

IN THE HIGH COURT OF SOLOMON ISLANDS
Criminal Jurisdiction
(Faukona, DCJ)

Criminal Case No: 328 of 2024

BETWEEN : REX - Appellant
AND : BARNABAS HUINODI - Respondent

Date of Hearing: 16th April 2025
Date of Decision: 29th September 2025.

Mrs. P. Waisanau for the Crown
Mr. L. Waroka for the Respondent

APPEAL AGAINST SENTENCE IMPOSE BY PRINCIPAL MAGISTRATE COURT,
CENTRAL

R. Faukona (DCJ)

Introduction

1. This appeal was filed by the Crown against the sentence imposed by the Principal Magistrate Court, Central (PM, Ms. Taeburi) on 24th May 2023.
2. The respondent was charged for four (4) counts of incest contrary to section 163 (I) (a) and (2) (b) of the Penal Code (Amendment) (Sexual Offences) Act 2016.
3. On 3rd May 2023, the respondent pleaded guilty in the Magistrates Court to all four counts of incest committed on his biological daughter Ms. Rachael Gasediu.
4. The Principal Magistrate following plea of guilty impose the following sentences.
Count 1: Sentence to 6 months imprisonment.

- Count 2: Sentence to 8 months imprisonment
Count 3: Sentence to 8 months imprisonment
Count 4: Sentence to 6 months imprisonment

All sentences are to serve concurrently, making it a total of 8 months imprisonment.

5. Against the sentence of 8 months that the Crown filed this appeal on 7th June 2023. The maximum penalty for incest where a complainant is above the age of 13 years is 10 years imprisonment.
6. The grounds upon which the appellant relies on and grounded in the notice of appeal are as follows;
 1. That the learned Principal Magistrate erred in sentencing the Prisoner, when she failed to follow established sentencing steps and principles.
 2. That the learned Principal Magistrate erred in sentencing the prisoner when she took into account facts that were not established in the case.
 3. That the sentence was manifestly inadequate in all the circumstances of the offending.
7. The respondent is Mr. Barnabas Huinodi. He is the father of the complainant. At the time of first offending, he was about 55 years of age.
8. The complaint is Rachel Gasedia, she is the biological daughter of the respondent. At the time of first offending, she was 33 years old.

The facts of the case as agreed upon:

9. As agreed, the respondent had sexual intercourse with the complaint who is to his knowledge his biological daughter. All the incidents occurred at the respondent's village, at Ghovikala Settlement, Kaloka ward, Isabel Province.

10. The first incident occurred on an unknown date between 1st August 2017 and 31st August 2017, when the respondent had sexual intercourse with the complainant by licking her vagina. The incident occurred in the respondent's canteen shop in their village. A person named Mathew attended the shop to buy at the shop saw what the respondent did to his daughter. The respondent was startled and gave free goods from the shop to Mr. Mathew.
11. The second incident occurred on an unknown date between 1st January 2019 and 31st January 2019, when the respondent had sexual intercourse with his daughter by pulling the complaint down on the bed, removed her clothes, shut her mouth with his hand and had sexual intercourse with her by pushing his penis into her vagina and fucked her until he ejaculated. After that the respondent warned the complainant not to tell her mother or anyone what he did to her. She was afraid of him and did not report it. Later the complaint became pregnant and had a child.
12. The third occasion occurred on an unknown date between 1st January 2021 and 31st January 2021 when the respondent had sexual intercourse with the complaint on the bed inside their house. The defendant pulled the complainant down on the bed, removed her clothes and lay on top of her. The respondent shut the complainant's mouth with his right hand, widen her legs and had sexual intercourse with her by pushing his penis into her vagina and fucked her until he ejaculated. After that he warned the complainant not to tell her mother or anyone what he did to her. She was afraid and kept silent until she was pregnant of the second child.
13. The fourth occasion occurred on an unknown date between 1st August 2022 and 31st August 2022 when the respondent had sexual intercourse with the complainant in their kitchen house. At that time the complainant was in the kitchen with her young daughter when the respondent went in and told the complainant's daughter to go and play outside, which she did. The respondent then played with the complainant's breasts and vagina before he inserted his finger into her vagina. The complainant told the respondent that she did not like what he did to her but he did not listen. He held her tightly so that she couldn't escape from him.

14. The matter was reported to the Chiefs and later to Police. The respondent was arrested on 28th December 2022 and was charged for the offences.

Ground One

15. That the learned Principal Magistrate (PM) erred in sentencing the prisoner when she failed to follow established sentencing steps and principles.
16. The argument advanced by the appellant is the learned Principal Magistrate failed to follow the sentencing steps as principles set out in the case of *Bara v Regina*¹. In summing up what actually are the guidelines set out by the above case which a Judge should adhere to, or a Principal Magistrate for universal applications; the court should follow one sentencing structure.
17. At first the published sentence remarks should include, *inter alia*, identifying a starting point, aggravating and mitigating features, account taken of the plea, the application of totality principle and discussion of credit for pre-sentence custody.
18. The Crown as appellant in this case submits that, for the learned Principal Magistrate to arrive at a sentence that fits the crimes, she must first identify what is the starting point. The Crown alleges that, that was not done by the Principal Magistrate. The Crown then refers to the case of *Selo v R* which the court emphasises that the first step is to identify a starting point.
19. In support of the Counsel's contention, the appellant relies on three High Court incest cases, which attempted to set out starting points. Case (i) is *R v Hecky*², where the sentence was given on 10th June 2021. In that case, the High Court set 5 years as starting point. In the second case of *R v Muni*³, the High Court set 7 years as starting point. In Muni's case, the sentence was dated 10th September 2021. In the third case of *R v Beato*⁴ which the High

¹ (2018) SMCA 10; SICOA – CRAC 36 of 2017 (11 May 2018)

² (2021) SMHC 6'7; HCSI – CRC 521 of 2015 (10 June 2021)

³ (2021) SBHC 88; HCS9 – CRC 12 of 2021 (10 September 2021)

⁴ (2023) SBHC 144; HCS9 – CRC 607 of 2019 (20 November 2023)

Court set 5 years as starting point. The sentence was imposed on 20th November 2023, being the latest.

20. The respondent's Counsel in fact confirm the Principal Magistrate when sentencing the prisoner made no errors. She had followed the established steps and principles. The Respondent stand firm on the principle law of equity and that the Principal Magistrate has complied with the principles set out in Bara case.
21. Further the paragraphs quoted from Bara case by the defence, is more or less focussed on jurisdiction. The last paragraph (27) concerns errors which he denies the court below failed to consider properly as the aggravating and mitigating factors, and agree the court below did not make any reference to any starting point.
22. The respondent's Counsel further focussed on the principle of totality of sentence which is a non issue in this appeal. This court is further urged to consider the case of R v Qinity ⁵ which upholds the principle of deterrence sentence, and further urged the court to consider the case of Kyio v R ⁶ which established the sentencing principles.
23. The issue of jurisdiction and the principle of totality of sentence is a none issue in this appeal. What is in issue is that the Principal Magistrate failed to identity a starting point before any adjustment considering the aggravating features which in normal circumstances aggravate the starting point. After that, considering the mitigating factors which may suggest the sentence is too harsh. In this case, the Counsel for the appellant suggested that a starting point should be 3-4 years.
24. Three case authorities which the Counsel for the appellant make reference to are all High Court cases, in which the sentences were imposed on 10th June 2021, 10th September 2021 as the most recent one on 20th November 2023.

⁵ (2010) SBHC 26, HCS9-CRC 200 of 2008 (15 June 2010)

⁶ (2024) SBHC 90, HC-CRAC 259 (27 July, 2004)

25. In an attempt to apply the principle of setting a starting point, 2 cases identified 5 years as starting point and one set 7 years as starting point. None of those sentences was appealed to the Court of Appeal. I am expecting, by now, the Court of Appeal should set a starting point in a case of incest. Even at this very moment, I have not cited any case in which the Court of Appeal had set a starting point in a case of incest.
26. However, the above cases involve incest where all the victims are adults. With starting point not consistent, it would be difficult to adopt a particular precedent.
27. The idea of starting point was probably first pointed out in the case involving rape, the case of *R v Tehaia*⁷. In that case, the Court of Appeal stated that, this was clearly a case involving elements, which justify a starting point of 8 years. That conclusion was reached after noting that the Judge had failed to identify the starting point, he considered appropriate.
28. In the *Bara* case⁸, the parties have referred to the Court of Appeal and had pointed out in paragraph (27) stating that, in his sentencing remarks the Judge made no reference to any starting pint. The case of *Bara* concerns the offence of Money Laundering.
29. As far back as 2017 and 2018 or may be before that, the Court of Appeal had already emphasized that, a Judge should identify a starting point in all manner of criminal cases except for Murder and treason, which have mandatory sentences. I caught a glimpse on this guidance as it could assist the court to include by deciding in the final analysis, any mitigating or aggravating factors which may have equal or opposite effect. The rationale is, so that the final result was to treat a case whether at the bottom of the scale or near maximum of the scale.
30. I noted the Principal Magistrate did not identify a starting point in her sentencing steps and principles. The question to pause, has the Principal Magistrate entitle to do so. In my view

⁷ (2017) SBGA 7; SICOA-CRAC 18 of 2016 (5 May 2017)

⁸ *Ibid* (i)

yes, to assist her in her final analysis when discussing aggravating and mitigation factors. She might consider a starting point she considered appropriate to assist her.

31. However, I do note that starting point naturally requires by the judges in their adjudication on sentence. And the Court of Appeal is relied on in their regular monitoring and review by way of appeal cases. Unfortunately, there is nothing rigid so as to maintain consistency, so we have 3 cases with different starting points.
32. Regardless of the fact that the Principal Magistrates did not identify any starting point, but she had considered the aggravating and mitigating factors, which have the effect, hence she arrived at a sentence she thought appropriate. I have no doubt she must have applied the balancing exercise as required in *R v Tiko*⁹
33. The *Kyio* case which the Counsel for respondent urge me to consider in particular the paragraph he refers to and attached, contain His Lordship Palmer Chief Justice, outlining of the mitigating factors. As it appears the discussion is not in full, there is no mention of any aggravating features, may be in the previous pages and paragraphs.
34. Let me emphasize at this juncture that if the Principal Magistrate have confidence to hear an incest charge, she must consider the limit of its sentencing jurisdiction, must also identify a starting point which it considered appropriate – see the case of *R v Tehaia*¹⁰
35. Apart from the guidelines set out in the case of *Bara v R*¹¹ which the Appellant's Counsel refer to at page 2 of her submission, it is prudent that I complete the full guidelines and principles by adding the sentencing principles and remarks hereunder.
36. In determining an appropriate sentence, the court must be vigilant to maintain a balance approach.¹² The principle that guides the exercise of discretion are; deference,

⁹ (2020) SBCA 7

¹⁰ *Ibid* (1)

¹¹ *R v Timothy Sulega (Urep) Criminal Review Case No. 113 of 1999.*

¹² *Ibid* (7)

protection/prevention, rehabilitation and retribution. A judge ought to decide which principle to apply. In some cases, a judge will give a balance consideration, in others, a judge will emphasize one principle.

37. When approaching the task of sentencing, the court must ask itself whether the public interest in the case will be served by retribution or deterrence to the offender and others, or whether the public interest will be better served by rehabilitation of the offender.¹³With those resounding narratives I therefore allowed the first ground of appeal.

Ground 2

That the learned Principal Magistrate erred in sentencing the prisoner when she took into account facts that were not established in the facts.

38. The Crown Counsel insisted that agreed facts filed on 17th May 2013 was agreed upon by both Prosecution and Defence that the incestuous acts by the respondent or the complainant was not consensual. She refers to paragraph 8 and 9 of the Principal Magistrate's sentence and quoted, "The complainant in this case is not the typical young and vulnerable victim as seen in other cases of incest and sexual offences.....I find it difficult to accept that she did not consent to the sexual encounters with the prisoner.
39. The respondent's counsel whilst conceded with the agreed facts that the incestuous acts by the defendant on the complainant was not consensual. However, he refers to paragraph 8 of the Principal Magistrate's written sentence, and quote that at that time in 2017, she was 33 years old therefore was an adult. In August 2022 when the last incident of incest was committed, she was 38 years old. The matter was finally reported to Police in December 2022. Without any evidence to explain her reasons for being silent about the matter for 5 years and after two children. I find it difficult to accept that she did consent to the sexual encounters with the prisoner.

¹³ Jonson Tariani v R (1998-89) SILR 7

40. This ground raises the issue that the Principal Magistrate has abandoned that the incestuous act by the defendant with his own adult daughter has been down played as less serious, with low level of capability resulting in the sentence of 8 months for four counts of incest. At the same time may demean the issue of abuse of trust.
41. Whilst that being the crux of the ground, it ought to be noted that consent is not an issue in an incestuous act, neither it is one of the elements in an incest case. Therefore, in my opinion, it is wrong to consider as legal basis to waive what could have been a different sentence in exchange for lenient approach.
42. With the summary of facts of the case, which Counsels have agreed to and signed on 17th May 2023, filed on the same date. In paragraphs 5, the last two sentences clearly indicate that after the defendant had sexual intercourse with his daughter he warned her not to tell her mother or anyone, including Police (in my own words) of what he did to her. She was afraid of him so she did not report it. At the same time, the daughter became pregnant and had a child. Noted from the previous sentence the defendant pulled the complainant on to a bed had sex with her.
43. Again, in paragraph 6, second sentence down ward, it states, “the defendant pulled the complainant down on to a bed, removed her clothes and lay on top of her. He shut her mouth with his right hand, widen her legs and pushed his penis into her vagina until he ejaculated. After that, he warned her not to tell her mother or any one of what he did to her. She was afraid and kept quiet. She became pregnant and had a child.
44. In paragraph 7, last 4 sentences, states, after the defendant had played with her breasts and inserted his fingers into her vagina, the complainant said to the defendant that she did not like what he did to her but he did not listen to her. He held her tightly and she cannot escape from him.
45. Those quotes are direct extracts from the facts as agreed upon and signed by both Counsels. By pulling the complainant on to a bed and had sex with her twice, was typical type of action

tantamount to none intimate relationship or deep passion for love? In my observations, there was some kind force to certain degree applied. Noted that the complainant was warned not to report to her mother and anyone, by inclination Police. Those warnings according to the facts scared the complainant therefore kept quiet.

46. Of course, though her age was 33, the father still the head dominant authority in the family. Traditionally, he deserves due respect from his children; any warning by the head often contain conditions making it impossible for the complainant to report what the defendant had done to her.
47. Look at paragraph 7 the complainant had expressed herself that she did not accept the defendant playing around with her breasts and her vagina, but the defendant did not listen but held her tightly. For sure there was undeniable force applied.
48. On my overall view of this ground, it exerts profound that there is force to certain magnitude which threatened the complainant not to report to her mother or Police immediately. It cannot be denied that the action by the defendant, measured up to the expression by the complainant, boils down to the very fact as would be expected from and 33-year-old girl to report as soon as possible. The prolonging period of 5 years resulted in 2 children without reporting to Police of such diminishing behaviour was because of fear and respect. The complainant cannot freely exercise her freedom to report to Police, at last after 5 years.
49. Those facts were well versed by the Principal Magistrate. They were presented in front of her eyes, but she swept them under the bridge. They are serious aggravations which the Principal Magistrate should consider, however, treated them under the guise of consent by a mature daughter expecting her to know what is right and what is wrong. And forget or ignore that for 5 years she lived under threat.
50. I would reiterate again, perhaps, the guidelines are not yet well accustomed in the Magistrates Court. However, to identify and set a starting point makes the weighing and

balancing of the facts easy. How the aggravating factors will accelerate the head sentence and how the mitigating factors will reduce it.

51. The Bara case was decided by the Court of Appeal on 11th May 2018, after the new Sexual Offences Amendment Act came into force in 2016. Whilst the theory of identifying and setting a starting point is not yet popular, the Court of Appeal in Bara case, paragraph 27, made a remark that a Judge should make reference to any starting point.
52. If the Principal Magistrate has not complied with the guidelines or are not aware of, it is about time to start.
53. I find the Principal Magistrate made a grave error in shadowing the real facts but relying on facts which are not part and partial of agreed facts agreed upon and signed by both Counsels. Therefore, I must allow this point to succeed.

Ground 3:

That the sentence was manifestly inadequate in all the circumstances of the offending.

54. On this ground, the Crown submits that the Principal Magistrate fails to take account of very important aggravating factors as breaching of trust, repetition of offending and pregnancy but favours the old age principle. She also fails to observe comparative sentences.
55. The argument advance by the respondent is that the Principal Magistrate had carefully analysed the facts and evidence. In regards to breach of trust the Principal Magistrate said, I cannot accept these with an abuse of position and breach of trust, the reason she gave was there was no evidence that the complainant was a vulnerable person.
56. The Counsel further refer to paragraph 9 of the Principal Magistrate written sentencing remarks, finding no evidence to prove that as a daughter fail to accept breach of trust to her father when the first incest occurred in 2017. She could have refused oral sex by her father; she at that time was 33 years old and would have reported the matter to her mother.

57. The Counsel for defence stated that the sentence imposed by the Principal Magistrate was fair and for the issue of repetitive similar offence he refers to *Bade V R*¹⁴.
58. In respect to the issue of old age, the Counsel refer to the case of *Togovi v R*¹⁵ which define the crushing effect to mean in the context connotes the destruction of reasonable expectation of life after release. The case further states that life expectation for Solomon Islands is 61 years. In another case he refers to is *R v Meleke*,¹⁶ where the defendant was 65 years of age who was sentenced to 2 years, one year was suspended.
59. Any sexual relationship between close family members, for instance as define in S.163 (i) of Penal Code (Amendment) (Sexual Offences) Act 2016, is prohibited by law. Unless for no reasons at all is permitted by culture and custom of any particular grouping or tribe or island.
60. When such intolerable act occurs, it is condemned by law, culture or custom, community and religion. It is this gesture of condemnation that makes the father being the head and authority of his family, looked upon as the provider, fortress, ensuring security, peace and living in harmony. If the father disharmonizes his family by committing the offence of incest, then he is ascribed as a father breaching everything above, and he cannot be trusted. This is when breach of trust comes in. Whether the daughter is 33 years old or under the age, but single, and lives under the authority of the father, the father is expected to provide everything ensuring no one intrudes and abuse his family. If the father breaches his responsibility and authority then he cannot be trusted. In this case by pleading guilty he admits his wrong by abusing his own daughter. Therefore, he breaches trust vested on him as aggravating factor and cannot be substituted by seeking evidence to prove what has been admitted.

¹⁴ (2023) SBCA 39; SICOA – CRPC 9017 of 2023 (13 October 2023)

¹⁵ (2010) SBHC 26; HCS4-CRC 200 of 2008 (15 June 2010)

¹⁶ (2010) SBHC 34; HCS9-CRC 11 of 2008 (15 June 2010)

61. Because he admitted to what he did, he admits to the full facts of the case which his Counsel agreed to and signed. There is no need to sought evidence to prove imbalance of power. Whether the daughter is adult or not she must submit to the father, she lives with him. No one or stranger can weigh the balance of power and authority between a father and a daughter. A daughter will always be a daughter, she cannot balance to any scale to over-ride the father as the head of the family or attempt to balance their authorities.
62. To down grade a daughter as not vulnerable in the eyes of the father, is employing the impossibilities, it merits nothing but empty logic.
63. This appeal does not concern concurrent or consecutive sentences. It would appear the crown has agreed with concurrent sentence and confine its appeal to her submission. Hence, I need not to venture to discuss this issue.
64. As to the age of the defendant who was at that time of sentencing was 60 years old. Therefore, the Principal Magistrate thought 8 months sentence for concurrent 4 counts of incest fit the crimes. The reason as contended is that his life expectancy is 61 years old and more than 8 months will have a crushing effect on his life expectancy.
65. I have similar inclination as to that of the Crown that age of the defendant should attract less weight as it is a matter personal to him and should not have played on important consideration impacting the sentence.
66. In the case of *Togovi v R*¹⁷ which the Counsel for the respondent refers to concern the two counts of attempted rape. In that case, the High Court imposed 4 years imprisonment and not 2 years and one year suspended as asserted by the Counsel for defence.
67. As to the issue of repetition of offence, I noted the Principal Magistrate has taken account of it and the eventual pregnancy of the complainant, and which she accepted as aggravating fact – see paragraph 6 and 7 of the written sentences.

¹⁷ Ibid (16)

68. I noted at paragraph 19, the Principal Magistrate has made reference to 3 cases as comparative sentences. In those cases, the victims are from 15, 16, and 18 years old, and the sentence are 3 years, 4 years and 5 years and 6 months respectively. However, it would appear the age of the victim, 33 years had convinced the Principal magistrate to arrive at 8 months imprisonment for four counts of incest.
69. In respect to this ground for the Principal Magistrate to ignore or treat as diminished responsibility, the aggravating factor of breach of trust is totally out of context. To seek further evidence to prove these is an imbalance of status and responsibility, is a diversion from a liberal approach. She totally ignored though the complainant was 33 years, the agreed fact reveals there is degree of force applied which threatened the right of the victim to resist and to report.
70. On record as part of ground one the Principal Magistrate had in fact consider the aggravating factors of repetition of offence and reference to case authorities. Again, it is how the Principal Magistrate formulated the sentence she imposed as according to her own observations, experience and knowledge. Imposing a consecutive sentence is a difficult task. It requires some skill but mostly closely knitted with understanding of law and precedents, as well as experience. I therefore allow this ground.

Conclusion

71. There is a trend which still seem gripped by the Counsels making reference to decided cases as precedent; cases that were determined and sentenced before the Penal Code (Amendment) (Sexual Offences) Act 2016 came into force. In my observations and view, they are good laws as precedent, but for the purposes of Principle of law. However, in terms of modern law principle and sentencing it would be most credible and profitable that reference should focused on decided and sentencing guidelines imparted by the superior counts after the amendment Act 2016.

72. In this case, I applaud the Principal Magistrate for noting and making reference to the Solomon Islands Law Reform Commission report in June 2013. Following that report the S.I. Parliament responded by passing a legislation in 2016.
73. Parliament's response is vital and instantaneous because of the prevalent sexual activities, abuse and harassment against women, girls and children' one for them is incest. Reflected in the amended Penal Code are drastic increase of the maximum penalties. The objective is to curb or at least restraint all kinds of sexual offences that are occurring throughout this nation.
74. The courts are called upon by the communities, to respond to this legal demand by resuming to an approach to deter, to prevent, by imposing a reattributed sentence, ensuring the defendant learned from his mistake and deter others. Should anyone intended to wear the shoes of the prisoner will face the full force of law. This is a common call for a prisoner and people in the community to adhere to.
75. I noted the Principal Magistrate had approved and accepted what she stated in paragraphs 15-17. Even so, those strong and powerful authorities were taken over by the age of the victim who was 33 years old at first incident and 38 years old on last incident. In other words, the Principal Magistrate thought she was never victimized by her father's incestuous act forbidden by law, hence resort to less sentence apart from comparative sentences submitted to her. She has failed to consider the aggravating factors properly. In any incest case, the sentence must be an imprisonment term in years not in months.
76. In respect to starting point though may not clear and accustomed in the Magistrates Court, it is ideal to apply, because it is easy to accelerate with aggravating factor and decrease by the effect of mitigating factors. At the end of the day, an appropriate sentence will conclude as the sentence.

77. In the Magistrate Court a starting point of 3 and half years would be, in my view a good starting point for incest cases where the victim is an adult.
78. However, if a Principal Magistrate does not feel comfortable in hearing and sentencing a case of incest, refer them to the High Court. Otherwise, in my opinion all incest cases must be sent to the High Court through the normal PI processes to avoid hash and confusions.
79. After considering the aggravating features, which are very serious, in this case as breach of trust, repetition of offence, 2 children were born out of that relationship. To have sexual intercourse with a daughter multiple times is very serious and aggravating. Therefore, I accelerate 3 years as head sentence for counts 1 and 4, making it 6 and half years for each count. And for count 2 and 3 I increase 5 years that will increase the head sentence to 8 and half years for each count.
80. Upon considering the mitigating factors such as plea of guilty and no previous convictions, I decrease the head sentence by 2 years for all the counts. Count 1 and 4 the defendant will serve sentence of 4 and half years each, and count 3 and 4 he will serve 6 and half years each. All sentences to run concurrently, meaning the defendant will serve a sentence of 6 and half year's imprisonment. I therefore quashed the sentences imposed by the Principal Magistrate. If 8 months had been served will be deducted from 6 and half years.

Court Orders.

1. Sentence imposed by the learned Principal Magistrate on 24th May 2023 is quashed and substituted with the following sentence.
2. Count 1 and 4 the defendant is sentenced to 4 and half years' imprisonment. Count 2 and 3, the defendant will serve 6 and half years.
3. Both set of sentences will run concurrently, which means the defendant will serve 6 and half year's imprisonment.

4. If the defendant had served 8 months imprisonment as ordered by the Principal Magistrate Court, will be deducted from the 6 and half years imprisonment.

THE COURT.



Hon. Justice Rex Faulkna
Deputy Chief Justice