

**IN THE MAGISTRATES' COURT
AT BA
CRIMINAL JURISDICTION**

Criminal Case No. 284/2024

BETWEEN: STATE

PROSECUTION

AND: KISHORE LAL

ACCUSED

Counsel: A/Sergeant 3443 Vaciseva Marawa for Police Prosecution
Ms. B. Kumari for the Accused.

Date of Sentence: 27 October 2025.

SENTENCE

Introduction

1. Mr. Kishore Lal ('the Accused'), on 11 July 2024, you were charged and produced in Court for 1 count of Setting Fire to Crops and 2 counts of Attempting to Set Fire to Crops. The particulars of the offences are as follows:

Count 1

Statement of Offence

Setting Fire to Crops: Contrary to Section 364(a) of the Crimes Act 2009.

Particulars of Offence

Kishore Lal on the 9th day of July 2024 at Navau, Ba in the Western Division willfully and unlawfully set fire to approximately 200 tonnes of matured sugarcane of **Ajay Kumar**.

Count 2

Statement of Offence

Attempting to Set Fire to Crops: Contrary to Section 365(b) of the Crimes Act 2009.

Particulars of Offence

Kishore Lal on the 9th day of July 2024 at Navau, Ba in the Western Division willfully and unlawfully set fire to standing sugar plants of **Ajay Kumar** which was so situated that matured sugarcane plants of **Kailash Pati** was likely to catch fire from it.

Count 3

Statement of Offence

Attempting to Set Fire to Crops: Contrary to Section 365(b) of the Crimes Act 2009.

Particulars of Offence

Kishore Lal on the 9th day of July 2024 at Navau, Ba in the Western Division willfully and unlawfully set fire to standing sugar plants of **Ajay Kumar** which was so situated that matured sugarcane plants of **Sushila Devi** was likely to catch fire from it.

2. On the date that you were produced in Court, the Court remanded you in custody and the matter was referred to the Chief Magistrates' Court in Suva to allow for the necessary orders under section 104 of the Criminal Procedure Act to be made for psychiatric evaluation.
3. A Psychiatric Evaluation Report dated 1 August 2024 was filed by the Medical Superintendent of the St Giles Hospital where the following conclusions were noted:
 - i. The Accused has a diagnosis of considered mild intellectual disability that may require a repetition of facts due to his difficulty of understanding court proceedings and legal terms.
 - ii. The Accused will need to be communicated with in the Hindi language.
 - iii. The Accused is fit to plead.
 - iv. The Accused fulfils all the six Pressers criteria and is fit to stand trial.
 - v. The Accused understands his current charges.
4. Given the above conclusions, on 3 September 2025, after the charge was read and explained to you in your preferred language of Hindi and you confirmed that he understood the same, you pleaded Guilty to the above charges.
5. I am satisfied that you have fully comprehended the legal effect of your plea and that your plea was voluntary and free from influence, I now convict you and proceed to sentence you for all offences.

Circumstances of the offending

6. According to the Summary of Facts you admitted in Court, on 9 July 2024 at about 1:15pm, the Complainant was at his brother's home attending a funeral when he received a call informing him that his sugarcane farm was on fire.
7. The fire completely burnt approximately 200 tonnes of matured sugarcane with an estimated value of \$21,500.00. The fire had spread from the farm of the Complainant and went towards 2 other sugarcane farms which were adjacent to the Complainant's farm.
8. The fire burnt 200 tonnes of matured sugarcane belonging to Sushila Devi with an estimated value of \$17,000.00. The fire also burnt 70 tonnes of matured sugarcane belonging to Kailash Pati with an estimated value of \$5,950.00.
9. You were seen setting fire to the Complainant's sugarcane farm by Luke Vateitei and Viliame Ravautu. You were arrested from your residence and interviewed under caution in the presence of your brother as a witness and a translator. During your interview, you admitted to the offences. You were then charged in this matter.

Objective Seriousness

10. Such an offence is common especially in farming communities and can have various consequences such as loss of income to those who depend on farming for their livelihood. As such, I find the objective seriousness of this crime is high.

Sentencing Regime

11. The maximum penalty for Setting Fire to Crops is 10 years imprisonment whilst the maximum penalty for the offence of Attempting to Set Fire to Crops is 7 years imprisonment.
12. There are no set sentencing preferences or tariffs for both offences. Thus, the sentence in each case is dependent on its own set of facts.

Mitigating and Aggravating Factors

13. The Court notes that mitigation offered by your counsel.
14. The Court is aware of your early guilty plea which highlights your remorsefulness especially at the time of your interview where you admitted to the offences.
15. Further, the Court was informed that you are a first offender.
16. Moreover, the Court was informed that although the Complainant's, Ms. Susihila Devi and Ms. Kailash Pati's sugarcane was burnt, the burnt sugarcane was taken to the mill and they suffered no loss.
17. There are no discernible aggravating factors other than the factors subsumed in the elements of the offending.

Sentence

18. Considering section 17 of the Sentencing and Penalties Act, the Court prefers to impose an aggregate sentence for all counts. Considering the objective seriousness in this case, I accordingly select a starting point of 30 months.
19. For your mitigating circumstances including your being 53 years with no prior convictions, I will deduct 6 months. For your early guilty plea, I will deduct a further 9 months leaving you with a balance of 15 months imprisonment.
20. Section 26(1) of the Sentencing and Penalties Act allows a court to make an order suspending the whole or part of the sentence if it is satisfied that it is appropriate to do so in the circumstances whilst section 26(2)(b) provides the Magistrates Court with the discretion to suspend a sentence where the sentence does not exceed 2 years.
21. Considering your previous good character and your chances of rehabilitation, I will suspend your sentence as it does not exceed 2 years. Your sentence of 15 months imprisonment is suspended for 3 years.
22. Further, the Court is aware that you were in custody from 11 July 2024 to 5 September 2024 which is 56 days or 1 month and 25 days.
23. Thus, considering section 24 of the Sentencing and Penalties Act, a total of 2 months is considered as time already served by you.
24. Thus, your actual sentence to be served is now 13 months imprisonment suspended for 3 years.

25. If you commit any crime during the 3 years, you are liable to be charged and prosecuted for an offending pursuant to section 28 of the Sentencing and Penalties Act.
26. Any party aggrieved with this Sentence has 28 days to appeal to the High Court.



A handwritten signature in black ink, consisting of several overlapping loops and curves, positioned above the printed name.

N. Mishra
Resident Magistrate