

**IN THE SUPREME COURT
OF THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

Criminal
Case No. 20/460 SC/CRML

PUBLIC PROSECUTOR

v

TOARA NISORO

Date: 9 April 2020
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms L. Lunabek
Defendants – Mrs K. Karu

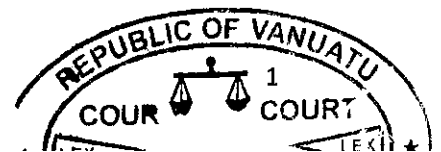
SENTENCE

A. Introduction

1. Mr Nisoro pleaded guilty to one charge each of forgery, uttering forged documents, and obtaining money by deception.
2. I convict Mr Nisoro on his plea and the accompanying summary of facts.
3. The maximum sentence for forgery and uttering forged documents is 10 years imprisonment. It is 12 years imprisonment for obtaining money by deception. These are serious offences.

B. Facts

4. Mr Nisoro and the complainant are married. On 1 June 2018, Mr Nisoro created a note addressed to VANWODS purportedly signed by his wife, authorising the withdrawal of an amount from her VANWODS account and that it be given to Mr Nisoro. Mr Nisoro's wife did not sign the signature at the end of the note.
5. Also on 1 June 2018, Mr Nisoro took the note to Kerlin Joseph's house and told her that his wife had authorised him through a letter to withdraw an amount from her VANWODS account. Ms Joseph told him that he could not withdraw money from his wife's account. He then asked her to tell him the location of the VANWODS office. Ms Joseph asked to contact his wife but he told her that his wife did not have a phone number.



6. Later the same day, Mr Nisoro filled out the withdrawal form at VANWODS and withdrew VT25,900 from his wife's account.
7. In his police interview, Mr Nisoro confirmed that he wrote a note to VANWODS purporting to be from his wife, that he did not have any authorisation from his wife, and that any withdrawal required both their signatures. Further, that unknown to his wife he withdrew VT25,900 from her VANWODS account.

C. Aggravating/Mitigating Factors of the Offending

8. The aggravating factors to the offending are that:
 - a. The offending was premeditated;
 - b. It involved a breach of trust in respect of his wife; and
 - c. It involved taking his wife's hard-earned savings from her account at the VANWODS microfinance scheme which aims to help rural women to improve their livelihood.
9. There are no mitigating factors relating to the offending.

D. Personal Factors

10. Mr Nisoro is 35 years old. At the time of the offending, he and his wife had separated and he was the sole carer for their 3 children. He takes care of his mother and father too who help him look after his children. Mr Nisoro has refunded the VT25,900 to the complainant's father. He has no previous convictions. Mr Nisoro asked for a meeting between his and his wife's chiefs which resulted in Mr Nisoro being fined, to pay VT3,000 to the complainant's uncle and father and VT2,000 to the council of chiefs of his village, Savenga Village on Emae island.

E. Discharge

11. Given the circumstances that Mr Nisoro has repaid the complainant's money in full, that he is the sole carer for their children as well as for his mother and father who help him take care of the children, the passage of time since the offending occurred and that he requested a chiefs' meeting that resulted in him being fined and paying restitution to the complainant's uncle and father, I hereby discharge Mr Nisoro pursuant to subs. 55(4) of the Act. This discharge shall be considered to be an acquittal.

F. Other

12. Mr Nisoro has 14 days to appeal this sentence if he disagrees with it.

**DATED at Port Vila this 9th day of April 2020
BY THE COURT**

V.M. Trief
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V.M. Trief
Judge

