

Between: Public Prosecutor

And : Luc Siba

Coram: Mr. Justice F.G. Cooke, Chief Justice.
Mr. J. Bolango, Assessor.
Mr. P. Malsangai, Assessor.
Mr. R. Wainai, Interpreter.
Mr. P. Hudson, representing Luc Siba.
Miss J. Walsh, Chief Registrar.

JUDGMENT

In this case the accused a former police officer was dismissed from the force in 1981.

With the help of a friend he obtained the post as secretary of the tennis club.

In the course of his duty on the 23rd November 1981, he was given 30,000VT by one of the directors of the tennis club to deposit in the Bank Indo Chine Vanuatu to the account of the tennis club.

Instead of depositing the money the accused kept the money and to cover up his theft of the money he made out a false deposit slip with a false entry.

This false deposit slip he gave to the Tennis Club who did not realize their loss until February 1982 when an audit check was made and the failure to deposit the 30,000VT was noticed.

The police interviewed the accused who admitted taking the money. He pleaded guilty.

Mr. Hudson who appeared for the accused said the accused was short of money when he took the 30,000VT. Further that he intended to repay the money. That he had a wife and three children and was reluctant to ask for a loan.

His wages at the tennis club were 25,000VT per month.

That at present he was working as a loan officer at the Vanuatu Development Bank at the salary of 23,000VT per month.

The assessors and myself took into consideration the fact that the accused pleaded guilty to the charge and he was convicted on his plea, but we considered in view of the fact that the accused deliberately placed a forged deposit slip among the accounts of the Tennis Club hoping that the failure to deposit 30,000VT would not be noticed, that a custodial sentence would

have to be imposed.

We considered that the least sentence that could be passed on the accused was one of 12 months imprisonment and I passed such sentence on the accused and further it is ordered that if the 30,000VT taken from the Tennis Club is not repaid within 6 months of release, the accused will suffer a further sentence of six months imprisonment.

Dated this 22nd day of July 1982.

Frederick G. Cooke.

Frederick G. Cooke.

Chief Justice.

