

IN THE HIGH COURT OF FIJI
AT LAUTOKA
APPELLATE JURISDICTION
CRIMINAL APPEAL CASE NO.: HAA 40 OF 2014

BETWEEN: MICHAEL JALAM
Appellant

AND: STATE
Respondent

Counsel: Mr. Aman Ravindra Singh for the Appellant
 Ms. Wakesa Elo for the Respondent

Date of Hearing: 20 January 2015
Date of Judgment: 26 January 2015

JUDGMENT

1. The appellant was charged before the Lautoka Magistrate Court with the following offence:

STATEMENT OF OFFENCE

ILLEGAL PARKING: Contrary to Section 20 read with Section 87 of Land Transport Regulations 2000.

PARTICULARS OF THE OFFENCE

MICHAEL JALAM between 7th day of June, 2013 at Lautoka in the Western Division being driver of a taxi on Yasawa Street caused the said taxi to stop illegally.

2. He pleaded Not Guilty to the offence. He was convicted after trial on 4.8.2014. He was ordered to pay a fine of \$200.00 on 15.8.2014.
3. The appellant had paid the fine.

4. This petition of appeal against conviction and sentence was filed on 12.9.2014 within time.
5. The grounds of appeal are:
- (i) That the learned Magistrate erred in law and in fact when she failed to consider Section 34 of Land Transport Regulation 2000 in her judgment.
 - (ii) That the Judgment and Sentence passed by the learned trial Magistrate is not consistent with the evidence adduced in trial therefore wrong in principle.
 - (iii) Alternatively, the overall sentence is harsh and excessive considering the circumstances of the case.
 - (iv) That the appellant reserves the right to add further grounds of appeal upon receipt of records.

Grounds (i)

6. The learned Magistrate had considered the provisions of Section 34 and reproduced the section in the judgment. Therefore, there is no merit in the first ground and it fails.

Ground (ii)

7. A police officer gave evidence that the accused parked the taxi to pick a passenger from a taxi stand. The accused had no authority to operate from that taxi stand. His taxi stand is 1.5 km away. The accused in his evidence admitted that he parked his taxi to pick a passenger from this stand. The defence witness too confirmed this position. Accused admitted in cross examination that LTA rules do not allow him to operate from another taxi stand. The learned Magistrate found the accused guilty on this evidence. It is consistent with the evidence. There is no merit in this ground and it fails.

Ground (iii)

8. The maximum fine for this offence is \$500.00. Therefore, a fine of \$200.00 is neither harsh nor excessive. There is no merit in this ground and it fails.
9. For the reasons given above, the appeal against the conviction and sentence is dismissed.



26th January 2015
At Lautoka


Sudharshana De Silva
JUDGE

**Counsel: Aman Ravindra-Singh Lawyers for the Appellant
Office of the Director of Public Prosecutions for the Respondent**