

PUBLIC PROSECUTOR

V

ANTOINE MALSUNGAI

Mr. Young for Public Prosecutor

Mr. Moli for Defendant

SENTENCE

Between 01st March 2019 and 31st March 2019, the accused was the Chairman of the Ecole Public Anabrou, Efate. The count alleges a theft of 400,000VT between 01st March 2019 and 31st March 2019.

On 14 March 2019, the principal of Ecole Public Anabrou met with the Defendant at Jill's café to get the Defendant's signature on some cheques signed by other signatories for the school purposes. You signed the cheques and remove a page of the cheque book in the sum of 400, 000VT. The principal noticed that page of the cheque book was missing. She enquired with the National Bank. The Bank confirmed that the Defendant cashed out the cheque in the sum of 400, 000VT. On 15 March 2019, the Defendant was confronted by police about the matter. The Defendant admitted that he had taken 400, 000VT for his personal uses. He was given a position of trust and responsibility which involved the signing of large amounts of money.

The accused has no prior conviction of similar offence and I treat him as a first offender for the purpose of determining sentence here. Prosecution seek 2 years' imprisonment as a starting point. A 1/3 of the sentence reduced for his guilty plea. The end sentence seek by the prosecution is 1 year 2 months imprisonment suspended for 2 years. Prosecution seek repayment of the sum stole by the Defendant to be paid between 1-2 years period.

Mr. Moli, for the accused informed the Court that the Defendant is a freelance writer. He gains more than 70, 000vt per month. He has means to repay back the money to the Ecole Public Anabrou.

The Defendant is 44 years old and married with 4 children. Defence submits that the appropriate starting point for the Defendant should receive the same as prosecution. He accepts to pay back the sum within a period of 1 year. The period of repayment is similar to prosecution.

I urge the Schools here, to play their part in seeing that this type of offence does not continue. Proper supervision, instructions are probably more important in the prevention of crime of this type than the rote of the court.

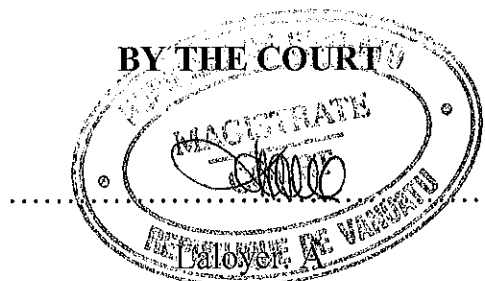
Perhaps the worst feature of the accused's offending here was the fact that throughout the offending he knew that what he is doing is not right. Whatever his grievances, he was not entitled to do what he did. He has pleaded guilty and admitted freely his offending. I give him full credit for this.

The sentence of the Court is that he is sentenced to be imprisoned for 2 years considering the seriousness of the offence. A 1/3 of this sentence is reduced from the sentence. The end sentence that he shall serve is 1 year and 6 months. This sentence shall be suspended 2 years.

I order that he pay the sum of 400, 000VT restitution to Ecole Public Anabrou, recoverable as a civil debt within a period of 12 months.

You have the right to appeal against this sentence. If you wish to do so, you must do so in writing within 14 days.

Dated at Port Vila, this 29th day of October 2019



Acting Chief Magistrate