

IN THE MAGISTRATE'S COURT AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. 91 of 2018

STATE

v

SUBASHNI RAVEENA SINGH

Appearance : **PC Lal** for the Prosecution
Ms Devi. S for the Accused

Sentence : **30 November 2018**

SENTENCE

1. *Subashni Raveena Singh*, the accused, today is for sentencing for *Obtaining Financial Advantage by Deception*, where you contravened *section 318* of the *Crimes Decree*.
2. You pleaded guilty to the charge on 5 October 2018, in the presence of your counsel. I find your plea to be unequivocal as it was given on your own free will.
3. The brief summary of facts are;-

"The accused Subashni Raveena Singh promised to go to Lautoka and resides with Pranil Prakash Chand (the victim). On 10 February 2018, the victim sent

\$606.00 to the accused through M-PAISA on victim's mobile phone number 8427674. The accused husband (Atesh Kumar) received the money from Legend Distributors Shop, Civic Centre, Labasa town as the sim card was registered under Atesh Kumar. The accused upon receiving the money, she spent \$606.00 for her personal use. The accused failed to travel to Nadi Airport where the victim was waiting. The victim called the husband by phone, the accused informed the victim that she is unable to go to the victim. Matter was reported, accused interviewed under caution and admitted to the allegation."

4. You admitted to the summary of facts on 5 October 2018, and convicted as charged.
5. The maximum sentence for this offence is 10 years imprisonment. The tariff is from 2 to 5 years imprisonment.
6. The only aggravating factor is that there was no recovery.
7. The compelling mitigating factors are;-
 - a. *Remorseful and seek forgiveness,*
 - b. *First offender,*
 - c. *Full cooperation with the police.*
8. For your sentence, I pick 3 years as my starting point. I add 6 months for the aggravating factor and that increases your sentence to 3 years and 6 months imprisonment. I reduce 6 months for your mitigation and that reduce your sentence to 3 years imprisonment.
9. You entered an early guilty plea and you are entitle to one third reduction of 1 year. I reduce 1 year from your sentence and your sentence is reduce to 2 years imprisonment.
10. Your final sentence is 2 years imprisonment.
11. I have considered *section 4* of the *Sentence and Penalties Act*. I also considered the principle of rehabilitation and deterrent. Considering the facts and all circumstances of the case, this sentence will be based on the principle

of deterrent both specific and general to denounce such conduct and to serve as a warning to those people who intend to commit similar offence.

12. *Subhashni Raveena Singh*, I now sentence you to 2 years imprisonment with a non-parole period of 18 months.

28 days to appeal



C. M. Tuberi
RESIDENT MAGISTRATE