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IN THE MAGISTRATE'S COURT of Fiji

AT SUVA

Criminal Case No. 1562/14

STATE

-v-

RONAL KUMAR

SENTENCE

1] You were convicted to the following two counts by the judgement of this court, dated 29.9.2017.

COUNT ONE

Statement of Offence - OFFENCES IN RELATION TO BALLOT PAPERS: Contrary to Section 139 (2) (a) of the Electoral Decree Number 11 of 2009.

Particulars of Offence - RONAL KUMAR: on the 3rd day of September, 2014 at Suva in the Central Division marked a vote by circling the number 279 on the ballot paper that was issued to one Satya Wati Ram.

COUNT TWO

Statement of Offence - UNDUE INFLUENCE: Contrary to Section 141 of the Electoral Decree Number 11 of 2014.

Particulars of Offence - RONAL KUMAR: on the 3rd day of September, 2014 at Suva in the Central Division, interfered with the free exercise of a political right of one Satya Wati Ram.

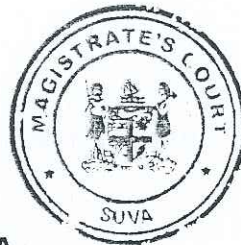
- 2] The evidence revealed that you marked a vote by circling the number 279 on the ballot paper that was issued to Satya Wati Ram in her presence and interfered with the free exercise of a political right of Satya Wati Ram.
- 3] The prescribed penalty for both of the counts is fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years, or to both.
- 4] I shall now proceed to consider your sentence as to be consistent with the tariff, mitigating factors and aggravating factors.
- 5] I pick 12 months imprisonment as an aggregate sentence for both counts having considered the total criminality of the two actions.
- 6] Since you have no previous convictions your sentence is reduced by 5 months to reach 7 months imprisonment.
- 7] Having considered your good character and the mitigating factors your sentence is suspended for 2 years. If you commit any offence punishable by prison sentence during the next 2 years you can be charged under section 28 of the Sentencing and Penalties Decree
- 8] In addition \$500 fine and 50 days imprisonment in default is imposed as an aggregate fine for both of the counts.

SUMMARY OF THE SENTENCE;

7 months imprisonment suspended for 2 years and \$500 fine and 50 days imprisonment in default for both of the counts

28 days to appeal


PRIYANTHA LIYANAGE
RESIDENT MAGISTRATE, SUVA



13/2/2018