

Criminal Case No. 30/91 CMC

Date of Review: 26 November 1991

Judgement on Review

Muria, J: This case was sent to me for review by the learned Principal Magistrate (Central).

I felt it was necessary that I should hear the Director of Public Prosecutions, if he has any views on this matter and so I invited him to be heard. The learned Director appeared and has offered the court great assistance by his helpful submission.

The learned Director agreed that the learned Principal Magistrate has power to pass the sentence and the order he made but he said that in this case the custodial sentence of 4 months together with the 12 months disqualification is slightly higher than it should have been. This, the learned Director says, is because the prisoner is a man of completely good record except for this particular traffic offence and that the prisoner was not a persistent bad driver. Further he added that the prisoner pleaded guilty to the offence. The learned Director says that in all the circumstances the 4 months sentence could be reduced but he suggests that the more appropriate course to adopt is to suspend the prison sentence and impose a fine.

I am grateful to the learned Director for his helpful submission.

The prisoner was charged with dangerous driving contrary to section 38 of the Traffic Act (Cap. 19). He was convicted and sentenced to 4 months imprisonment and disqualified from driving for 12 months. The facts are set out by the learned Principal Magistrate and I need not repeat them.

The prisoner pleaded guilty. He has a clean record. He cooperated with the police by readily admitting the offence to them. In Court he pleaded guilty. At the time he committed the offence he was employed by Solomon Islands Government. He has two

children attending school and his family relies on him for support. He himself was injured by his own bad driving and as the learned Director says, the prisoner was not a persistent bad driver.

This is a case of a man who was of good character apart from this traffic offence but by the manner of his driving which gave rise to the offence for which he is now in court he needed to be taught a lesson about how to behave when driving on the road. I feel he needed the sentence of imprisonment to teach him that lesson. However that lesson can be taught in less than 2 months 3 weeks which he would serve with remission on the 4 months sentence. He has now served 2 weeks in prison. He himself suffered injuries at his own hands as well as the loss of the use of his licence for 12 months. No doubt he has got to behave when he is free to drive again.

In the circumstances of his case and bearing in mind those matters helpfully submitted by the learned Director of Public Prosecutions I feel that the appropriate sentence should be one of the 4 weeks imprisonment. Also I consider that the 2 weeks he has served together with the 12 months disqualification is sufficient to teach him the lesson which the sentence was designed to do.

Thus by my power under Section 50 (1) of the Magistrates Court Act, I reduce the sentence to be one of 4 weeks imprisonment. The prisoner having already served 2 weeks in prison I order that he should not serve further in prison. The order of disqualification imposed by the learned Principal Magistrate remains unaffected.

(GJB Muria)

JUDGE