Decree replaced the physical element of Theft namely, **"takes and carries away anything capable of being stolen without the consent of the owner"** under Section 259 of the Penal Code with wider and expanded element of "appropriates property belonging to another". The physical element as defined under Section 259 of the Penal Code was limited only to taking or carrying away of the property. **However, Section 291 of the Crimes Act**

has expanded the scope of the physical act to cover not only taking and carrying away, but also the assumption of the right of ownership, possession, or control (appropriation) of any property without the consent of the person to whom it belongs.

20. I remind myself that the accused is innocent until proven guilty. The burden and standard of proof rest with the prosecution at all times during the criminal trial. The burden is of beyond reasonable doubt and it never shifts to the accused to prove his innocence.
21. It is clear that there isn't any direct evidence that goes towards the witnessing of this offence of theft however in their effort to establish their case and the elements of the charged offence, the Prosecution rely on circumstantial evidence. While there can be no better evidence than direct evidence, it is also said that circumstantial evidence can be just as compelling, if not more so.

**Naicker v State [2018] FJSC 24; CAV0019.2018;**

32. "The other kind of evidence is circumstantial evidence that if, on consideration [of] a series of pieces of evidence, you are satisfied beyond reasonable doubt that the only reasonable inference to be drawn is the guilt of the accused, and there is no other reasonable explanation for the circumstances which is consistent with the accused's innocence, then you may convict the accused for the offence charged. Circumstantial evidence may be more powerful than direct evidence. Let me give an example: - If you one day find that your wallet is missing and the only person who could have entered your house is your neighbour, and you find your credit card is hidden in his desk in his home, then you are entitled to accept that it was your neighbour who stole your wallet. That is because the circumstances lead you to the only reasonable inference. However, if other people have access to your house and the credit card is not found in his house, then there are other possible explanations which are also consistent with his innocence."
33. There is no prescribed form of direction when the prosecution's case against the defendant is based on circumstantial evidence alone. So long as the judge gets the essence of it, that is sufficient. The essence of it is that the prosecution is relying on different pieces of evidence, none of which on their point directly to the defendant's guilt, but when taken together leave no doubt about the defendant's guilt because there is no reasonable explanation for them other than the defendant's guilt.
22. To establish the first element of identification, the Prosecution rely on the accused persons admissions in their respective record of interviews and charge statements. The admissions of each of the accused persons in their interviews and charge, if accepted, will place them at the material place and time of

offending. There is also some evidence from PW 2 to this element more specifically towards the 6<sup>th</sup> Accused – Amit Kumar. Before the evidence on Accused 6 from PW 2 is discussed, I will first delve into the admissions of Accused 1 – 6 and expatiate on whether these admissions can be accepted as evidence towards identification.

23. The 1<sup>st</sup> – 5<sup>th</sup> accused through their Counsel object to the admissions and raise fabrication. Essentially their position is that the admissions are not theirs rather it has been manufactured by the police.

***State v Nandan - Voir Dire Ruling - Admissibility of Confessions [2016] FJHC 125; HAC031.2012***

*8. It is pertinent to note that, whether the Police fabricated a particular cautioned interview statement or whether or not an accused made the confession in a cautioned interview statement cannot be determined in a voir dire. This position was expressly pronounced by the Court of Appeal in the case of Ro Olivini Radininausori v State (AAU 105 of 2007 decided on 26th November 2010) in the following terms:*

*"Obviously, not every objection taken to an interview or statement made under caution is the issue of voluntariness. There could be claims of fabrication, errors in transcription, denial of rights to a suspect etc. In such situations such as these it is not necessary for a voir dire to be held to determine the admissibility of the document; the issue becomes a matter for the jury (assessors)"*

24. All the relevant police officers who gave evidence towards the interview and charging of each of the accused persons testified that the accused persons rights were given, each accused understood it and each accused persons gave the answers in their respective interviews and charge voluntarily without any force, threat or inducement. All of the police officers' witnesses also identified each of the accused person in Court as they testified against each of the accused. Each of the accused also signed on their interviews and charge statements following the making of their admissions. Much of what was argued by Accused 1 – 5 was that their right to remain silent was not given, each of the interview records and charge statements was perused and their right to remain silent was given at the outset if their interviews as well as their charge, before any admissions was made by each of them.
25. Accused 1 – 6 records of interview converge on a few key features that are vital to considering whether the admissions are manufactured or if the admissions are truthful and ought to be accepted.

26. Firstly, each of them in their interviews refer to a meeting on the night of Saturday 19/3/2022 after the hour of 7pm and the meeting was along or around Max Value Supermarket, Ba which is opposite the Old Court House. Accused 1 acknowledges this meeting at Q&A 92 of his C.I, Accused 2 acknowledges it at C.I Q&A 103, Accused 3 acknowledges it at Q&A 66, Accused 4 acknowledges it at Q&A 66, 67, Accused 5 acknowledges it at C. I Q&A 68, 72 and Accused 6 acknowledges it at Q&A 96, 97.
27. Secondly, each of the accused in their respective interviews admit to going to the Ba Riverside on the night of Saturday 19/3/2022. Accused 1 admits to this at C. I Q&A 109 & 132, Accused 2 admits to this at C. I Q&A 141, Accused 3 admits to this at C. I Q&A 66, Accused 4 admits to this at C. I Q&A 66-67, Accused 5 admits to this at C. I Q&A 68 and 72 while Accused 6 admits to this at C. I Q&A 96-97.
28. The third is that each of the accused accepted that they got into the yellow van sometimes later that night and that an automotive boat engine was loaded into that same van around the hours of mid night before they headed for Nadi town. Each of them also acknowledged in their interview records that the said automotive boat engine was later handed over to one **Shivneel K Kumar** in Nadi in the early hours (around 5am) of the morning of Sunday 20/3/2022. Accused 1 acknowledges this in C. I Q&A 129, 135 and 139, Accused 2 acknowledges this in C. I Q&A 141, 142 and 147, Accused 3 acknowledges this in C. I Q&A 59, 60, 82 and 117. Accused 4 admits to this in C. I Q&A 42, 43, 70, 75, 114 and 123, Accused 5 admits to this in C. I Q&A 77, 78, 86, 88, 90, 97, 127 and 128 while Accused 6 acknowledges this in C. I Q&A 76, 78, 79, 82 and 89.
29. From the above admissions, the Court finds that the answers offered are very specific details that could only be known to each of the accused persons. Each of the accused in their interviews laid out the events of Saturday 19/3/2022 to Sunday morning 20/3/2022 and their answers of these series of events were not only gradual but also sequential yet converging on the common features discussed in the above paragraphs – again, these events accounted in their interviews could not have been known by anyone else other than each of the accused individually thus this Court finds that it wouldn't be probable for such answers to be manufactured or fabricated by the Police. It is therefore the finding of this Court that the answers in each of the accused persons interviews are their own and the admissions made by each of them in their interviews and charge statements are their own as well, these

admissions were obtained voluntarily and fairly from each of the accused persons. Each of the accused persons in their charge statement admitted to the charged offence and like their caution interviews – their rights were also put to them in their charge, each accused persons after being given their rights offered their admissions. The Court finds that there was no unfair treatment towards the accused persons in their interview and charge. The Court considers the admissions made by each accused person to be only admissible against them.

***Delana v State [2018] FJCA 100; AAU0103.2014***

*As Archbold points out: (1999 Edition, 15 -368):*

*"It is a fundamental rule of evidence that statements made by one defendant either to police or to others (other than statements, whether in the presence or absence of a co-defendants, made in the course or pursuance of a joint criminal enterprise to which the co-defendant was a party), are not evidence against the co-defendants unless the co-defendant either expressly or by implication adopts the statements and thereby makes them his own.*

*"It is the duty of the judge to impress on the jury that the statement of one defendant not made on oath in the course of the trial is not evidence against a co-defendant and must be entirely disregarded"*

30. The defence through Counsel for Accused 1 – 5 contended that the statement of PW 2 was not shown to the accused persons when they were confronted with it however the Police Prosecution witnesses who were asked of this told the Court that the statement of PW 2 was shown to each accused persons when being confronted with it and in being shown, each accused person then began to make voluntary admissions. Counsel then argued that the statement of PW 2 ought to have not only been shown but ought to have been read by each accused persons so that they know what actually is in the statement – further to this Counsel also contended that with the statement not being read by the accused persons it meant that the answers and admissions were fabricated. I cannot agree with this, if there is some trickery or unfairness tactic on the part of the Police who conducted the interviews by using PW 2' s statement then that point could have been properly ventilated at cross examination by the defence. The statement of PW 2 could have been easily shown to the police officers to address any inconsistency between what was shown to each accused and what was in fact captured within the body of PW 2's statement – this was never done by Counsel. Counsel also raised that **PEX 5** (Charge Statement of Accused 3) was not dated – this point was not mooted beyond simply stating it, as such the Court

questioned as to the point of it being raised in cross examination. In any event the Court has considered that PW 7 – PC Sarmesh testified that he did charge Accused 3 for this offence, this Court has also considered Accused 3 signature is consistent between his interview and charge thus accepts **PEX 5**.

31. **PW 2** also identified Accused 6 in Court and knows of Accused 6 quite well because they are friends and they would go drinking and smoking as well as sell fish together. He testified that he saw Accused 6 and three boys wearing white t-shirts at Max Value and they had gone to the Ba Riverside, he later saw a yellow van driving in that direction. After 30minutes he could hear someone loading something – he could not tell what it was but he could hear something being put inside the van and when the van returned from the Riverside area he stopped the van, a yellow van Registration BL: 299 – he stopped it because he knew Accused 6 who he knows as “Mike” and thought he was in the van. As he stopped the van, he saw inside at the back that there was an engine of the boat and saw 3 boys at the back and 2 in the front with the driver. He testified that when he stopped the van, they looked startled and that he sensed something was wrong, that something fishy was going on. He was shown **PEX 7(a)** and confirmed it to be the same yellow van he saw on that night he saw the engine inside and the boys he saw with “Mike”.
32. In finding that the answers in each of the accused interviews and charge aren't fabricated by the Police the Court consequently finds their admissions to be evidence against each of them towards their identification.
33. With their answers/admissions in their interviews and charge now accepted by the Court to be their own and is used as evidence against them, I now move to consider the principle of joint enterprise or “common intention”. Joint enterprise is defined in section 46 of the Crimes Decree in the following manner

“When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such a nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence”.

34. In *State v Nute* (2008) FJHC 325;HAC139.2007 Madam Shameem held that "the law is that when two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another and while committing that unlawful act, another e is committed which is a probable consequence of that first purpose, then each of the persons involved is guilty of the final offence".
35. In *State v Delana* [2014] FJHC 336 Justice Madigan said:
- "If you find that these two accused were two of the robbers on the 22nd July 2010, and you find that they were acting together as part of a plan to steal by robbery, then each of them is jointly liable for whatever every member of the group does. This is called in law the "doctrine of joint liability". So in the execution of an agreed plan then whatever one does, they all do. There are exceptions to this in serious cases of murder etc. but none of those exceptions apply here in this case. What it means in our case is that if you find there is a joint agreement to rob, and there is a robbery then even if one doesn't steal anything or doesn't hit anyone with a bolt cutter, he is still in law liable for these actions if he is part of the group."*
36. This Court finds that by each of your admissions in your interviews and charge statements, that you all had a common intention to steal the boat engine belonging to the complainant and then transport it to Nadi where it was to be sold off. The Court also considers this from the circumstances in which the boat engine was loaded into the van, it was done close to the hour of mid night in the cover of seclusion as such the only reasonable inference that can be drawn with such a task being carried out, that it was to steal the boat engine.
37. Now to consider the element of '**dishonestly appropriates**' which is the 'taking away or carrying away of anything capable of being stolen without the consent of the owner'.
38. Section 290 of the Crimes Act 2009 stipulates the meaning of dishonest, where it states that:
- Dishonest means –**
- (i) Dishonest according to the standards of ordinary people; and
  - (ii) Known by the defendant to be dishonest according to the standards of ordinary people

39. Further in **Kumar**, a citation of a England and Wales Court of Appeal was referred to, **R v Ghosh [1982]** where Lord Lane CJ discussed the applicable approach of determining whether the accused person acted dishonestly and held that;
- "In determining whether the prosecution has proved that the defendant was acting dishonestly, a jury must first of all decide whether according to the ordinary standards of reasonable and honest people what was done was dishonest. If it was not dishonest by those standards, that is the end of the matter and the prosecution fails. If it was dishonest by those standards, then the jury must consider whether the defendant himself must have realized that what he was doing was by those standards dishonest".
40. PW 1 in his evidence told the Court that he last checked on his boat on Saturday 19/3/2022 and was then called again on Sunday 20/3/2022 to be informed that his boat engine was missing. He did not give any such consent for it to be removed from the boat. He testified that the engine is a Yamaha Enduro 60HP Boat Engine with a Serial #: 1055513 and also testified that he could recognize his boat engine because the 'flywheel' was different from the other engines. The serial # was located on the right side of the clamp of the engine. He told the Court that his father had purchased the boat and engine from Asco Motors and it was registered then – he had his registration documents and it was given to the Police but his father's name is on it. He testified that his father had passed away in 2017 thus the boat had passed to him for ownership and usage. He was later called a day after 20/3/2022 to go and identify the boat engine at the Ba Police Station to which he did. He wanted to bring the boat engine then but was informed he couldn't because of the Court case, he later managed to have it returned more than a year later. He identified the boat engine via **PEX 7(a)** which was tendered by the case Investigating Officer **PW – 7 PC Sarmesh**. This evidence was further strengthened by the evidence of PW 6 – DC Lanyon who testified that he had prepared the Information to Obtain a SW (**PEX 4a**), SW (**PEX 4b**) and the **SL (PEX 4c)** and also recovered the boat engine from the house of one Shivneel at Nadi backroad – the recovered engine had the Serial #: 6K5K 1055513.
41. It is evidence before the Court that the boat engine was removed from the boat it was on and was carried away into the van in the middle of the night and was then taken to Nadi at around mid-night where it was sold in the cover of darkness. **PW – 4 Shivneel K Kumar's** evidence is also before the Court. He testified that the boat engine was brought to him in Korociri, Nadi where he resides by Accused 6 who came in a yellow van registration #: BL 992. There was 6 people who came in that van – Accused 6 then said he was selling the boat engine for \$1000 and asked him if he can buy it and also if he can keep it at his yard/office and after their conversation Accused 6 took \$80 and said that he

would be back. Accused 6 never came back, 2 – 3 days later the police called and asked about the engine, they later came and PW 4 gave the engine to them. The boat engine was a 60 h/p engine and had the # 1055513 written on it. PW 4 was shown PEX 7(a) and PEX 9 and confirmed each as the engine and the van that came with the 6 people. He identified Accused 6 in Court and told the Court; he knew him well because Accused 6 used to work with him before. The only reasonable inference that can be drawn is that your doings was all conducted to disallow being caught in your dishonesty. Thus, this Court finds that by your actions you all had assumed the right of ownership, possession and control of the PW 1 dishonestly thus appropriating the boat engine from him.

42. As to the last element, the Court finds that with all your taking of the boat engine to Nadi to sell clearly shows your intention of ***permanently depriving the complainant of his property***. You all took the boat engine in the cover of darkness in a van supposedly borrowed to go and attend a birthday party in Nadi but you all did not end up going to a birthday party. Your actions to wait for darkness to then have the perfect opportunity to remove the engine undetected and to take it all the way to Nadi to sell clearly points to nothing else but your intentions to permanently deprive the complainant of his property.
43. I have considered the cross examinations by Counsel for Accused 1 – 5 however aside from what has been discussed in this Judgement, the other contests raised by defence did not go to the elements of the offending and was merely peripheral as such offered no discredit to the evidence by the Prosecution.
44. It is prudent to also state that Accused 6 was not only explained and assisted by the Court in understanding the need to advance questions regarding any contest to his C.I and Charge however he categorically maintained throughout that he did not wish to ask any questions to any of the Police Witnesses nor PW 1 – his questions to PW 2 were again merely peripheral.

#### **E. Finding and Judgment**

45. Considering the evidence in totality, I find that the prosecution has proved beyond reasonable doubt the offence against all the 6 accused persons. I find that all the accused did on the night of 19/3/2022 steal the ***1x Yamaha Enduro 60HP Boat Engine*** and loaded it on to the 7-seater yellow van

registration BL 992. The accused persons using the cover of night to conceal their vices loaded the boat engine into the van and then transported it to Nadi where it was sold thus dishonestly appropriating it from its owner, **Jerome Narayan** with the intention to permanently deprive him of the said boat engine.

46. I find each of the accused is guilty as charged and I convict each of the accused accordingly.

47. The matter is to proceed to providing of any adverse records on the Accused by the Prosecution and Defence to provide Mitigation.

**28 days to appeal to the High Court.**

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**S. Nasedra [Ms.]**  
**[Resident Magistrate]**

**Divisional Prosecuting Office/West**  
**Accused 1 – 5 – Ravneet Charan Lawyers**  
**Accused 6 – In Person**