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**REGINA  
v.  
BENJAMIN MANUKAMA**

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Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi  
Mr. Steward Tonowane (DPP) for the Crown  
Mr. Frank Brennan Kama (PSO) for the Defendant

Date of Hearing: 16<sup>th</sup> March 2021  
Date of Sentence: 17<sup>th</sup> March 2021

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**SENTENCE**

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1. The prisoner pleaded guilty to one count of arson contrary to section 319(a) of the Penal Code.<sup>1</sup>
2. A summary of agreed facts was tendered in court. The facts showed that he burnt the dwelling house of the complainant at Moli Village in the Central Province. The house was burnt completely to the ground. The complainant and his family suffered a loss of \$1000.<sup>2</sup>
3. I convict him on those facts.
4. In sentencing him I take into account that he burnt a dwelling house. In my view, burning a dwelling house is more serious compared to burning a building used for other purposes other than human residence. The prisoner runs the risk that someone is inside the house and that his actions could cause the loss of human lives.
5. I consider the loss to the complainant and his family. In almost all cases, a dwelling house is where a family keeps their life possessions and properties. There is no doubt that this family lost all their life belongings in the fire. It has been agreed that the family suffered a financial loss of \$1000. In my view, there are some family

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<sup>1</sup> Section 319(a) Penal Code [Cap 26] –

Any person who wilfully and unlawfully sets fire to –

(a) Any building or structure whatever, whether completed or not;  
Is guilty of a felony, and shall be liable to imprisonment for life.

<sup>2</sup> Summary of Agreed Facts filed on 16<sup>th</sup> March 2021.

possessions that one cannot express its true value in monetary terms. I also consider the hardships that the complainant and his family have to endure to rebuild their lives after the incident.

6. I consider that there was pre-meditation. The prisoner came to the complainant's house with a half lit fire-wood. He had the necessary intention and he had pre-planned his move.
7. I take into account that the prisoner pleaded guilty to the charge.
8. He has no criminal history. He is now 30 years of age. He was 26 years old when he committed the offence. In my view, offenders with clean criminal history who admits the charge demonstrate a good prospect of rehabilitation.
9. The defence counsel argued that there was delay in the prosecution of this case and that the fact of delay should be considered in favour of the prisoner. I disagree.
10. The prisoner was arrested and charged on 4<sup>th</sup> of July 2016 for the offence of arson which was committed on the 9<sup>th</sup> of June 2016.<sup>3</sup> He was bailed by the police to appear in the Honiara Magistrates Court on the 5<sup>th</sup> of July 2016. He failed to appear on that day. A warrant was issued for him on the same day.<sup>4</sup> The warrant was pending execution for several years. He was finally located by the police, arrested on the warrant and brought to court on the 29<sup>th</sup> of January 2021. He was remanded in custody until today. The delay in the prosecution of this case for about 4 years and 8 months is caused by the prisoner.
11. The maximum penalty for the offence of arson is life imprisonment.
12. In the circumstances of this case, the appropriate sentence is 1 ½ years imprisonment.
13. Right to appeal within 14 days.

Dated this 17<sup>th</sup> Day of March 2021



Principal Magistrate – Ms. Fatimah Me'ere Taeburi

<sup>3</sup> Refer to charges signed by police officer David Tepai on 4<sup>th</sup> July 2016.

<sup>4</sup> Refer to warrant of arrest issued on 5<sup>th</sup> July 2016.