

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 185 OF 2017S

STATE

Vs

1. ROSHEEN PRAVEENA RAJ
2. RINE MUNIVAI SORBY

Counsels : Ms. J. Prasad and Ms. M. Konrote for State
Ms. L. Ratidara for Accused No. 1
Ms. N. Mishra for Accused No 2

Hearings : 27, 28, 29, 30 August, 3, 4, 5, 6, 10, 11, 12 and 13 September, 2018

Summing Up : 17 September, 2018

Judgment : 18 September, 2018

Sentence : 19 September, 2018

SENTENCE

1. In a judgment delivered yesterday, the court found you two guilty and convicted you two on the following information:

FIRST COUNT

Statement of Offence

MONEY LAUNDERING: *Contrary to section 69(2)(a) and (3)(a) of the Proceeds of Crime Act 1997.*

Particulars of Offence

ROSHEEN PRAVEENA RAJ between the 1st day of June 2006 and the 16th day of February 2011 at Suva in the Central Division, engaged directly or indirectly in transactions involving Pacific Theological Westpac Bank Account 71127300, as a finance officer of Pacific Theological College responsible for preparing documents in relation to payment of wages of Pacific Theological College staff, paid herself in excess of her normal salary or wage from the said Westpac Bank Account 71127300 by falsifying documents and obtained a total sum of \$96, 576.86, that were proceeds of crime knowing or ought to have reasonably known that the said sum money is derived from some form of unlawful activity.

SECOND COUNT

Statement of Offence

MONEY LAUNDERING: Contrary to section 69(2)(a) and (3)(a) of the Proceeds of Crime Act 1997.

Particulars of Offence

RINE MUNIVAI SORBY also known as Lily Sorby between the 1st day of June 2006 and 16th day of February 2011 at Suva in the Central Division engaged directly or indirectly in transactions involving Westpac Bank Account 71127300, as a finance officer of Pacific Theological College responsible for preparing documents in relation to payment of wages of Pacific Theological College staff, paid herself in excess of her normal salary or wage from the said Westpac Bank Account 71127300 by falsifying documents and obtained a total sum of \$73,099.93, that were proceeds of crime knowing or ought to have reasonably known that the said sum of money is derived from some form of unlawful activity.

THIRD COUNT

Statement of Offence

MONEY LAUNDERING: Contrary to section 69(2)(a) and (3)(a) of the Proceeds of Crime Act 1997.

Particulars of Offence

ROSHEEN PRAVEENA RAJ and RINE MUNIVAI SORBY also known as Lily Sorby between the 1st day of March 2010 and 30th day of November, 2012 at Suva in the Central Division, engaged directly or indirectly in transactions involving Westpac Bank Account 71127300 in relation to cheques of Pacific Theological College payable to various body corporates (Fiji National Provident Fund, Fiji Electricity Authority, Inland Revenue Department, HP Kasabia, Fiji Gas, Water Authority of Fiji, Telecom, Rups Investment and Mechanical Supplies) which had the payees altered to fictitious names and by cashing the falsified cheques obtained a total sum of \$412, 567.61 that were proceeds of crime knowing or ought to have reasonably known that the money is derived from some form of unlawful activity.

2. The brief facts were as follows. The complainant was Pacific Theological College (PTC), a donor funded non-profit education entity. Both of you worked for Pacific Theological College as finance officers in its Finance section, Accused No. 1 started work with Pacific Theological College in 1998, while Accused No. 2 started in 1984. Both of you were responsible for receiving Pacific Theological college's salary and goods and services bills, and also responsible for paying Pacific Theological College's bills. Accused No. 1, at the material time, started tampering with Pacific Theological College's financial documents and cheques, and paid herself and Accused No. 2 the sums mentioned in count no. 1, 2 and 3. Accused No. 2 aided and abetted Accused No. 1 in the crimes alleged in count no. 1, 2 and 3. The accused unlawfully laundered and/or stole \$582,244.42 from Pacific Theological College, at the material time.

3. In **State v Josefa Saqanavere and Others**, Criminal Case No. HAC 251 of 2013S, High Court, Suva, I said the following: "...**The public through their representative in Parliament, view the offence of "money laundering" seriously, and had prescribed it a maximum penalty of 20 years imprisonment, or a fine not exceeding \$120,000, or both (see section 69 (2)(a) of the Proceeds of Crime Act 1997). The tariff for "money laundering" is now set at 5 to 12 years imprisonment: see State v Robin Surya Subha Shyam, Criminal Case No. HAC 146 of 2010S; State v Monika Monita Arora, Criminal Case No. HAC 125 of 2007S, and State v Doreen Singh, Criminal Case No. HAC 086 of 2009S – all Suva High Court authorities. Of course, the actual sentence will depend on the mitigating and aggravating factors...**"

4. The aggravating factors in this case were as follows:
 - (i) **Serious Breach of Trust.** People who are employed to look after other people's money are trusted individuals. The complainant, Pacific Theological College (PTC) trusted both of you to look after its money, which ran into thousand and thousand of dollars. Pacific Theological College is a donor funded non-profit educational entity. It employed both of you as its finance officers. In Accused No. 2's case, Pacific Theological College had employed you since 1984, while Accused No. 1, you started 14 years later in 1998. As its finance officers, you two basically controlled Pacific Theological College's money when it came to paying staff salaries and wages and its bills. You two were the financial brains in Pacific Theological College. As a result,

those who supervised you two, put great trust in you two. As employees, you owe a fiduciary duty to be honest and faithful to your employer, in the performance of your tasks. However, between 2006 and 2012, you two deceived your employers and cheated them. You two colluded in tampering with Pacific Theological College finance documents and cheques, and paid yourselves a total of \$582,244.42. You will have to pay for your deceit and your crimes with the loss of your liberties, and you must not complain of the same.

- (ii) You two's offendings were well-panned and implemented in the 6 year period of the crimes. Accused No. 1 was the one who prepared the weekly payroll details, the payment vouchers and the instructions to the banks. During the 6 year period, Accused No. 1 deliberately fooled her supervisors and cheque signatories by falsifying the documents and the cheques. Then she goes to the Westpac Bank and fooled the Westpac Bank staff by being friendly and chatty. Then, she made overpayments to her and Accused No. 2's bank accounts. When she cashed Pacific Theological College cheques, she gave huge amounts to herself and Accused No. 2. You two's Bank Statements saw huge deposits to your accounts in the 6 year period.
 - (iii) There was no restitution in this case, that is, not a single cent was recovered from the \$582,244.42 you two stole from Pacific Theological College.
 - (iv) Your offendings showed you two had no regard whatsoever to Pacific Theological College's property rights, no regard to Pacific Theological College's reputation as a donor funded education entity and had caused heartache and sadness to those who run Pacific Theological College.
5. The mitigating factors were as follows:
- (i) For Accused No. 1, at the age of 42 years, this is your first offence. For Accused No. 2, this is your first offence at the age of 54 years old.
 - (ii) For both of you, you had spent 4 days in custody.
 - (iii) For both of you, since you were each sacked in 2012, this case had been hanging over your heads for the last 6 years, and that would be a punishment in itself.

- (iv) Looking at the facts of the case, it appeared Accused No. 1 was the main instigator of the crimes, and received more in terms of money, than Accused No. 2.
6. On count no. 1, I start with a sentence of 9 years imprisonment. I add 5 years for the aggravating factors, making a total of 14 years imprisonment. For time already served while remanded in custody for 4 days, I deduct one month, leaving a balance of 13 years 11 months imprisonment. For the cases hanging over your heads for the last 6 years, I deduct 11 months, leaving a balance of 13 years imprisonment. For being first offenders, I deduct another 2 years, leaving a balance of 11 years imprisonment. For Accused No. 2 not been the main instigator of the crimes, I deduct her sentence by another one year leaving her balance, at 10 years imprisonment. On count no. 1, I sentence accused no. 1 to 11 years imprisonment, and Accused No. 2 to 10 years imprisonment.
7. I repeat the above process and sentence for count no. 2 and 3.
8. The summary of your sentence are as follows:
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|-------|---------------|--------------------|-----------------|-----------------------|
| (i) | Count No. 1 : | Money Laundering : | Accused No. 1 : | 11 years imprisonment |
| (ii) | Count No. 2 : | Money Laundering : | Accused No. 2 : | 10 years imprisonment |
| (iii) | Count No. 3 : | Money Laundering : | Accused No. 1 : | 11 years imprisonment |
| | | | Accused No. 2 : | 10 years imprisonment |
9. Because of the totality principle of sentencing, I direct that all the above sentences be made concurrent to each other, making a final total sentence of 11 years imprisonment for Accused No. 1, and 10 years imprisonment for Accused No. 2.
10. Ms. Rosheen Praveena Raj (Accused No. 1) and Ms Rine Munivai Sorby (Accused No. 2), for committing the crimes of "money laundering" against the Pacific Theological College, between 1 June 2006 and 30 November 2012, at Suva in the Central Division, when you individually and collectively stole a total of \$582, 244.42 from them, I sentence you Accused No. 1 to 11 years imprisonment, with a non-parole period of 10 years imprisonment, effective forthwith, and Accused No. 2 to 10 years imprisonment, with a non-parole period of 9 years imprisonment, effective forthwith.

11. Pursuant to section 4(1) of the Sentencing and Penalties Act 2009, the above sentences are designed to punish each of you in a manner that is just in all the circumstances, to protect charitable entities from people like you, to deter other would-be finance officers who are working for charitable entities and to signify that the court and the community denounce what you two did to the complainant in this case.

12. You two have 30 days to appeal to the Court of Appeal.




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JUDGE

Solicitor for State : **Office of the Director of Public Prosecution, Suva**
Solicitor for Accused No. 1 : **Legal Aid Commission, Suva**
Solicitor for Accused No. 2 : **Legal Aid Commission, Suva**