

PUBLIC PROSECUTOR -v- PAKOA SONGI

JUDGMENT

The accused was charged before me on the 11th April 1988 with the following counts:-

1. That on or about 23rd June 1986 on Tongoa stole the sum of 10,000 Vatu, the property of Vanuatu Savings Bank, an offence contrary to section 125 (a) of the Penal Code Act.
2. That on or about 23rd June 1986 at Tongoa, with intent to defraud, made a false entry in an account belonging to Vanuatu Savings Bank by wrongly stating the amount of deposit as 34,000 Vatu instead of 44,000 Vatu, an offence contrary to section 130 of the Penal Code Act 1981.
3. That on or about 8th August 1986 in Tongoa, stole 5,000 Vatu, the property of Vanuatu Savings Bank, an offence contrary to section 125 (a) of the Penal Code Act 1981.
4. That on or about 8th August 1986 in Tongoa, with intent to defraud omitted a material particular from an account belonging to Vanuatu Savings Bank by omitting to include on a daily work summary transactions showing a total of 5,000 Vatu greater deposit than was actually shown, an offence contrary to section 130 of the Penal Code Act 1981.
5. That on or about the 14th January 1986 at Tongoa, stole the sum of 10,000 Vatu, the property of Vanuatu Savings Bank, an offence contrary to section 125 (a) of the Penal Code Act, 1981.
6. That on or about 14th January 1986 at Tongoa, with intent to defraud, made a false entry in an account card for amount No. 15 showing that 10,000 Vatu had been withdrawn that day, an offence contrary to section 130 of the Penal Code Act 1981.
7. That on or about 14th January 1986 at Tongoa, knowingly made a false document, namely a withdrawal slip for the amount of No. 15 in the Vanuatu Savings Bank intending the said Bank to act upon it as genuine, an offence contrary to section 140 of the Penal Code Act 1981.
8. That on or about 21st September 1986 at Tongoa, stole the sum of 20,000 Vatu the property of Vanuatu Savings Bank, an offence contrary to section 125 (a) of the Penal Code Act, 1981.
9. That on or about 21st September 1986 at Tongoa, with intent to defraud, made a false entry in an account card for account No. 88 showing that 20,000 Vatu had been withdrawn that day, an offence contrary to section 130 of the Penal Code Act 1981.
10. That on or about 21st September 1986 at Tongoa, knowingly made

a false document namely a withdrawal slip for the account No. 88 in the Vanuatu Savings Bank, intending the said Bank to act upon it as genuine, an offence contrary to section 140 of the Penal Code Act 1981.

11. That on or about the 7th April 1986 at Tongoa, stole the sum of 13,000 Vatu the property of Vanuatu Savings Bank, an offence contrary to section 125 (a) of the Penal Code Act 1981.
12. That on or about 7th April 1986 at Tongoa, with intent to defraud made a false entry in the account card for account No. 657 showing that 13,000 Vatu had been withdrawn, an offence contrary to section 130 of the Penal Code Act 1981.
13. That on or about 1st August 1986 at Tongoa, knowingly made a false document, namely a withdrawal slip for the account No. 657 in the Vanuatu Savings Bank, intending the said Bank to act upon it as genuine, an offence contrary to section 140 of the Penal Code Act 1981.

The accused pleaded guilty to all charges.

According to Mr Dickenson, the Public Prosecutor, when relating the facts, he mentioned that the charges were framed to demonstrate the way the money was taken. As well as cases of thefts there were three cases of forgery. The accused was at the time the manager of the Savings Bank at Tongoa. He was responsible for the proper collection, withdrawals and accounting records which he had to submit to Vila for record purposes. Between the 1st and 13th October 1986, checks were made by the general manager resulting in discrepancies. The Public Prosecutor stated that deposits were made by people intended for entry in their pass books but the deposits were suppressed and the money taken by the accused. Again the accused noticed there were some accounts which had no movements so he forged withdrawal slips, put them through the Bank, removed the money and kept it.

When the accused was interviewed by the Police, he admitted he had taken some money from the Bank and used the money to build a house in Tongoa. The Public Solicitor in his statement on behalf of the accused said the total sum admitted taken by the accused was 58,000 Vatu. That the accused was 21 years of age, had a salary of 15,000 Vatu per month, that he was tempted and took the money. That he was married with a pregnant wife and asked for clemency for the accused. I gave considerable consideration to the submissions of the Public Solicitor and the fact that the accused pleaded guilty. I have, however, to consider that the accused held a position of trust and used that trusted position to defraud his clients, the general public, in this case local workers who in the circumstances of this case were deprived of, to them, sizeable sums of money. It was mean and contemptible of the accused to do such.

The Parliament of this country has set twelve years as the maximum for theft and ten years maximum for intent to defraud. It is quite obvious that a serious view had to be taken of such cases, if I am to carry out the intention of Parliament. I may indeed be somewhat lenient in my sentence in this case but viewing all the circumstances, I consider justice will be done if I sentence the accused to twelve months imprisonment on each count. The sentences to be concurrent. I accordingly so sentence the accused.

Dated at Vila this 11th day of April, 1988.

Frederick G. Cooke
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CHIEF JUSTICE