

IN THE SUPREME COURT OF FIJI

Appellate Jurisdiction  
Criminal Appeal No. 60 of 1982

265

000374

MOHAMMED HAFIZ

and

REGINAM

Appellant in Person.

Mr. E. Tavaiqia for the Respondent.

JUDGMENT

On 23rd March, 1982 appellant was convicted in the Suva Magistrate's Court of obtaining \$15 by false pretences contrary to section 309(a) of the Penal Code and was sentenced to two years' imprisonment.

Appellant is appealing against sentence on the ground that it is manifestly harsh and excessive.

The facts showed that on 28th January, 1982 at about 3 p.m. appellant met one taxi driver Ram Narayan s/o Sampat and told him that he had an electric iron he wanted to sell. Appellant's asking price was \$15. He told Narayan to give him the money and he would go and get the electric iron for him. Narayan gave appellant \$15 but appellant welsed on him.

The appellant has several previous convictions for similar offences and from his record he appears to be fast developing into quite a confidence trickster.

At the hearing of the appeal appellant informed this Court that he was reformed having now realised the futility of his criminal ways in the past.

I am prepared to believe appellant that he wants to be reformed but whether he would succeed in doing so remains to be seen. Be that as it may the sentence of two years' imprisonment for a transaction worth \$15, albeit criminal, is

in my view so disproportionate to the gravity of the offence committed by appellant. Besides the sum of \$15 has been restored to Narayan from monies found on appellant when the police picked him up.

In these circumstances I will allow the appeal and pass such sentence as would allow the appellant to be released from prison today.

Chief Justice

Suva,  
15th October, 1982.