

IN THE HIGH COURT OF FIJI
AT SUVA

CRIMINAL JURISDICTION

HIGH COURT CRIMINALCASE NO: HAC 060 OF 2010

CRIMINAL CASE NO.: 202 of 2010

BETWEEN: STATE

PROSECUTION

AND: WILLIAM VILO VALENTINE

ACCSUED PERSON

Counsel: State - Mr. Vodokisolomone V.
Accused Person - In person

Date of Hearing: 19th March, 2010; 6th May, 2010; 8th & 11th June, 2010;

Date of Sentence: 23rd June, 2010.

S E N T E N C E

The accused is convicted of the following offences on his own pleas of guilty.

- (1) Forgery;
- (2) Uttering Forged Documents;
- (3) Obtaining Money on Forged Documents.

The accused was employed as Copra Purchasing Officer by Ocean Soaps Limited. During the relevant period the accused raised 67 vouchers and 67 cheques. He forged the signature of the Operations Manager, Nand Kumar Naidu and obtained cash from ANZ Bank, Lautoka Bank Branch from the said cheque totaling a sum of \$172,260.51.

Tariff for fraud offences is 18 months imprisonment to 3 years **(State v Saukilagi HAC 21 of 2004S)**.

Suspension of sentence is only considered where an early retribution is made as true expression of remorse and not just an attempt to buy one's way out of prison **(State v Cakau HAA 125 of 2004S)**.

In this case the amount defrauded is \$172,260.51 and the money was not recovered.

The aggravating factors are that this offence was preplanned, done systematically over a period of time, and that the amount involved which was not recovered is \$172,260.51.

These kind of offences disturb the smooth functioning of the commercial sector which would affect the society as a whole and deterrent punishment should be awarded to the accused to deter employees from committing such offences.

In mitigation the accused submitted that he is 23 years old, married with 3 small children, the youngest child is of 2 months old. He extends his apologies to the company. He has no previous conviction.

On all 3 Counts.

On each count I take 3 years imprisonment as the starting point. I add 2 years on each count for the aggravating factors and deduct 1 year on each count for the above mitigating factors.

For his early plea of guilty I give him a discount of 16 months and give another 2 months discount for his previous good character.

Considering the above mentioned facts a deterrent punishment is warranted and therefore I decline to suspend the sentence imposed.

The sentence on Count 1-3 to run concurrently.

Finally Accused is sentenced as followed:

Count 1	-	2 ½ years imprisonment.
Count 2	-	2 ½ years imprisonment.
Count 3	-	2 ½ years imprisonment.

Sentence in Count 1-3 are to run concurrently.

I make order that the accused to serve a minimum period of 2 years in prison.



Pri
Priyantha Fernando
Puisne Judge
23/06/2010