

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION
CRIMINAL CASE NO. HAC 185 OF 2017S

STATE

vs

- 1. ROSHEEN PRAVEENA RAJ**
- 2. RINE MUNIVAI SORBY**

Counsels : **Ms. J. Prasad and Ms. M. Konrote for State**
Ms. L. Ratidara for Accused No. 1
Ms. N. Mishra for Accused No. 2

Hearings : **27, 28, 29, 30 August, 3, 4, 5, 6, 10, 11, 12 and 13 September, 2018**

Summing Up : **17 September, 2018**

Judgment : **18 September, 2018**

JUDGMENT

1. On 28 August 2018, the following information was put to the accuseds, in the presence of their counsels.

FIRST COUNT

Statement of Offence

MONEY LAUNDERING: *Contrary to section 69(2)(a) and (3)(a) of the Proceeds of Crime Act 1997.*

Particulars of Offence

ROSHEEN PRAVEENA RAJ between the 1st day of June 2006 and the 16th day of February 2011 at Suva in the Central Division, engaged directly or indirectly in transactions involving Pacific Theological Westpac Bank Account 71127300, as a finance officer of Pacific Theological College responsible for preparing documents in relation to payment of wages of Pacific Theological College staff, paid herself in excess of her normal salary or wage from the said Westpac Bank Account 71127300 by falsifying

documents and obtained a total sum of \$96, 576.86, that were proceeds of crime knowing or ought to have reasonably known that the said sum money is derived from some form of unlawful activity.

SECOND COUNT

Statement of Offence

MONEY LAUNDERING: Contrary to section 69(2)(a) and (3)(a) of the Proceeds of Crime Act 1997.

Particulars of Offence

RINE MUNIVAI SORBY also known as Lily Sorby between the 1st day of June 2006 and 16th day of February 2011 at Suva in the Central Division engaged directly or indirectly in transactions involving Westpac Bank Account 71127300, as a finance officer of Pacific Theological College responsible for preparing documents in relation to payment of wages of Pacific Theological College staff, paid herself in excess of her normal salary or wage from the said Westpac Bank Account 71127300 by falsifying documents and obtained a total sum of \$73,099.93, that were proceeds of crime knowing or ought to have reasonably known that the said sum of money is derived from some form of unlawful activity.

THIRD COUNT

Statement of Offence

MONEY LAUNDERING: Contrary to section 69(2)(a) and (3)(a) of the Proceeds of Crime Act 1997.

Particulars of Offence

ROSHEEN PRAVEENA RAJ and RINE MUNIVAI SORBY also known as Lily Sorby between the 1st day of March 2010 and 30th day of November, 2012 at Suva in the Central Division, engaged directly or indirectly in transactions involving Westpac Bank Account 71127300 in relation to cheques of Pacific Theological College payable to various body corporates (Fiji National Provident Fund, Fiji Electricity Authority, Inland Revenue Department, HP Kasabia, Fiji Gas, Water Authority of Fiji, Telecom, Rups Investment and Mechanical Supplies) which had the payees altered to fictitious names and by cashing the falsified cheques obtained a total sum of \$412, 567.61 that were proceeds of crime knowing or ought to have reasonably known that the money is derived from some form of unlawful activity.

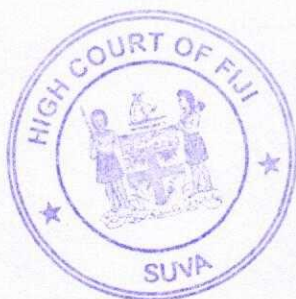
2. The matter then proceeded to trial for 11 days before myself and three assessors. Yesterday, I delivered my summing up to the assessors. After 55 minutes, the three assessors returned with a unanimous opinion finding both accuseds guilty as charged on all counts.

3. Assessors are there to assist the trial judge come to a decision on whether or not the accuseds were guilty as charged. The assessors' opinions are not binding on the trial judge, but at times, on the facts, the opinion must be treated with respect and followed.
4. I have reviewed the evidence called in the trial and I have directed myself in accordance with the summing up I delivered to the assessors yesterday. In my view, the assessors' opinion was not perverse. It was open to them to reach such conclusion on the evidence.
5. I have heard the evidence of the 18 prosecution's witnesses. I have also heard Accused No. 1's evidence. I had carefully observed their demeanours in the courtroom. I accept the evidence of the 18 prosecution's witnesses. They were credible witnesses. I accept their documentary evidence tendered as Prosecution Exhibits No. 1 to 6.
6. The sum total of the evidence leads me to the following findings. During the material time, both accuseds were employed by Pacific Theological College (PTC) as finance officers in their Finance Section. Accused No. 1 was responsible for Accounts Payable, while Accused No. 2 was responsible for Accounts Receivable. As such both accuseds had information on how much Pacific Theological College owed to its employees and other providers of goods and services. They co-ordinated the receiving of Pacific Theological College bills and the payments of the same. Pacific Theological College was a donor funded non-profit educational entity, and always had thousands of dollars in its account. Both accused were supervised and answerable to Pacific Theological College's Director of Finance and Administration.
7. For their services to Pacific Theological College, Accused No. 1 was paid \$8,000 per year, while Accused No. 2 was paid \$10,000 per year. Both accuseds appeared to have worked for Pacific Theological College since 1998. Life for both accuseds was proceeding as "normal" until Mr. Nilesh Avinesh Sharma (PW2) came in to work for Pacific Theological College as a project finance officer in 2010. PW2 was working with both accuseds in Pacific Theological College's Finance Section. In 2012, PW2 became Pacific Theological College's Director of Finance and Administration. He became aware that Pacific Theological College's financial records were in a mess. He started an internal investigation and audit. He found a massive financial rot in the system. He found that Accused No. 1 and 2 were tampering with the financial records and cheques and overpaying themselves as alleged in counts no. 1, 2 and 3. The financial documents examined in this case proved beyond reasonable doubt the charges

against both accuseds. I found, on the evidence, that the two accuseds became greedy and hood-winked their supervisors and the cheque signatories, into stealing a total of \$582, 244.42 from Pacific Theological College from 2006 to 2012.

8. Given the above, I accept the three assessors' unanimous guilty opinion, and I find both accuseds guilty as charged on all counts. I convict both accused on all counts.

9. Assessors thanked and released.




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JUDGE

Solicitor for State	:	Office of the Director of Public Prosecution, Suva
Solicitor for Accused No. 1	:	Legal Aid Commission, Suva
Solicitor for Accused No. 2	:	Legal Aid Commission, Suva