

PUBLIC PROSECUTOR

v

SUMBE BANI

*Defendant*

**Coram:** *Justice Oliver A. Saksak*

**Counsel:** *Ms Laura Lunabek for Public Prosecutor*  
*Ms Barbara Taleo for Defendant*

**Dates of Plea:** *15<sup>th</sup> July 2024*

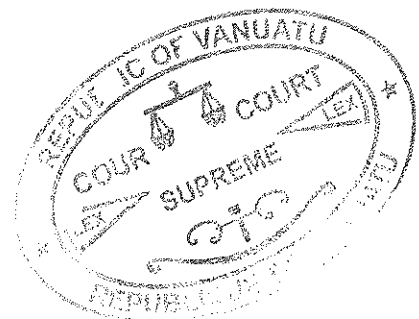
**Date of Sentence:** *19<sup>th</sup> July 2024*

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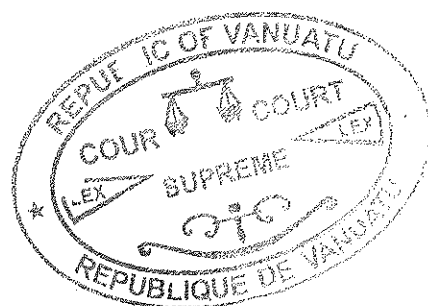
## SENTENCE

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1. Sumbe Bani pleaded guilty to one charge of possession of Cannabis contrary to section 2 (62) of the Dangerous Drugs Act [Cap 12]. And he is for sentence today.
2. On 21<sup>st</sup> May 2024 the Police in Luganville received a complaint that someone had cut water pipes on Malo Island and that this suspected person was at La Place (Unity Park) Area in Luganville. The Police acted on the information, went to the Park and found the defendant. They took him to the Police Station and upon searching him, the Police found 12 packages of marijuana in his bag covered in white plastic. The Police arrested the defendant, detained him and questioned him on 22<sup>nd</sup> May 2024. He admitted having possession of cannabis which he obtained from another person by name of Jacob and that it was for his personal use. The quantity of the substance was 0.55 grams.
3. Possession of cannabis is a serious offence as it carries the maximum penalty of not exceeding 20 years imprisonment or a fine not exceeding VT 100 million, or to both such fine or imprisonment.



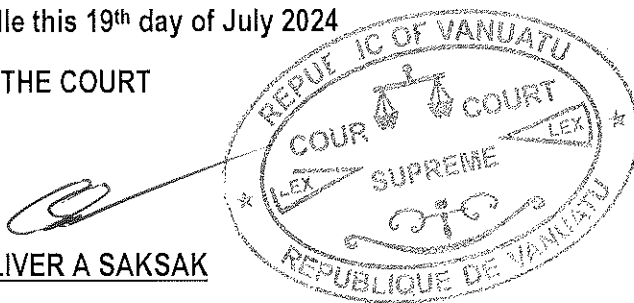
4. There are no mitigating circumstances. In assessing appropriate sentence I am assisted by the cases of Wetul v PP [ 2013] VUCA 26 which sets out 3 categories to be considered and applied, and the case of PP v Rapitick [ 2023] VUSC 226 which had 8 packages of cannabis but having more weight of 102.654 grams and where a start sentence of 12 months imprisonment was imposed.
5. The defendant's offending without aggravating features fell on the lower end of the category 1 offending in Wetul's case.
6. On the defendant's own guilty plea the Court convicts and sentences the defendant to a start sentence of 9 months imprisonment.
7. In mitigation I take account of his guilty plea and reduce his start sentence by 3 months leaving the balance to be 6 months.
8. I take account of the fact that he has already spent 2 months in custody on remand which are deducted from the balance of 6 months leaving his end sentence to be 4 months imprisonment.
9. I consider that the balance of his sentence of 4 months imprisonment should be suspended for a period of 1 year from the date of this sentence on good behaviour. If he should commit any further offences for which he would be charged and convicted, he will go to prison to serve his 4 months imprisonment. I order that he be released forthwith for custody.
10. To assist the defendant rehabilitate and not reoffend, I impose a further sentence of Supervision under section 58F of the Penal Code Act. This requires the defendant to be placed under the supervision of the Probation Service for a period of 1 year from the date of this sentence.



12. That is the sentence of the Court for the defendant. He has a right of appeal against this sentence within 14 days.

DATED at Luganville this 19<sup>th</sup> day of July 2024

BY THE COURT



Hon. OLIVER A SAKSAK

Judge