

PUBLIC PROSECUTOR

-v-

MANOJ KUMAR

Coram: Moses Peter
Court Clerk: Florina Toran

Appearances: Malsolip Tamau for the State
Defendants appear in Person

SENTENCING

1. Mr. Manoj Kumar, on 25th March 2017 the police charged you with an offence particularized as follows:
2. Count 1

Statement of offence

Disruptive or Alarming Conduct at an Airport- contrary to Division 3- Section 5 (1) (c) of the Aviation Security Act No. 10 of 2007.

Particulars of the offence

MANOJ KUMAR you are 39 years old living in India. On 24th of March 2017 during Flight FJ 262 to Fiji Check-in at Bauerfield International Airport, Port Vila, you did use alarming words by declaring you had few Bombs and Guns inside your bag which is a manner contrary to public safety.

3. You pleaded guilty on the charge and the Prosecution submitted the brief facts of the case to the following effect:
4. You hail from India and were in Port Vila temporarily on a government business trip. On 24th of March 2017, you checked in at the Bauerfield International Airport to board flight FJ 262 to Fiji. Upon checking in at the check in counter, the Check-in Officer asked you if you had packed your stuffs by yourself and what were the contents of the bag. You responded that you had



bombs and guns in the bag. The statement you made was reported to the authorities and as a result, you are directed not to board the plane but taken to the police station for questioning.

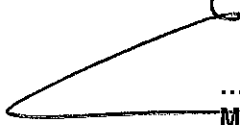
5. You have no previous record of conviction.
6. The Prosecution submitted that proper consideration must be taken by the court in respect of this offence and that adequate punishment must be imposed on you to deter you from repeating offence and others from doing same.
7. This legislation as the name suggests "Aviation Security Act" is to ensure that security must be the paramount duty of each and every individual employed in the aviation industry including those who hire their services to promote confidence and trust in the aircraft services.
8. The penalty for the offence you committed is VT 400,000 fine.
9. The Prosecution submitted a sentence of fine would be appropriate in your circumstances to mark seriousness of the offence and to act as deterrence to you and other people travelling on aircrafts.
10. You were appointed as Trade Commissioner for Vanuatu in 2015 succeeding your wife who has held the similar role in 2012. You have a family and have devoted your life and time to promote businesses and investment in Vanuatu to your own people in India. This resulted in significant contributions to Vanuatu in cash and in kind valued at US\$400,000.
11. You were aware that masking such statement is prohibited by law but have the view that talking about bomb is not as serious as actually having them in your possession at an airport vicinity or in an aircraft.
12. You were not able to leave the country because of the offence you committed. You had to find accommodation to stay in while having this proceeding heard. You showed remorse for your actions and the court is hopeful that never in your life will you ever make such a statement again when in a vicinity of an aviation center. The court understands the trauma and anxiety you have suffered as a consequence of this offence.
13. You are currently here in Vanuatu facilitating business engagements for a Hotel and an Amusement Park by Indian Companies. You have travelled between Vanuatu and India since 2009 and this is the first mistake you have ever made in relations to making of alarming statement in an airport.
14. I have decided not to place a conviction on you of the charge upon taking into account the following mitigating factors:
 - You are remorseful for your actions;
 - You have no previous conviction record;
 - You pleaded guilty at first opportunity
 - You cooperated very well with the police during questioning.
 - You voluntarily devoted your life to help advance the economy of this country in the efforts of promoting and facilitating investments in Vanuatu to Indian investors.
 - You have the intentions as yet to promote Vanuatu Investment in India.




15. You are ordered to pay fine of VT 50,000 forthwith.
16. The Police Officers will release your travel documents as soon as the fine is paid in full with receipts produced to confirm payment.
17. You have 14 days to appeal if are not satisfied with this sentence.

DATED at Port Vila this 25th day of March 2017

BY THE COURT


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MOSES PETER
Senior Magistrate



REPUBLIC OF VANUATU
MAGISTRATE
COURT
REPUBLIQUE DE VANUATU