

IN THE MAGISTRATE'S COURT AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. 122 of 2018

STATE

v

AVISHAL AVIKESH PRASAD

Counsels : **PC Kaususu** for the Prosecution
Mr Koroitini. J for the Accused

Sentence : **15 June 2018**

SENTENCE

1. Avishal Avikesh Prasad, today is for sentencing for *Absconding Bail Conditions* contrary to *section 2(1) and 26(1) of the Bail Act*.
2. On 24 April 2018, you pleaded guilty to the charge in the presence of your counsel. I find your plea to be unequivocal, as it was given on your own free will.
3. The brief summary of facts are;-
"The accused Avishal Avikesh Prasad, the accused person in CF 502/17, CF 503/17, and CF 78/18 was bailed by the Labasa Magistrate Court to attend court on 5 March 2018. The accused failed to appear in court on 5 March 2018, and breached his bail condition. The accused was arrested, interviewed, and charged."

4. On 24 April 2018, you admitted to the above summary of facts, and convicted as charged. Your Counsel submitted oral mitigation on the same day.
5. The maximum penalty for *Breach of Bail Condition* is fine of \$2,000.00, or 12 months imprisonment, or both.
6. In your sentence, I noted your early guilty, the oral mitigation submitted by your counsel and the period you spent in remand for about 2 weeks.
7. On 29 March 2018, I had sentence you to 1 year, 4 months, and 3 weeks imprisonment in *Criminal Case No. 502 of 2017* and *Criminal Case No. 503 of 2017*.
8. Considering the facts and all circumstances of this case, I pick 5 months imprisonment as your sentence for this offence.
9. Avishal Avikesh Prasad, I now sentence you to 5 months imprisonment. Since you are serving for a period longer than your sentence in the present case, I order that this sentence to be served concurrently with your sentence in *Criminal Case No. 502 of 2017* and *Criminal Case No. 503 of 2017*.

28 days to appeal.



C. M. Tuberi
RESIDENT MAGISTRATE