

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 45 OF 2013

BETWEEN : **STATE**

AND : **MARISIALE BETE**

Counsel : **Mr T. Qalinauci for the State**
Accused in Person

Date of Sentence : **16th May 2013**

SENTENCE

- [1] The Accused above named is charged with one count of Aggravated Robbery punishable under Section 311 of the Crimes Decree.
- [2] The Accused pleaded guilty to the charge against him and admitted the summary of facts.
- [3] According to the summary of facts the Accused together with another person had assaulted the Complainant Rajesh Dutt Maharaj and robbed his mobile phone and his wallet. Complainant had received two injuries. Only the red wallet was recovered.
- [4] Section 311 of the Crimes Decree prescribes maximum sentence of 20 years imprisonment.

- [5] Tariff discussed in many cases it varies from 4 years to 14 years.
- [6] Considering the nature of the offence I commence your sentence at 4 years imprisonment.
- [7] Mitigating factors
- a) You have used severe violence against the Complainant victim;
 - b) It is street mugging;
 - c) No regards to other people and their properties.

Considering the above factors I increase your sentence by 1 ½ years now your sentence is 5 ½ years imprisonment.

- [8] Mitigating circumstances
- a) The Accused did not submit any mitigating circumstances, his brother informs court that the Accused has his wife and children to look after;
 - b) Your early plea.

I reduce 2 years from your sentence now your sentence is 3 ½ years.

- [9] You have two previous convictions. One is within the operational period and for a similar offence. Hence I am unable to consider suspending a part of your sentence.
- [10] I act under Section 18(1) of the Sentencing & Penalties Decree and impose 2 ½ years as non parole period.

[11] You are sentenced to 3 ½ years imprisonment. You will not be eligible for parole until you complete serving 2 ½ years imprisonment.

[12] 30 days to appeal to Court of Appeal.

S. Thurairaja

Judge

At Lautoka

16 May 2013

Solicitors: The Office of the Director of Public Prosecution for State

Accused appeared in Person