

IN THE MAGISTRATE'S COURT AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. 353 of 2015

STATE

v

DANNY AJAY KARAN

Counsels : **PC Monish** for the Prosecution
Mr Sharma. S for the Accused

Sentence : **11 May 2018**

SENTENCE

1. The accused, *Danny Ajay Karan*, today is for sentencing on the offence of *Serious Assault* under *section 277(b)* of the *Crimes Act*.
2. On 4 October 2016, the Accused pleaded guilty to the charge in the presence of his counsel. I find the accused plea to be unequivocal as it was given on his own free will.
3. The brief summary of facts are;-

"On 6 June 2015, at about 9.30pm the accused Danny Ajay Karan was drunk and roaming around at the Sangam Complex ground during the Sangam Mella. The victim PC 5273 Elia Nacili was on duty and informed the accused to go out because he was drunk. The accused went outside swearing saying "fucken". The victim approached the accused and told him not to swear. The accused punched the

victim's face twice and tried to run away. The victim apprehended the accused with the assistance of bystanders"

4. The accused admitted to the above summary of facts on 4 October 2016, and convicted as charged.
5. The maximum sentence for *Serious Assault* is 5 years imprisonment. The tariff is 6 to 12 months imprisonment.
6. The only aggravating factor is that you have no respect for the law enforcement who work tirelessly to ensure peace and safety in Fiji.
7. The compelling mitigating factors are,-
 - a. *Remorseful and seek the court forgiveness,*
 - b. *He made a bad judgment and promise not to re-offend,*
 - c. *Had learnt his lesson.*
8. For you sentence, I pick 9 months imprisonment as my starting point. I add 6 months for the aggravating factors and that increase your sentence to 15 months imprisonment. I reduce 6 months for your mitigation and that reduce your sentence to 9 months imprisonment.
9. I reduce yours sentence by 1 month and 2 weeks for your guilty plea as you are not entitle to the one third reduction for early guilty plea. That reduce your sentence to 7 months and 2 weeks imprisonment.
10. In this case you are on bail, though you are in remand for other cases. I will not make any deduction for remand period for this case.
11. Your final sentence is 7 months and 2 weeks imprisonment.
12. In this sentence, I have considered *section 4 of the Sentence and Penalties Act*. I take note of the facts that you are currently serving and your sentence in

Criminal Case No. 558 of 2015 and 578 of 2015 which was pronounced together today for you to serve imprisonment term longer than this sentence.

13. Danny Ajay Karan, I now sentence you to 7 months and 2 weeks imprisonment with immediate effects. Your sentence is to be served concurrently with the sentence that you currently serving in Cases No. 322 of 2016 and those that were pronounced today.

28 days to appeal



C. M. Tuberi
RESIDENT MAGISTRATE