



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

Criminal Case No. 660 of 2021

REGINA

-v-

**REUBENSON MOUNA
&
JIMMY AUGA**

Date of plea: October 15, 2021
Date of hearing: October 15, 2021
Date of sentence: October 18, 2021

*Nickson Tonowane for the Crown
Frank Kama for the Defendant*

SENTENCE

- [1] The defendants, Mr. Reubenson Mouna, and Jimmy Auga are charged with an offence of Restriction of Movement of Persons in Honiara contrary to Clause 4 (1) and (2) (a) and (b) of the Emergency Powers (COVID-19) (Honiara Emergency Zone) (Restriction of Movement) Order 2021 and Regulation 15 (1) (a), (2) and (4) of the Emergency Powers (COVID-19) (No-2) Regulations 2021. They pleaded guilty upon arraignment, and the matter return to court today for sentence.
- [2] The facts show that, the defendants, on August 30, 2021, at about 7:15 p.m., without lawful excuse were not at their place of residence namely, behind Lee Kwok Kuen area settlement, Ranadi Dump site, but were seen in front of Lee Kwok Kuen main entrance gate walking along the Ranadi Dump site public road.
- [3] Mr. Tonowane of counsel appearing for the crown submitted that the defendants' deliberate breach of lockdown orders is the sole aggravating factor. He submitted that they had known about the lockdown exercise, but decided to leave their place of residence. Hence, orally submitted that a fine sentence would be appropriate in their case.
- [4] He conceded to the fact that the defendants were remanded in custody for almost three weeks, hence, agreed that that is enough punishment for both defendants.
- [5] Mr. Kama of counsel for the defendants submitted that both defendants were residents of Ranadi Dump Site, and had left their houses on the date of offence, solely to attend to the seashore for defecation purposes, since they do not have proper ablution. He accepted

that the defendants were in remand, after which they were arrested under warrant of arrest for failing to turn up after initial court date.

- [6] I accept that they are both young offenders. For Mr. Auga, he is a juvenile, as such, the court must deal with his case under the Juvenile Offenders Act¹.
- [7] I agree that they were both remanded in custody for almost three weeks, and that it is enough punishment for both of them. I am of the opinion that imposing fine or good behavior bond would add more punishment on what had already been served sufficient.
- [8] They are both first-offenders, and had pleaded guilty to the offence at the earliest opportunity. They cooperated well with the police during arrest, which led to the quick completion of their matter.
- [1] I noted that both of them are in their youthful age, single, and has a lot to learn. Their attendance to the front gate was justified, after they had returned from their only accessible toilet area at the beach. They have clean slate of criminal history, and Mr. Auga is a Juvenile. I accept that the circumstance of their offending is extenuating. And having taken into account sole the aggravating and mitigating factors, and weighing with the case authorities in this jurisdiction, I am of the view that a sentence under s. 35 of the Penal Code is appropriate for Mr. Mouna, and s.16 (a) of Juvenile Offenders Act is appropriate for Mr. Auga. Therefore, in my discretion, I hereby make the following orders:

(a) Mr. Reubenson Mouna:

- (1) Invoke section 35 of the Penal Code, and order dismissing the charge against the defendant.
- (2) Consequent to above order (1), the defendant is discharged without conviction, absolutely.
- (3) Right of Appeal applies within 14 days.
- (4) Order accordingly.

(b) Mr. Jimmy Auga:

- (1) Invoke section 16 (a) of the Juvenile Offenders Act (Cap. 14), and order dismissing the charge against the defendant.
- (2) Consequent to above order (1), the defendant is discharged without conviction, absolutely.
- (3) Right of Appeal applies within 14 days.
- (4) Order accordingly.

¹ Cap 14

THE COURT



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MR. LEONARD B. CHITE
Principal Magistrate
Central Magistrates Court

