

**In the Central Magistrate's Court
Of Solomon Islands**

Criminal Case No: 26 of 2022



REGINA

V

JOE RIRIMAE

Date of Hearing: 28th March 2023

Date of Ruling: 29th March 2023

Ms. Rehomora for the Crown
Counsel Mr. None for the accused

SENTENCE

PM Taeburi,

1. The defendant pleaded guilty to one count of simple larceny.
2. He admitted that he stole a carton of whiskey cola from William Kwan's bottleshop at Kukum, Honiara. Some other boys broke into the bottleshop. The defendant and others were playing card games nearby. They learnt of the break in. They went into the shop and found cartons of beer lying around. He took a carton of whiskey cola. The carton stolen was later retrieved.
3. I do not think in the circumstances that the defendant pre-planned stealing the carton of whiskey cola. He was maybe curious when he heard that the bottleshop was broken into. He went there and the spoils of war being the cartons of beer were just lying around. The opportunity to steal was there and he took advantage of it.
4. It is agreed that the carton of whiskey cola stolen was retrieved. He therefore did not enjoy the benefits of what he had stolen.
5. He has no previous convictions. He is a young man of about 18 years old when he committed the offence. He is now 19 years old.
6. He has been remanded in custody for about a month and a week in relation to this case.

7. He pleaded guilty to the charge. The guilty plea must attract some discount in the sentence to be imposed on him,
8. I think that the principles of rehabilitation and deterrence are important factors here. I accept that the possibility of rehabilitation is quite high in this case given his young age, his clean criminal history and the fact that he admitted the charge. I also think that the issue of general and specific deterrence are of equal importance as well. This defendant and other young boys must get the message that stealing is wrong. Those who are caught will be punished by the courts.
9. The maximum penalty for simple larceny is 5 years imprisonment.
10. I have considered the sentencing options available. The counsels have suggested that I impose a custodial sentence and suspend it for a period of time. I have considered section 44 of Penal Code. It allows for a court to impose a custodial sentence and suspend it for a period of time specified in the order. The proviso in that section allows a court to suspend an imprisonment sentence imposed which is not less than 1 year and not more than 2 years. In this case I do not think that any imprisonment term of more than 1 year is appropriate in the circumstances.
11. I have considered the option of imposing a fine. I however do not feel that a fine is appropriate given that the defendant has spent some time in custody in respect of this case and that the goods stolen were retrieved by the police.
12. In my view the only appropriate sentence in the circumstances of this case is a bound over.
13. After considering all circumstances in the case, I make the following orders;
14. **ORDERS:**
 - i. **Mr. Joe Ririmae is convicted on one count of simple larceny contrary to section 261(1) of the Penal Code.**
 - ii. **He is sentenced to a bound over to be of good behaviour for 1 year in his own recognisance and in the sum of S300.**
15. Right to appeal within 14 days.

Dated this 29th Day of March 2023



Principal Magistrate, Ms. Fatimah Me'ere Taeburi