

IN THE MAGISTRATES' COURT OF FIJI

AT SUVA

Criminal Case : 118/2026

STATE

V

NAOMI VAKAGI VEIBATAKI

For the Prosecution: IP Reddy

The Accused: In Person

Date of Sentence : 05 February 2026

SENTENCE

1. **NAOMI VAKAGI VEIBATAKI**, you 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 30/01/2026, at Naicobocobo Settlement, Lami, police conducted a search of your residence and seized dried leaves suspected to be illicit drugs. These were subsequently analyzed at the Fiji Police Forensic Chemistry Laboratory and confirmed to be cannabis, with a total weight of 398.7 grams.
4. In your caution interview also, you admitted to this offence.
5. I am satisfied about your plea and convict you for this charge.
6. The maximum penalty for Possession of Drugs is life imprisonment/ \$100,000.00 fine.
7. The Supreme Court of Fiji, in the case of **Arisi Kaitani vs State**², has said for **Category 1: (0 gram to 1,000 grams (1 kilogram), the cases** can be disposed by fines, community services, counselling, discharge with a strong warning etc. Only in the worst cases, should a suspended prison sentence or a short sharp prison sentence be considered.
8. You fall into this category.
9. The drugs found in your possession was 398.7 grams and therefore cannot be considered a small quantity.
10. Furthermore, considering the evidence that these drugs were intended for commercial purposes, I find that a prison sentence is warranted in this case. Whether this sentence will be suspended will be determined at the conclusion of this sentence.

¹ 1. No. 09 of 2004.

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

11. For category 2 (1 kilogram to 5 kilograms) of drugs the tariff is a sentence between 1 to 4 years imprisonment. Hence your sentence need to be below 01 year with the final sentence would be depend on the aggravating and mitigating factors.
12. In sentencing you for this offence, I am going to use instinctive synthesis method which is also used in Fiji apart from two tier method.
13. The Supreme Court of Fiji in Qurai v State³ held that :

“It is significant to note that the Sentencing and Penalties Decree does not seek to tie down a sentencing judge to the two-tiered process of reasoning described above and leaves it open for a sentencing judge to adopt a different approach, such as " instinctive synthesis ", by which is meant a more intuitive process of reasoning for computing a sentence which only requires the enunciation of all factors properly taken into account and the proper conclusion to be drawn from the weighing and balancing of those factors.”

14. The aggravating factors in this case are the manner in which the drugs were concealed (hidden in the washing machine) and the fact that they were intended for commercial purposes.
15. In mitigation, I take into account that you are 44 years old, married with no children, and a first offender.
16. You entered a guilty plea at the first available opportunity.
17. Considering all the relevant factors, I sentence you to four (4) months’ imprisonment.
18. I will now consider whether to suspend your sentence.
19. The drugs found in your possession were not for personal consumption. When this Court inquired into the reason for possessing such a large quantity, you stated that they were intended for the production of oil. However, you failed to explain how you intended to manufacture this product.
20. In your caution interview, you provided reasons for possessing these illicit drugs, and I will quote the relevant parts.

Q102. Whom does it belong to?

Ans: It is mine.

³ [2015] FJSC 15; CAV24.2014 (20 August 2015).

Q103. What do you do with that dries leaves?

Ans: I was about to pack it and then sell it, the one I've already packed I was planning to sell only, only the ones that were loose I was planning to throw it away in the dalo patch.

Q104. Why did you wish to sell only the ones you have already packed?

Ans: Because I just want to money back the money that I have wasted in buying the marijuana.

Q124: How much you were planning to sell al those dried leaves for according to its packing?

Ans: \$40 to \$50 per pack.

Q125. Whom do you sell those dried leaves to?

Ans: I was planning to go to town to ask around if someone wants to buy.

Q126. How long have you been doing that?

Ans: Yes before when my husband was there with me.

21. It is therefore apparent that you were keeping these drugs for commercial purposes. Given the public concern regarding drugs in Fiji presently, the Courts must play an active role in preventing the spread of drugs within the community. Drug sellers must be punished with custodial sentences to denounce their conduct and deter other like-minded offenders. Therefore, I decline to suspend your sentence.

22 Accordingly, I sentence you to four (4) months' imprisonment for this charge.

23 The drugs are to be photographed and destroyed at the end of the appeal period.

24. 28 days to appeal

