

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 358 of 2019



REGINA

V

MOHAMMAD ABDUL LATIF MIA

Before: Principal Magistrate Ms. Fatimah Taeburi
Mr. Jasper Highwood Anisi (DPP) for the Crown
Mr. Gregory Muaki (L & L Lawyers) for the Defendant

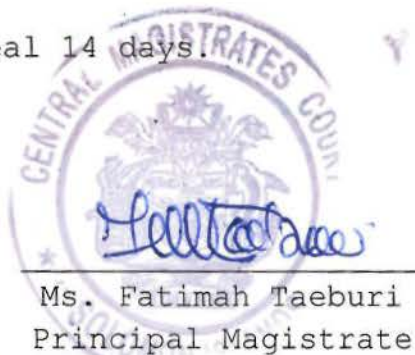
Date of Hearing: 18th - 20th November 2019
Date of Judgment: 20th February 2020
Date of Sentence: 19th March 2020

SENTENCE

Introduction

1. Mr. Latif has been convicted on one count of obtaining registration by false pretence contrary to section 311 of the Penal Code and one count of fraudulent voting contrary to section 120(1)(c) of the Electoral Act.
2. He is convicted on the basis that he obtained registration to vote in the National General Elections of Solomon Islands by false pretence. He gave false information, namely that he is a citizen of SI thereby obtaining registration to vote.
3. He is also convicted on the basis that he fraudulently casted his vote on polling day.

4. The offence of false pretence under the Penal Code is a misdemeanour and the general punishment provided in the Act is imprisonment for two years or a fine or both.
5. The maximum penalty for the offence of fraudulent voting under the Electoral Act is 5 years imprisonment or 50,000 penalty units or both.
6. The only aggravating factor I find in this case is that the defendant is a foreigner in this country and he has by his actions shown no respect for due processes of a sovereign State. I agree with the prosecutor that he has tampered with sovereign processes of this country.
7. In mitigating I consider that he has no previous convictions.
8. He is an elderly man who has a family here in the Solomon Islands. I take his personal circumstances into account.
9. In the circumstances of the offending, I am satisfied that a fine is the appropriate punishment.
10. Sentence:
 - a) Count 1 - Fraudulent Voting - Fine of \$7000.00
 - b) Count 2 - False Pretence - Fine of \$7000.00
11. Both sentences are to be served concurrently. In total you are to pay a fine of \$7000.00. This is to be paid before close of business on the 3rd of April 2020. In default of payment of the fine, you are to be imprisoned for 8 months.
12. Right to appeal 14 days.


Ms. Fatimah Taeburi
Principal Magistrate