

**In the Central Magistrate's Court
Of Solomon Islands**

Criminal Case No:

354 of 2022



REGINA

V

ROBERT SARA

Date of Hearing: 14th April 2023

Date of Ruling: 20th April 2023

Police Prosecutor Mr. Maelanga for the Crown
Counsel Ms. Rusi for the accused

SENTENCE

PM Taeburi,

1. The defendant Mr. Robert Sara is a 28 years old man from the Shortland Islands in the Western Province. On the 2nd of August 2022, he went to the Central Police Station in Honiara and pulled out a small kitchen knife in his possession in front of police officers at the station. He is charged with one count of in possession of weapon contrary to section 84(2) of the Penal Code. He pleaded guilty to the charge on the 26th of September 2022.
2. The charge was filed in court on the 18th of August 2022. The matter was first listed and called in the Magistrate's Court on 22nd of August 2022. He was released on bail with conditions. He attended court on the 26th of September 2022 and the charge was read to him. He plead guilty then. The matter was adjourned to the 5th of October 2022 for sentencing submissions. He failed to appear in court on the 5th of October 2022 thus a warrant was issued for his arrest.
3. He was arrested and brought to court on the 29th of March 2023. His bail was forfeited and he was remanded in custody. He has spent almost a month now in custody.
4. In sentencing him I consider that he has shown no respect to the police officers, the police station and the institution of law enforcement in general. Not only was he armed with a dangerous weapon at a police station, but he also pull it out in front of the officers.

Any attack on police officers, at police stations and towards police properties will always be considered as a serious matter. Our courts have been very consistent and firm in this approach. (See *Fa'afunua v Regina*¹). I accept that the facts in this case do not disclose a direct and violent attack, but the actions of the accused shows a lack of respect for the police.

5. In sentencing him I consider that he pleaded guilty to the charge at the first available opportunity. If he had attended court and abided to bail conditions, his matter would have been dealt with in 2022.
6. I consider that he is a young man and he has no previous convictions. I also consider his other personal circumstances.
7. In sentencing him I take into account that there are no prescribed penalty in section 84 of the Penal Code which created the offence of possession of weapon. Section 84 (2) provides that the offence of possession of weapon is a misdemeanour.²
8. Section 41 of the Penal Code provides the general punishment for misdemeanour offences in the Penal Code where the section creating the offence does not provide a punishment. The maximum penalty provided in section 41 of the Penal Code "*is imprisonment for a term not exceeding two years or with a fine or with both.*"³

¹ *Fa'afunua v Regina* [2004] SBHC 131; HCSI-CRAC 296 of 2004 (10 September 2004)

² Section 84 Penal Code [Cap 26] –

Possession of weapon

84.- (1) For the purposes of this section, the Minister may by order designate any area or public place in Solomon Islands, to be a restricted area or place.

(2) Any person who, in a restricted area or place, without reasonable excuse the proof of which shall be on him, carries or has in his possession or under his control any weapon is guilty of a misdemeanour.

(3) Any police officer who has reason to believe that a weapon is being concealed or carried on any person or vehicle in a restricted area of place may, without warrant or other written authority, search and detain any such person or vehicle and take possession of such weapons.

(4) Any person who obstructs or hinders any police officer from lawfully exercising any powers conferred on him by subsection (3) of this section shall be guilty of a misdemeanour.

(5) When any person is convicted of any offence under this section, the court may order that such weapon be forfeited.

(6) In this section "weapon" means any article or instrument capable of causing injury to any person and without restricting the generality of this subsection shall include any knife, bush knife, club firearm or explosive.

³ Section 42 Penal Code [Cap 26] –

General punishment for misdemeanours

41.- When in this Code no punishment is specially provided for any misdemeanour, it shall be punishable with imprisonment for a term of not exceeding two years or with a fine or with both.

9. I have read the cases of *Fa'afina v Regina*⁴ and *Regina v Mani*⁵ and I have also considered the remarks made in those cases and the sentences imposed by the courts for comparison purposes.

10. In the circumstances of the case, I order as follows;

11. ORDERS;

- i. Mr. Robert Sara is convicted on one count of possession of weapon contrary to section 84 (2) of the Penal Code [Cap 26]
- ii. He is sentenced to imprisonment for 30 days
- iii. After his release from custody he is to enter into a bond to be of good behaviour for 1 year in his own recognisance and in the sum of \$300.

12. Right to appeal within 14 days.

Dated this 20th Day of April 2023


Principal Magistrate: Ms. Fatimah Me'ere Taeburi

⁴ Refer to footnote #1

⁵ *Regina v Mani* [2016] SBMC 31; Criminal Case 887 of 2016 (28 November 2016)