

**IN THE MAGISTRATES' COURT
AT BA
CRIMINAL JURISDICTION**

Private Prosecution Case No. 3/2025

BETWEEN: FIJI NATIONAL PROVIDENT FUND

PROSECUTION

AND: ABRAHAM DALIP PRATAP trading as EAGLES PRINTING PRESS

ACCUSED

Counsel: Mr. J. Ravai for FNPF
Accused unrepresented and in person.

Date of Sentence: 24 February 2026.

SENTENCE

Introduction

1. Mr. Abraham Dalip Pratap, on 5 December 2025, you pleaded Guilty to 2 counts of Failing to Pay Contributions to the Fiji National Provident Fund contrary to section 37(1)(a) of the Fiji National Provident Fund Act 2011. The particulars of the offences are:

*Count 1
Statement of Offence*

Failing to Pay Contributions to the Fiji National Provident Fund: Contrary to Section 37(1)(a) of the Fiji National Provident Fund Act 2011.

Particulars of Offence

Abraham Dalip Pratap trading as Eagles Printing Press did on 1st January 2025 at Ba in the Western Division being an employer of Ashwin Nitesh Chand failed to pay Fiji National Provident Fund contributions totaling \$252.00 due for the month of December 2024 in respect of the said employee.

*Count 2
Statement of Offence*

Failing to Pay Contributions to the Fiji National Provident Fund: Contrary to Section 37(1)(a) of the Fiji National Provident Fund Act 2011.

Particulars of Offence

Abraham Dalip Pratap trading as Eagles Printing Press did on 1st February 2025 at Ba in the Western Division being an employer of Ashwin Nitesh Chand failed to pay Fiji National Provident Fund contributions totaling \$201.60 due for the month of January 2025 in respect of the said employee.

2. Satisfied that you have fully comprehended the legal effect of your plea and that your plea was voluntary and free from influence, I now convict you and proceed to sentence you for both offences.

Circumstances of the offending

3. According to the Summary of Facts you admitted in Court, you operate a sole proprietorship business located at Stage 2, Vatulaulau, Ba which is also registered with the Fiji National Provident Fund ('FNPF') under Employer Reference Number EN10025196H.
4. You failed to pay FNPF members contributions in the sum of \$453.60 for your employee namely Ashwin Nilesch Chand for the months of December 2024 to January 2025 which were due at the end of each month. As such, a total of \$453.60 was payable to the above-named employee for the above-mentioned period.
5. You were subsequently charged. The total contribution payable for the period of April 2024 to March 2025 is \$2,228.32 which is inclusive of the amount on the Charge and Notice being for all other employees of yours during the offending period.
6. To date, you have only paid \$374.40 with a balance of \$1,853.92 still owing.

Objective Seriousness

7. Failure to pay employee contributions as required by law within the stipulated timeframe is to be treated with the highest level of regulatory severity to protect employee benefits. Thus, I find the objective seriousness as being high.

Sentencing Regime

8. The maximum penalty for the offence of Failure to pay Contributions to FNPF is a fine of \$5,000.00.
9. There is no set sentencing preference or tariff for this offence. Thus, the sentence in each case is dependent on its own set of facts and is to be within the maximum penalty imposed by the law.

Mitigating and Aggravating Factors

10. The Court notes the mitigation offered by you.
11. It is important to highlight that when you first came to Court on 5 September 2025, you had informed the Court that you were willing to settle the amount outstanding. This was also indicated in a letter filed on 21 August 2025. Given this willingness to settle, the Court allowed you time to liaise with the counsel from FNPF with respect to a settlement plan.
12. On 5 December 2025, no settlement took place and the Court was informed that you had not made any payments to clear the outstanding amount. As such, your plea was taken and during mitigation, you had informed that you had 2 potential buyers but that there were issues with respect to their respective financial institutions. A further date was given to you to check on the outcomes of these potential buyers.
13. Then on 3 February 2026, you informed the Court that your potential buyers' loans were refused as such the Court decided to proceed with the sentencing herein.

14. The Court is aware that you have taken an early guilty plea which highlights your remorse for your actions.
15. Further, the Court was informed that you are a first offender.
16. There are no discernible aggravating factors other than the factors subsumed in the elements of the offending.

Sentence

17. Before proceeding to sentence you, the Court wishes to acknowledge the Sentencing submissions filed by Mr. Ravai. The submissions were extremely helpful in assisting the Court reach its decision.
18. Taking into account section 33 of the Sentencing and Penalties Act, I prefer to impose an aggregate fine for both counts. Considering the objective seriousness and your mitigation, a fine in the sum of \$250.00 is to be paid within 2 months from the date of this Sentence in default 25 days imprisonment pursuant to section 37(1) of the Sentencing and Penalties Act.
19. In addition, the following orders are made:
 - i. The sum of \$453.60 in respect of Count 1 and 2 being the outstanding contributions for the employee namely Ashwin Nilesh Chand be paid pursuant to section 112(a) of the Fiji National Provident Act 2011.
 - ii. The sum of \$1,479.52 being outstanding contributions for other employees for the period of April 2024 to March 2025 be paid pursuant to section 108A of the Fiji National Provident Act 2011.
 - iii. The sum of \$245.50 being interest lost on Members' accounts for the period of April 2024 to March 2025 be paid pursuant to section 112(d) of the Fiji National Provident Fund Act 2011.
 - iv. The sum of \$100.00 as prosecution costs pursuant to section 150(1) of the Criminal Procedure Act 2009.
 - v. The payment of all orders mentioned from (i) to (iv) herein to be made within 2 months from the date of this Sentence.
 - vi. In default of payment of all orders mentioned from (i) to (iv) being a total of \$2,278.62, pursuant to section 40 of the Sentencing and Penalties Act 2009, a Distress Warrant for the seizure of the Accused's business property is to be served.
 - vii. In event the Distress Warrant fails, pursuant to section 37(1) of the Sentencing and Penalties Act 2009, a Committal Warrant is to be issued against Abraham Dalip Pratap for a period of 8 months imprisonment.
20. Any party aggrieved with this decision has 28 days to appeal to the High Court.



N. Mishra
Resident Magistrate