

IN THE MAGISTRATE'S COURT AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. 438 of 2012

STATE

v

ROHIT VIMAL PRASAD

Counsel : **Ms Vavadakua. A** for the Prosecution
Ms Raj. R for the Accused

Sentence : **30 November 2018**

SENTENCE

1. *Rohit Vimal Prasad*, the accused today is for sentencing for one count of *Dangerous Driving Occasioning Death*, where you contravened section 97(2)(c) and 114 of the *Land Transport Act*.
2. You were found guilty after trial and convicted as charged.
3. The brief facts of the case are that on 26 January 2012, along the Labasa Wainikoro road at Vulovi, you were driving a motor vehicle registration number GN 864 in a dangerous manner thereby hit the calvert resulted into the injuries of the accused and caused his death.
4. The mitigation was filed on 23 March 2018.

5. The maximum sentence for *Dangerous Driving Occasioning Death* is 10 years imprisonment or fine of \$10,000.00, and disqualification for any period up to life. The tariff is from 2 to 4 years imprisonment.
6. There is no aggravating factor. The compelling mitigating factors are:-
- 40 years old of good character as you are a first offender,
 - Seek the court forgiveness,
 - Learnt your lesson and promise not to re-offend,
 - Sole bread winner,
 - Still employed by the Fiji Police Force on half pay and still pursuing your Masters in Business Administration.
7. In your sentence, I pick 3 years as my starting point. I reduce 1 year for your mitigation and that reduce your sentence to 2 years imprisonment.
8. Your final sentence is 2 years imprisonment.
9. In **State v Sakiusa Bulivoro**, Criminal Appeal No. HAA 11 of 2014 (18 December 2014), at paragraph 18, the High Court stated:-
- “..... irresponsible and dangerous driving that causes loss of life should no longer receive lenient sentences no matter who the accused is or what his status in the community might be. There is no room for suspended sentence for this offence.”*
10. In this sentence, I have considered *section 4* of the *Sentence and Penalties Act*. I also considered the principle of rehabilitation and deterrent. This sentence is based on the principle of deterrent both specific and general to denounce such conduct. In the case of **Sakiusa** (*supra*) it is clear that suspended sentence is not an option for this offence.
11. *Rohit Vimal Prasad*, I now sentence you to 2 years imprisonment with non-parole period of 18 months.

28 days to appeal.



C. M. Tuberi

RESIDENT MAGISTRATE

