

IN THE HIGH COURT OF FIJI  
AT SUVA  
CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 146 OF 2018  
[Magistrates' Court Criminal Case No. 1614 OF 2017]

BETWEEN : THE STATE

AND : JONETANI NAVONU

Counsel : Ms D Kumar for the State  
Mr L Qetaki for the Accused

Date of Hearing : 6 July 2018

Date of Ruling : 20 July 2018

RULING

[1] This is an application by the State to change the venue for the trial from Suva to Labasa. The governing law is section 45(1) of the Criminal Procedure Act. Section 45(1) states:

If upon the hearing of any complaint it appears that the cause of complaint arose outside the locality of the court before which the complaint has been brought, the court may, on being satisfied that it should be dealt with elsewhere, direct the case to be transferred to the most appropriate court.

- [2] The Accused is charged with money laundering. According to the particulars of the charge the Accused allegedly committed the offence between 30 August 2016 and 14 September 2016 in Suva and Sigatoka.
- [3] According to the State the cause of the complaint arose in Labasa, where his co-accused Ms Anjani is facing theft and arson charges in Case No HAC 60 of 2016. The prosecution case against Ms Anjani is that she stole monies from her employer when she was employed as the postmistress at Seaqaqa Post Office, Vanua Levu. The prosecution alleges that she burned the Post Office building to destroy the evidence when she realized that she was going to be investigated for dishonesty. The prosecution is not alleging that the Accused was privy to the alleged theft and arson committed by Ms Anjani. The prosecution case is that Ms Anjani electronically transferred the proceeds of theft from Labasa to the Accused. The proceeds were allegedly laundered in Suva and Sigatoka. Ms Anjani is not charged with money laundering.
- [4] On the question of the locality of the cause of complaint, I hold that the cause of the complaint arose in Labasa, although the alleged offence of money laundering was committed in Suva and Sigatoka. The question is whether this Court should exercise its discretion to change the venue for the trial from Suva to Labasa.
- [5] The main reason advanced by the State to change the venue for the trial to Labasa is to allow the prosecution to apply for a joint trial with Ms Anjani. This was also the reason the prosecution gave to have the case transferred to the High Court for trial. In his ruling the learned magistrate allowed the application for transfer of the case to the High Court but left the decision for the change of venue to Labasa for the High Court to make.

- [6] Ms Anjani's trial has been pending since 2016. The trial is scheduled to commence on 6 August 2018 before the High Court at Labasa. Ms Anjani is represented by a private counsel of her choice. The Accused was recently charged. He is represented by the Legal Aid counsel from Suva office. If his case is transferred to Labasa, there will be a change of counsel. Labasa office will represent him. There is a high likelihood that the late application for a joint trial will cause an adjournment of Ms Anjani's trial. And if an adjournment is not allowed, then the trial of the Accused may not be fair because he was not given a reasonable opportunity to prepare for his trial.
- [7] The interests of justice are to ensure a fair trial for both Accused. The late application for the change of trial venue to Labasa may result in an injustice to both the Accused and his co-accused.
- [8] The application is refused. The Accused will be tried separately from his co-accused in Suva. The co-accused's trial is to proceed in Labasa as scheduled.



.....  
**Hon. Mr Justice Daniel Goundar**

**Solicitors:**

Office of the Legal Aid Commission for the Accused  
Office of the Director of Public Prosecutions for the State