

**BETWEEN: Public Prosecutor
Claimant**

**AND: Kalchai Mala
Defendant**

Date of Plea: Tuesday 25th day of April, 2017 at 9:34 am

*Before: Justice Tomson Andrew (Presiding Justice)
Justice Allan Boblang (Member)
Justice Harry Joshua (Member)*

Island Court Clerk: Alida Tchivi

*In the Presence of: Claimant– Public Prosecutor
Defendant– Kalchai Mala*

JUDGMENT

Introduction:

The defendant Mr. Kalchai Mala is charged with one count of Theft contrary to section 125(a) of the Penal Code Act Cap 135. At the first calling of the case, Mr. Mala pleaded guilty to the said charge.

Verdict:

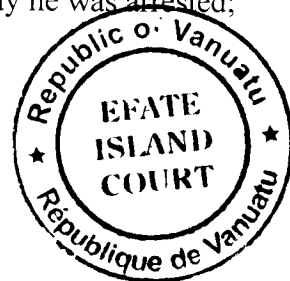
The court had recorded a plea of guilty and having heard and considered the summary of the agreed facts presented by the prosecution; this Court hereby convicts the accused as charged under section 125(a) of the Penal Code Act Cap 135.

Sentence:

Having heard Miss Charley for the prosecution and having heard the accused, the Court considers the following as mitigating as well as aggravating factors:

- a. Mitigating factors.
 - The accused has pleaded guilty at the earliest opportunity;
 - The accused has been cooperative with the police since the day he was arrested;
 - The accused has no previous convictions in Vanuatu;

- b. Aggravating factors.



The Law:

The Penal Code Act Cap 135, section 125 (a) reads: *“No person shall cause loss to another-
(a) by theft;*

Penalty: Imprisonment for 12 years.”

The Court is satisfied and hereby, makes the orders that:

1. Mr. Kalchai Mala to pay 1’500 vatu as Efate Island Court Fine and 1’000 vatu as Public Prosecution Cost;
2. All payment to be made directly to Vanuatu Government Cashier and payment due date is Tuesday 9th May, 2017 at 4:30pm in the noon;
3. In default of Orders 1 & 2 the defendant will be immediately arrested and brought before the Court;
4. The defendant reserves the right to appeal within 30 days of the date of these orders.

DATED at Port Vila this 25th day of April, 2017.

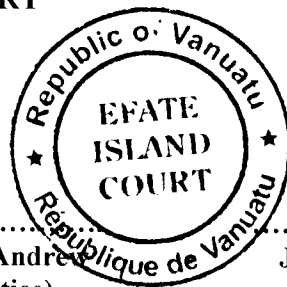
BY THE COURT

HH

Justice Harry Joshua
(Member)

[Signature]

Justice Tomson Andrew
(Presiding Justice)



[Signature]

Justice Allan Boblang
(Member)