

Between: PUBLIC PROSECUTOR

And: SALATIAL DIN

Coram: The Chief Justice, Mr. F.G. Cooke.
Public Prosecutor, Nathaniel Vira.
Mr. A. Gaua, Assessor.
Mr. L. Leona, Assessor.
Madame Duch, Interpretator.
Miss V. Millett, Acting Assistant Registrar.

JUDGMENT

The accused in this case was charged with four counts as follows:-

- 1) That during the year 1981 at Mousina Village, Vanualava Island, unlawfully entered the Mousina Co-operative store with intent to commit an offence therein, an offence contrary to section 143(1) of the Penal Code.
- 2) That during the same year and at the same village, without claim of right did steal the sum of 100,000VT, the property of the Mousina Co-operative Society, an offence contrary to section 125 of the Penal Code.
- 3) That between the 1st of January and the 30th of April 1982, at the same village and same place, entered the said store to commit an offence therein, an offence contrary to section 143(1) of the Penal Code.
- 4) That between the same dates as charge 3, and at the same place, without claim of right did steal 90,000VT the property of Mousina Co-operative Society, an offence contrary to section 125 of the Penal Code.

The accused when charged pleaded guilty to the four charges. His plea was accepted and he was convicted on the four charges. The facts outlined by the prosecution disclose a grave dereliction of duty of the Secretary of the Co-operative Store. He knew he had a large sum of money in the cash box and yet he came home with the key of the store and hung it on a nail in the house which was available to any thief.

The accused was the son of the Secretary and when he saw the key, he took it on two occasions and stole the sum of 190,000VT from the cash box at the store. The accused spent most of the money in buying goods for a store set up by himself. This seemed a naive thing to do as people were bound to inquire where he got the money to buy the goods.

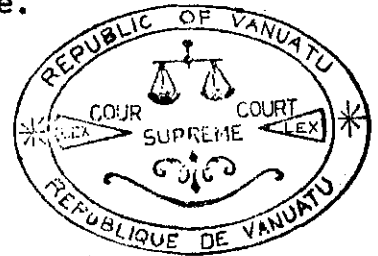
In due course this happened and the police were informed.

When assessing sentence the fact that the accused pleaded guilty was taken into consideration. Although it was the accused's first offence, a deterrent sentence was necessary to make it clear to the accused and others that they cannot steal money belonging to the Co-operative Store in this case or indeed any store. Again the legislature has deemed it necessary to impose a maximum sentence of 12 years for theft. In this case I considered a sentence of two years imprisonment was appropriate and sentenced the accused accordingly.

Frederick G. Cooke.

Frederick G. Cooke.

Chief Justice.



Dated this 14th day of June 1982.