



**IN THE CENTRAL MAGISTRATES COURT OF SOLOMON ISLANDS  
AT HONIARA**

(Criminal Jurisdiction)

Criminal Case No: 608 of 2021

**REGINA**

-V-

**JF**

**Coram: HOLLISON F (PRINCIPAL MAGISTRATE)**

Appearances:

Mr Steward Tonowane, Senior Legal Officer, Office of the Director of Public Prosecution, for the Crown

Mr Paul None, Senior Legal Officer, Public Solicitors Office (PSO) for the defendant

Date of Sentencing: 20<sup>th</sup> August 2022

Notice: *This copy of the Court's Reasons for Judgment/Sentence is subject to formal revision prior to publication.*

**SENTENCE**

**INTRODUCTION**

1. The defendant Mr JF (hereinafter referred to as the “defendant” or “JF”) is charged with two counts of Simple Larceny contrary to section 261(1) of the *Penal Code* [Cap 26], and one count of Injuring an animal contrary to section 325 of the *Penal Code* [Cap 26].
2. He is currently 13 years of age. Just in summary, the defendant stole SBD 2,600 from Beden Prince, a bicycle from another child, and shot and injured an animal owned by another person at a village, in Kolomolo Ward, Isabel Province in various dates in 2021. The stolen properties were all recovered.
3. He pleaded guilty to the said offences. However, I will not record a conviction for the defendant or inflict any form of punishment because of the following reasons.

## **DISCUSSION AND ANALYSIS**

4. Section 14 of the *Juvenile Offenders Act* [Cap 14]<sup>1</sup> (JOA) provides as follows:

### *Restriction on punishment of children and young persons*

12. (1) No child shall be sentenced to imprisonment or be committed to prison in default of payment of a fine, damages or costs.

(2) No young person shall be sentenced to imprisonment if he can be suitably dealt with in any other way specified in section 16.

## **FACTORS CONSIDERED**

### **Maximum Sentences:**

#### **Simple Larceny**

5. The maximum sentence for the offence of simple larceny is 5 years imprisonment.<sup>2</sup>
6. The maximum sentence for the offence of injuring animal is 2 years imprisonment.<sup>3</sup>
7. In sentencing a young person, I am guided by section 16 of the JOA. Young people below the age of 14 cannot be sentenced to imprisonment.

## **COMPARATIVE SENTENCES**

#### **Simple Larceny**

8. The sentences for simple larceny in this jurisdiction range from a good behavior bond, penalty fine, suspended and custodial sentences.<sup>4</sup> In certain situations, an offender may be discharged as well.

## **CONCLUSION:**

9. After having considered the sentencing principles such as punishment, deterrence, and rehabilitation, and after having regard to the character, antecedents, health or mental condition of the accused and the extenuating circumstances in which the offences were committed, it is

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<sup>1</sup> *Juvenile Offenders Act* [Cap 14], s 14

<sup>2</sup> *Penal Code* [Cap 26], s 261

<sup>3</sup> *Penal Code* [Cap 26], s 325 read with section 41.

<sup>4</sup> *Regina v Kemakeza* [2008] SBHC 41; HCSI-CRC 467 of 2007 (3 September 2008); *Eapa v Reginam* [2001] SBHC 77; HC-CRC 248 of 2001 (2 November 2001)

not expedient to inflict any punishment. He is just 13 years old. The stolen properties such as the bicycle and the money were all recovered. The pig was hit with a stone but the agreed facts stated that there was no injury.

10. In view of that, I hereby invoke section 16(b) of the JOA and discharge the offender on all counts ( two counts of Simple Larceny contrary to section 261(1) of the *Penal Code* [Cap 26], and one count of Injuring an animal contrary to section 325 of the *Penal Code* [Cap 26]) with the condition that he shall not commit any offence for the next 24 months.<sup>5</sup> The defendant is also committed to the care of his parents pursuant to the provisions of the JOA.

### ORDERS

11. The defendant is sentenced as follows:

- [1] Section 16(b) of the JOA is invoked and the offender Mr **JF** is discharged without conviction on all counts (two counts of Simple Larceny contrary to section 261(1) of the *Penal Code* [Cap 26], and one count of Injuring an animal contrary to section 325 of the *Penal Code* [Cap 26]) with the condition that he shall not commit any offence for the next 24 months.<sup>6</sup>
- [2] Section 16 (d) of the JOA is also invoked and I hereby commit the offender to the care of his father and mother at Jaro Settlement, Hograno District, Isabel Province as per the recommendation of Juvenile Social Enquiry Report produced by the Buala Hospital Social Welfare Division.
- [3] The original copy with the child's full identity be kept in the court's file. His name, however, is suppressed.
- [4] Right of Appeal within 14 days.
- [5] The court so orders.

  
PRINCIPAL MAGISTRATE FELIX HOLLISON  
THE COURT

<sup>5</sup> JOA, s 16 s 25 of the P/Code

<sup>6</sup> JOA, s 16 s 35 of the P/Code