

**PUBLIC PROSECUTOR – VS – REMO KALRAN**

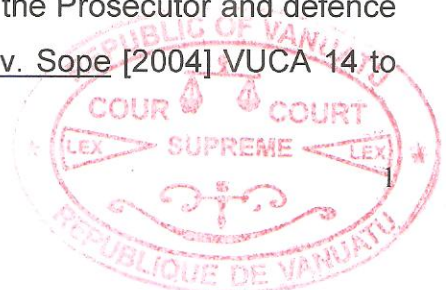
**Coram:** *Mr. Justice Oliver Saksak*

**Counsel:** *No appearance by Public Prosecutor  
Miss Jane Tari for Defendant*

**SENTENCE**

1. This defendant is currently in custody under a remand warrant issued by the Magistrate Court for breach of bail conditions. He is awaiting pleas in that Court for a number of charges. Under these circumstances, it is necessary to sentence the defendant today.
2. Today he appears before me for sentence for having pleaded guilty on 4<sup>th</sup> April 2013 to one count of unlawful possession of cannabis contrary to section 2 (62) of the Dangerous Drugs Act Cap. 12.
3. The maximum penalty for the charge is a fine not exceeding VT100 Million or imprisonment of not exceeding 20 years.
4. The facts are simple and are stated at paragraphs 1 and 2 of the Brief of Facts filed by the Prosecution, together with submissions on 24<sup>th</sup> April 2013. They can be summarised as follows:

*The defendant, a 25 year old taxi-driver was arrested by the police on 7<sup>th</sup> January 2013 on suspicions of being intoxicated while driving. Subsequent to his arrest, the defendant was searched by police who found a half-smoked roll of cannabis in his trousers pocket. The substance was tested and confirmed to be cannabis. The total net weight was 0.033 grams.*
5. Those facts are conceded by the defendant. Both the Prosecutor and defence counsel submitted the case of Public Prosecutor v. Sope [2004] VUCA 14 to



guide the Court in assessing Sentence. The Court accepts that this case is relevant and binding and will apply it.

6. I have seen the pre-sentence report of the defendant. It contains negative reports about the defendant's negative behaviour and attitude, both from his wife and his mother. It shows that the defendant has regular contact with cannabis two times per week. Further, that the defendant has previous conviction in September 2010 for damage to property and idle and disorderly. He was ordered to pay compensation in the sum of VT97,780. Both offences occurred as a result of alcohol consumption.
7. Based on the Sope Case, the Court will impose a custodial sentence but with suspension. Remo Karan you are therefore convicted and sentenced to 3 months imprisonment as the starting point. There is an uplift of 5 months imprisonment for past criminal record and regular contacts with the prohibited substance. That brings the total to 8 months imprisonment.
8. In mitigation, 2 months are deducted for guilty plea from the 8 months leaving the balance of 6 months imprisonment. The defendant does not deserve any further deductions for any other mitigating factors as submitted by defence counsel.
9. I order that the 6 months imprisonment be suspended pursuant to section 57 of the Penal Code Act Cap. 135 for a period of 2 years from the date of this Sentence. Remo Kalran, you must understand that if you are convicted for any further criminal offences within 2 years starting from today, you will automatically go to prison for 6 months.
10. This Sentence is to deter the defendant and others, and to punish the defendant appropriately.

**DATED at Luganville this 30<sup>th</sup> day of April 2013.**

**BY THE COURT**

  
**OLIVER A. SAKSAK**  
Judge

