

REVIEW JUDGMENT

R. -v- PANDAVISU

Criminal Case No. 1634/90 CMC

WARD CJ: I have called for the record in this case under section 50 of the Magistrates' Courts Act.

The learned Chief Magistrate sentenced the accused, Padavisu, for a total of six offences. The record shows those sentences as follows:

- | | |
|--------------------|----------------------------------|
| "1. Common Assault | 3 months |
| 2. Common Assault | 3 months concurrent with Count 1 |
| 3. Housebreaking | 12 months concurrent |
| 4. Simple Larceny | 9 months concurrent |
| 5. Simple Larceny | 9 months concurrent |
| 6. Storebreaking | 18 months consecutive to Count 1 |

Total 21 months consecutive to sentence now serving."

It is apparent that, as the sentences are arranged, the total sentence is 30 months.

However, in considering the total sentence, the learned magistrate allowed for a sentence of four and half years that had just been imposed by the High Court. Clearly he felt a total additional sentence of 21 months imprisonment was sufficient but made a mathematical error.

Using my powers under section 50, I therefore alter the sentences ordered to the extent that those for offences 1 and 2 are to be concurrent with each other. The sentences for offences 3, 4, 5 and 6 are to be concurrent with each other

but are to be consecutive to those for offences 1 and 2. Thus the total of 21 months imprisonment consecutive to the sentence he is currently serving still stands.

(F.G.R. Ward)
CHIEF JUSTICE