

IN THE MAGISTRATES' COURT
AT BA
CRIMINAL JURISDICTION

Criminal Case No. 15/2025

BETWEEN: **STATE**

PROSECUTION

AND: **SHANIL RAMAN**

ACCUSED

Counsel: PC 5647 Pranil Nair for Police Prosecution
 Accused unrepresented and in person.

Date of Trial: 22 September 2025
Date of Judgment: 30 September 2025
Date of Sentence: 30 September 2025

SENTENCE

Introduction

1. Mr. Shanil Raman, on 30 September 2025, the Court found you guilty and convicted you for 1 count of Bribery of a Public Official contrary to section 134(1)(a)(iii)(b) of the Crimes Act 2009. The particulars of the offence are:

Count 2
Statement of Offence

Bribery of Public Officials: *Contrary to Section 134(1)(a)(iii)(b) of the Crimes Act 2009.*

Particulars of Offence

Shanil Raman on 9th day of January, 2025 at Nailaga, Ba in the Western Division without reasonable excuse offered to provide cash \$25.00 to PC5867 Mesulame with intention of influencing the said PC 5867 Mesulame in exercise of his duties as a public official.

2. The brief facts are as follows:
 - a. PC 5867 Mesulame testified that on 9 January 2025 at about 10:50am he had been under operation team at Ba Police Station and that they had been on patrol from Ba Town towards Raviravi with PC Alivereti and PC Rinal.
 - b. He testified that during a search the Accused offered him \$5.00 for his juice or whatever he wanted to buy with it. PC Mesulame stated that he informed the Accused that he could not do that as he could be arrested for bribery.
 - c. The Accused kept offering the money even though PC Mesulame kept refusing. Thereafter, the Accused took PC Mesulame's hand and placed the money in it.
 - d. The Accused also gave a \$20.00 note to PC Mesulame after he was arrested. He explained that when the Accused gave him the \$20.00 note, the Accused had asked to be released. The \$5.00 note and \$20.00 note tendered as 'PEX1'.
 - e. All this was witnessed by PC 7824 Alivereti.

Objective Seriousness

3. In the case of ***State v Blake***; Criminal Review Case No. 005 of 2013 (29 May 2014) His Lordship Justice Madigan stated:

Bribery of public officials is of course more serious. It attacks the integrity of Government; it injures the moral fibre of Government Officials and if it succeeds it serves to disadvantage the underprivileged and the poor. Sentences must be passed by the Courts that would do everything to discourage the practice by sending a message that it will be punished severely. As Winter J. said in Suliasi Sorovakatini HAC 18 of 2005:

"We all know that public corruption betrays the public trust and erodes public confidence in our Government institutions. These are serious crimes and it is important that potential offenders and the public at large understand that these crimes will be met with stiff penalties".

4. Considering the above views, the Court finds that the objective seriousness of this offence is high.

Sentencing Regime

5. The maximum penalty for Bribery of Public Official is 10 years imprisonment.
6. In ***Blake*** [supra] His Lordship Justice Madigan stated, "[f]or a crime as serious and as damaging as Bribery of a Public Official sentences in the range of 9 months to 3 years must be regarded as the accepted range and it would be in most exceptional circumstances that suspended sentences would be countenanced. Suspended sentences in a bribery context merely send a message that it is acceptable to offer bribes in some circumstances and the message must be given that it is never acceptable".
7. In ***Blake*** [supra] His Lordship Justice Madigan sentenced the Appellant to 12 months imprisonment for 1 count of Bribery of Public Official and he proceeded to suspend the Appellant's sentence due to strong mitigating factors.
8. The case of ***Kumar v State***; Criminal Appeal Case No. 679 of 2017 (22 December 2017) dealt with a sentence appeal where the Learned Magistrate had sentenced the Appellant to 18 months imprisonment after he had pleaded guilty to 1 count of Bribery of a Public Official. His Lordship Justice Goundar after finding that the Appellant had been a member of public who had offered a small amount of cash (\$200.00) to a police officer to let him off from breaking the law, set aside the 18 months imprisonment terms and found that 6 months imprisonment reflected the criminality with suspension being inappropriate.
9. The case of ***Buli v State***; Criminal Appeal Case No. HAA 18 of 2017 (15 January 2018) dealt with an extension of time for appeal where the Appellant had been sentenced to 3 years 4 months imprisonment with a non-parole period of 2 years 6 months after the Appellant had pleaded guilty to 1 count of Bribery of a Public Official. The Appellant had been found to bribe a police officer \$50.00 for his release from the cell to then allow him to register his vehicle before expiry. His Lordship Justice Goundar found that the Appellant was a farmer and that the case was not a sophisticated case of bribery involving large sums of money. His Lordship granted the enlargement of time application and set aside the sentence imposed by the Learned Magistrate and sentenced the Appellant to 1 year 6 months imprisonment.

10. In the case of *State v Hussein*: Criminal Appeal Case No. HAA 84 of 2017 (5 June 2018) which was a sentence appeal against the sentence by the Learned Magistrate when the Accused had pleaded guilty to 1 count of Bribery of a Public Official. The Learned Magistrate had sentenced the Accused to 9 months imprisonment suspended for 2 years with a fine of \$500.00. The Learned Magistrate then discharged the Accused pursuant to section 44(1) of the Sentencing and Penalties Act. His Lordship Justice Althuge on appeal recorded a conviction against the Respondent/Accused and affirmed the 9 months imprisonment term suspended for a period of 2 years and a fine of \$500 due to the exceptional circumstances of the Respondent/Accused.

Mitigating and Aggravating Factors

11. The Court notes that mitigation offered by you; however, personal circumstances and family background holds very low mitigatory value.
12. Further, the Court was informed that you are a first offender.
13. The aggravating factor is that you ignored the directive of PC Mesulame when you kept offering him money despite being warned that you could be arrested for bribery.

Sentence

14. Considering the objective seriousness, I accordingly select 12 months as the starting point.
15. I will then add 8 months for the aggravating factor mentioned at paragraph 13 herein, making it a total of 20 months imprisonment. For your mitigating circumstances including you being 36 years with no prior convictions, I will deduct 10 months leaving you with a balance of 10 months imprisonment.
16. Section 26(1) of the Sentencing and Penalties Act allows a court to make an order suspending the whole or part of the sentence if it is satisfied that it is appropriate to do so in the circumstances whilst section 26(2)(b) provides the Magistrates Court with the discretion to suspend a sentence where the sentence does not exceed 2 years.
17. Considering *Blake* [supra] and *Hussein* [supra] the Court finds that there exist exceptional circumstances in ordering a suspended sentence. These circumstances are the benefit offered was a minimal amount (\$25.00) with this being a less sophisticated case of bribery and there being no evidence of planning coupled with the Accused previous good character, as such, the Court will suspend the 10 month imprisonment term for a period of 3 years.
18. If you commit any crime during the 3 years, you are liable to be charged and prosecuted for an offending pursuant to section 28 of the Sentencing and Penalties Act.
19. Any party aggrieved with this decision has 28 days to appeal to the High Court.

