

HEARD AT LUGANVILLE, SANTO
(NORTHERN DISTRICT)

CRIMINAL JURISDICTION

PUBLIC PROSECUTOR -V- JIMMY LELE

CORAM: BEAUMONT, Acting Judge
Hiliary TOA For Public Prosecutor
Heather LINI For Accused

REMARKS ON SENTENCE

The Accused has Pleaded Guilty to a Charge of ARSON (PENAL CODE, SECTION 134(1)). It is proper that the plea be accepted. The Accused is convicted accordingly.

The Accused has always admitted the offence. He says that he burnt down the Traditional Home of his nephew, and some of its contents, because he wished to show his disapproval of the Complainant's conduct in forming a relationship with a woman which, in the opinion of the Accused, was contrary to custom.

Arson is a serious offence and the prescribed penalty is Imprisonment for 10 years.

However, there are some mitigating circumstances. This is a first Offence. As has been said, the Accused has always admitted his guilt. It is common ground that it was known that there was nobody in the house at the time. Significantly, the Accused has begun the erection of a house to replace the one that was destroyed.

In these circumstances, it is appropriate that the Accused be fined, but also that the Complainant be compensated in an appropriate way for the loss of his house and for the loss of the contents.

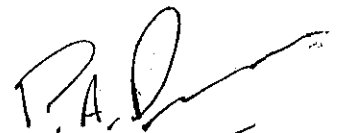
The Accused is fined the sum of VT20.000 payable by 1st September 1993.

I further Order that the Accused pay the victim of his crime, Solo Peter, the sum of VT7.000 to compensate for the loss of the contents, that amount to be paid by 1st January 1994.

I further Order that the Accused be placed on Probation for a period of six months; and that it be a condition of the probation that the Accused erect within that period a house to replace the destroyed house to the satisfaction of Chief Kelep.

I Order that the Accused pay the Costs of the Prosecution in the sum of VT2.000 by 1st September 1993.

Dated this 3rd day of June 1993



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B.A. BEAUMONT
Acting Judge