

Between:

SAVENACA PE BALEIDAMA

and

REGINAM

Appellant in person.

Mr. V. Maharaj for the Respondent.

JUDGMENT

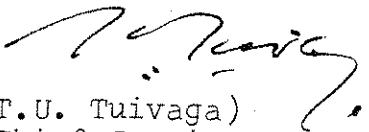
On 15th May 1980 at Suva Magistrate's Court the appellant was on his own plea convicted of escaping from lawful custody contrary to section 130 of the Penal Code and sentenced to eighteen months' imprisonment.

The appellant appeals against sentence on the ground that it is harsh and excessive.

The appellant is a young person of twenty one years of age. He has four previous convictions for escaping. Something appears to be very wrong with the prisons service and this may have much to do with the spate of escapes among young prison inmates in recent months. Only a few years ago such a thing was rather uncommon. I think the prisons service has got a basic problem here. Under these circumstances I do not think it would be right to take into account against this appellant in the ordinary way his previous convictions for escaping. On the face of it and assuming that appellant's offence might well be due to internal pressures within the prisons service the sentence imposed on him by the learned Magistrate would appear to be in excess of the normal range for offences of this type.

However, the Court is anxious that this appellant and others like him would themselves soon realise that it is against their interests to make a habit of escaping from prison. Such habit would only keep them in gaol longer than it need be.

In this case I would allow the appeal and reduce appellant's term of imprisonment to six months. It is ordered accordingly.


(T.U. Tuivaga)
Chief Justice

Suva,
29th August 1980.