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CASE HISTORY

DATE:

CAUSE NO.  
Criminal Appeal No.  
23/79

CORAM.. Sir John Summerfield, Chief Justice.....

PHILLIP DOUGLAS V. REGINA

DATE	ACTION	REMARKS
12/10/79	Criminal Appeal	Order: I am satisfied that section 12 (2) makes the imposition of both a fine and imprisonment mandatory. This is <del>not</del> <sup>not</sup> with regard to the case of a second offence where there is a minimum to which an offender is made liable "in addition".
		It is not altogether clear whether the second offence must be the same as the first to attract the higher penalty. I am inclined to the view that it must be so.
		In imposing sentence in cases like these I think account must be taken of the fact that the charge of possession is an integral part of the offence of dealing.
		They are both part of the same transaction and they should not be treated in a manner which will build up the sentence out of proportion.
		That being the case I am of the opinion that the minimum mandatory sentence should have been imposed for the offence of possession. The term of imprisonment will therefore be reduced to 5 months.
		In imposing sentence for the offence of dealing account must be taken of the mandatory sentence already attracted. The offence of dealing is very serious and the sentence of 18 months is well merited.
		However, having regard to the foregoing the fine should be reduced to \$1000. and it is so ordered. The term of imprisonment in default will remain unchanged.

The substantive terms of 5 months and

