

IN THE CENTRAL MAGISTRATE COURT
IN THE SOLOMON ISLANDS



In the Criminal Jurisdiction

BETWEEN: REGINA

AND: COMMINS NAPA SEDA

Before: Michael Fagani

Mr. Hiroshanchi. F for prosecution

Defendant self-represented

Date of sentencing and mitigation: 26th of July 2022

Date of sentence: 26th of July 2022

SENTENCE

1. The defendant Mr. Seda entered a guilty plea for one count of failing to display vehicle license, one count of vehicle to be licenced and one count of motor vehicle to be insured. I now enter conviction against the defendant.
2. The facts before the Court shows that on the 23rd of April 2022 at about 22:00hr, the defendant, Comminis Napa Seda was driving a motor vehicle to wit a Toyota white corolla van registration No: MB-2279 along the Mendana Avenue road in front of the Fair West shipping office.
3. At that time, police officers of the Traffic department are conducting check-up and happened to sight the defendant's vehicle having no licence display on the front screen. The police officers stopped the defendant at the bay and checked his driving licence. The defendant did not have his driving licence in his possession at that time and the police officer later escort him to the MID traffic centre for investigation.
4. At the MID traffic centre, the police checked the defendant's driving licence in the JIMS and confirmed that it was valid. However, when checking the vehicle's licence, it was observed that it was expired on the 31/01/2021. The third-party insurance too was also expired on the 2/02/2021
5. The police then arrested the defendant and charged him accordingly.
6. The maximum penalty for failing to display vehicle license contrary to section 13(1)(2) of the Traffic Act, [CAP 131] is a fine of \$5,000- or 6-months imprisonment or to both such fine and such imprisonment.
7. The maximum penalty for vehicle to be licensed contrary to section 7(1) of the Traffic Act, [CAP 131] is a fine of \$5,000- or 6-months imprisonment or to both such fine and such imprisonment.
8. The maximum penalty for motor vehicle to be insured contrary to section 8(1) of Motor vehicle (third party insurance) Act, [CAP 83] is a fine of \$150- or 4-months imprisonment or to both such fine and such imprisonment.
9. The aggravating factors which can be seen in this case is as follows:
 - 9.1 Seriousness of the offence - the huge increase of the maximum penalty from hundred dollar to five thousand speaks for itself that the offence is serious.
 - 9.2 No care attitude – the defendant new that the vehicle is expired but continue to drive it.

10. For mitigating factors, the Court take into account:
 - 10.1 The defendant's early guilty plea which saves Court's time and resources. This shows his willingness to take up responsibility for his own action.
 - 10.2 First-time offender.
 - 10.3 Youthfulness – 27 years of age. There is a prospect that the defendant can change.
 - 10.4 His personal circumstances. The defendant is married with three children.
 - 10.5 The defendant is the sole bread winner.
11. Ms. Hiroshanchi for the prosecution submits that any sentence imposed by this Court on the defendant for count 1 and count 2 should range from a fine of \$500 to \$1,000 and for count 3, a fine of \$100 is appropriate.
12. The Court considered the submission of the prosecution and the mitigation submission on behalf of the defendant. The Court is of the view that the appropriate sentence should be imposed on the defendant is a sentence of fine.
 - 12.1 Count 1: failing to display vehicle license contrary to section 13(1) of the Traffic Act, CAP 131 a fine of \$700 is appropriate.
 - 12.2 Count 2: vehicle to be licensed contrary to section 7(1) of the Traffic Act, CAP 131 a fine of \$500.
 - 12.3 Count 3: motor vehicle to be insured contrary to section 8(1) of Motor vehicle (third party insurance) Act, CAP 83 a fine of \$100.
13. Given that all the offences occurred in one transaction, a concurrent sentence will be imposed. Therefore, a defendant is sentence to pay a fine of \$700.
14. The Court believes that this sentence should teach the defendant and the general public not to commit this kind of offence in the future.
15. Thus, having weighed the circumstances and entirety of this matter, I now order as follows:

ORDER

- (1) I hereby sentence Mr. Comminis Napa Sade as follows:
 - count of failing to display vehicle license - a fine of \$700;
 - count of vehicle to be licensed - \$500;
 - count of motor vehicle to be insured - \$100.
- (2) Further order that the sentence to be served concurrent. Therefore, the resulting sentence is a fine of \$700 to be paid 4:30pm on the 9th of August 2022. In default 30 days imprisonment.
- (3) Conviction is entered against the defendant.
- (4) 14 days right of appeal.
- (5) Order accordingly.

Dated this 26th of July 2022.

