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IN THE SUPREME COURT OF FIJI  
Appellate Jurisdiction  
Criminal Appeal No. 88 of 1980

Between:

AMINIO LAGOIA SEUVOU

Appellant

and

REGINAM

Respondent

Mr. P. Knight for the Appellant.  
Mr. M. Raza for the Respondent.

JUDGMENT

On the 3rd July 1980 in the Suva Magistrate's Court the appellant was on his own plea convicted on six counts of forgery and two counts of uttering forged document and was sentenced on each count to 9 months' imprisonment to run concurrently.

This appeal is on the ground that the sentences were excessive in all the circumstances and having regard to the character and background of the appellant.

The facts are set out in the following passage in the judgment of the trial court:-

" Accused is a mechanical student at Fiji Institute of Technology. On 6.5.80 opened a Savings Account with Bank of New Zealand Suva and was allocated Pass Book No. 802512-30. On 11.6.80 he reported the theft of that Pass Book to the bank. On 30.6.80 new Pass Book No.807866-30 was issued to him. On 30.6.80 he deposited \$3 in the bank. On the same day he withdrew \$2 leaving balance of \$1 in the book. On 1.7.80 he deposited \$4 making the balance \$5. Yesterday 2.7.80 he went to the bank and made a withdrawal of \$3. This left \$2 balance. Accused then took the Pass Book and withdrawal slip to the teller but before reaching

the teller he altered as in Count 1 to read not \$3 but \$3000. Count 2 to read not \$4 but \$3044. Count 3 to read \$3045. Count 4 to read \$3000. Count 5 to read \$45. Count 6 the withdrawal slip he added three noughts to read \$3000. On count 7 he knowingly uttered the Pass Book and the withdrawal slip, both as forged by him. He uttered these to the teller who detected the alteration and matter was reported to police. Accused interviewed. Admitted offences and charged. "

Counsel for appellant submitted that this was a rather clumsy attempt at defrauding a bank. There was no way in which respondent could possibly hope to succeed. According to counsel this fact demonstrated how unsophisticated the appellant was. In other respects appellant was a most promising and well-behaved young man. Counsel pointed out that there was no pecuniary loss to the bank concerned. Viewed in the light of these circumstances the sentence was severe.

While accepting unreservedly all that his counsel has said on behalf of appellant this court cannot accept that the sentence of 9 months' imprisonment is excessive having regard to the nature and circumstances of the offence. It need hardly be pointed out that if appellant had perchance succeeded in his plan he could not expect anything less than 18 months in gaol. A deterrent sentence was clearly called for. Fraud as a crime is always viewed with much gravity by the courts. By its very nature the crime implies cunning and deliberateness on the part of the offender. I have no doubt therefore that when appellant engaged in it he fully appreciated the seriousness and iniquity of his criminal act.

There is no merit in this appeal which must be dismissed.

  
Chief Justice

SUVA,  
16th January, 1981.