

**IN THE CENTRAL MAGISTRATES' COURT  
OF SOLOMON ISLANDS**

**CRIMINAL JURISDICTION**

CMC-CRC No. 174/2020

**REGINA**

**V**

**PATRICIA MANE**

Date of Submissions: February 27, 2020

Date of Judgement: February 28, 2020

*Prosecutor Motui for the Prosecution  
Accused in person*

**SENTENCE**

1. The Accused Ms Patricia Mane was charged with Hawking in a public place without Hawker's license contrary to section 3 as read with section 8 and section of the *Honiara City Council Hawker's Ordinance*. She was found guilty after trial and was convicted.
2. The maximum penalty for the offence is \$1,000. The corresponding sentence is 40 days imprisonment.
3. The facts of the offence was that the Offender had an agreement with Melanesian Security, particularly, the Supervising Security Personnel of Melanesian Security Lucius Tafea to sell them with Fish and Chips at the Town Ground Solpaza. On 19<sup>th</sup> February 2020, the Offender sold some Fish and Chips to some security Personnel at \$20 each. She was left with four Fish and Chips. She then went to the front of Town Ground Solplaza Building area at Town Ground and exposed her sales to the general public. Around 1.20pm, Enforcement Officers of the Honiara City Council were conducting a patrol and saw the Accused. They approached the Accused and arrested her for selling fish and chips.
4. It aggravates the offending when the Offender disguises her sales in public with her agreement with the Security Service. It is a well-planned act to avoid being caught by the Honiara City Council.
5. For mitigation, I consider you are a first time offender. You have a child to look after. You said sorry and is remorseful. You stated that you will not repeat the offending in future.

6. Time and time again, it was echoed in court to stop such offending. Its ripples are hoped to have cause fear to the general public that the offending is not tolerated. I condemn the offence highly. It is mainly because of its prevalent effect. Instead of slowing down, the trend of cases to court is steady or slowly climbing up. You walk around the street and can see people selling out of control without Hawker's Licence. I cannot express enough.
7. I am highly tempted to impose a corresponding sentence of custody because you have absconded whilst on bail, showing, you have no respect for the court orders. Then, on second thought, it is wise that I must strongly and sternly warn you only as custodial sentence.
8. I will instead take that the one day pre-detention period is sufficient.
9. Do not ever treat court orders second priority. And learn from this lesson and never come back.
10. To the Law Enforcement Agency, I must warn you that during an arrest and confiscating items, the items must be kept well for orders from the court after that case. If it is a perishable good, it must be brought to the attention of the court immediately so that quick orders will be made. Or it can be purchased at reasonable price and proceedings be kept for orders of the court. This court will not tolerate misuse of items confiscated for personal gain. In relation to this case, the Container belonging to the Offender must be returned.
11. For the court sentence, I order:
  - i. The Offender is sentenced to one two days imprisonment.
  - ii. The Offender is released on the rising of the court as he had sufficiently served her term in pre-detention period.
  - iii. The Container of the Offender must be returned, forthwith.
  - iv. 14 days available for appeal.
  - v. Order accordingly.



THE COURT

Ishmael Kekou – Magistrate First Class