

IN THE SUPREME COURT OF FIJI

Appellate Jurisdiction

Criminal Appeals Nos. 62, 63, 64, 65
and 66 of 1977

ERNEST WHIPPY

Appellant

v.

REGINAM

Respondent

JUDGMENT

The appellant pleaded guilty to five counts of Housebreaking and Larceny, two counts of Assaulting a police officer and one count of Escaping from lawful custody. He also pleaded guilty to four counts of contravening conditions of a supervision order.

These counts were made the subject of four different charges but the learned Magistrate, quite properly, dealt with them together while assessing an appropriate sentence. The appellant was sentenced to a total of 6 years and one month's imprisonment. All these offences were committed during the operational period of a suspended sentence of two years' imprisonment, also for housebreaking and larceny. This sentence was activated but so as to take effect immediately concurrently with the other sentences. In effect, therefore, the appellant has to serve a total of 6 years and one month's imprisonment, and not 8 years and one month as he alleges in his appeal in which he pleads that the totality of sentence is harsh and excessive.

In this Court also, his four appeals have been dealt with together.

The Court treated the appellant with almost unwarranted leniency when, on the last occasion, it suspended the sentence of imprisonment imposed on him. It was for the sole purpose of giving him one last opportunity to make something out of his life. He has abused the leniency shown to him.

The total sentence imposed on him on this occasion is, in view of his record, neither manifestly excessive nor wrong in principle.

The appeal is dismissed.

(Sgd.)

(G. Mishra)

Acting Chief Justice

Suva,

8th July 1977