



IN THE CENTRAL MAGISTRATE'S COURT)
OF SOLOMON ISLANDS AT HONIARA)
(*Criminal Jurisdiction*)

Criminal Case No. 671 of 2020

REGINA

-v-

TIMOTHY BOBONGI WAISELE
&
JOSHUA JACKSON LUI

Date of hearing: June 30th, 2020

Date of sentence: July 8th, 2020

Mr. Waokea for the Prosecution
The Accused in person

SENTENCE

1. On June 30th, 2020, both of you appeared and entered guilty pleas to the following traffic offences;
 - For Mr. Bobongi – one count of *Using Unlicensed Motor vehicle* contrary to section (7) (1) of the Road Transport Act (Cap. 131) and one count of *Driving without a Valid Driver's Licence* contrary section 20 (1) of the Road Transport Act (Cap. 131).
 - For Mr. Lui - one count of *Permitting Unlicensed Motor vehicle* contrary to section 7 (1) of the Road Transport Act (Cap. 131) and one count of *permitting unlicensed driving* contrary to section 20 (2) of the Road Transport Act (Cap. 131).
2. The facts are admitted and is adopted to assist me on my reasoning to arrive at a fair sentence for both of you.
3. Traffic offences are strict liability offence by which it does not require the intention, rather only confine to the *actus reas* or action. By stating this, traffic offences are regulatory offences. For your cases, the maximum term of both count is \$5,000 fine or 6 months imprisonment or both. It reflect the attitude of our lawmakers to strongly discourage such offending in our country.
4. There has been countless warnings provided by the Royal Solomon Islands Police Force, other Non-Government and Governmental organisation on the need to have valid motor vehicle and driver's licence. Yet, the offence is still categorised as one of the most frequent charge coming before the Magistrates Court.
5. As I have made sentiment in other similar cases, drivers and vehicle owners need to understand the obligation on their part to make sure that such laws are not easily flouted

by non-compliant individuals who wish to cheat the system in earning income without paying for the necessary fees and requirements attached thereto.

6. For the aggravating factors, I consider the blatant ignorance of the accused, Bobongi to renew his driving licence in due time as serious. It had been expired since May 2019, almost a year ago. He is a taxi driver and should know better. The fact that he drive around without a valid licence and invalid motor vehicle licence in my view is foolish, he had put innocent lives of passengers, pedestrians and other road-users at risk. The purpose is renew licence is so it can undergo inspection at the MID, a vehicle does not have a life in perpetuity or forever, it requires change of brake pads, clutch, oils and other important matters.
7. For their mitigation, they have both accepted the agreed facts and entered guilty pleas to the two counts against them without legal advice. They are both first offenders and or this is the first for both of them to have a brush with the law. They have cooperated well with police investigation which ended their matter promptly.
8. For their personal family circumstance, they are both married and family individuals. They are currently struggling to assist and support their family.
9. For today, I am persuaded to accept a fine sentence for both accused persons. The fine sentence are as reflected below.

Sentence order

1. I hereby impose fine sentence against both accused persons as follows:-

Timothy Bobongi Waisele

- Count 1 - Using Unlicenced Motor vehicle – Fine of \$1,500
- Count 2 - Driving without a Valid Driver's Licence - \$1,500

Joshua Jackson Lui

- Count 1 - Permitting Unlicenced Motor vehicle – Fine of \$1,500
- Count 2 – Permitting Unlicenced Motor vehicle- \$1,500

2. In total, **Mr. Timothy Bobongi** to pay the amount of **\$3,000** and **Mr. Joshua Jackson Lui \$3,000.**

3. Both accused must pay the amount before or by **5th of August 2020 at 4:30PM.** A sufficient time considering the financial impacts and effects of covid-19.
4. In default of payment, 6 months' imprisonment.
5. Right of appeal applies within 14 days.
6. Order according.

THE COURT
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MR. LEONARD. B. CHITE
Principal Magistrate

