

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO.: HAC 13 OF 2012

STATE

-v-

PAULA BETE

Counsels : **Mr. S. Babitu for the State**

Accused In person

Date of Sentence : **12th August 2013**

SENTENCE

1. The Director of Public Prosecutions preferred following charges against the accused above named.

COUNT 2

Statement of Offence

THEFT: Contrary to Sections 291(1) and (2) of the Crimes Decree, No. 44 of 2009.

Particulars of Offence

PAULA BETE, URAIA TUISUVA and MAIKA KAUFUSI between the 19th October, 2011 and 20th October, 2011, at Vatulaulau, Ba in the Western Division, dishonestly appropriated copper cables valued at \$1700, the property of **Telecom Fiji Limited**.

COUNT 3
Statement of Offence

THEFT: Contrary to Sections 291(1) and (2) of the Crimes Decree, No. 44 of 2009.

Particulars of Offence

OSCAR KAMI, PAULA CAGI, MAIKA KAUFUSI and PAULA BETE, between the 7th November, 2011 and 8th November, 2011 at Race Course road, Namosau, Ba in the Western Division, dishonestly appropriated copper cables valued at \$39000, the property of **Telecom Fiji Limited**.

COUNT 4
Statement of Offence

THEFT: Contrary to Sections 291(1) and (2) of the Crimes Decree, No. 44 of 2009.

Particulars of Offence

OSCAR KAMI, PAULA CAGI, PAULA BETE and NETAVA RATUBULI between the 14th November, 2011 and 15th November, 2011 at Yalalevu, Ba in the Western Division, dishonestly appropriated copper cables valued at \$3737.50, the property of **Telecom Fiji Limited**.

2. Originally the accused above named together with seven others were charged in one information and other seven have pleaded guilty and sentenced earlier.
3. When the case was mentioned on 25th July 2013 you informed court that you want to change the plea. You have sent a letter to court earlier indicating the same. On that day you pleaded guilty to all three charges against you and admitted the Summary of Facts on the next day.
4. The Summary of Facts submitted by the State Counsel states as follows:

Between the 19th and the 20th of October 2011 at Vatulaulau, in Ba Paula Bete with others stole 500 meters of copper cable valued at \$7,100 the property of Telecom Fiji Limited. The theft was discovered when the technicians of Telecom Fiji Limited received a fault complaint of the telecom line in Vatulaulau Area. Telecom Fiji Limited

technicians then attended to the complaint and upon checking the joint pit along Moto Road, Vatulaulau, they found that the 500 meters of telecom cable had been cut and stolen.

Between the 7th and the 8th of November 2011 at Namosau in Ba, Paula Bete with others stole copper cables valued at \$39,000 the property of Telecom Fiji Limited. The Theft was discovered when the technicians of Telecom Fiji Limited received a fault complaint from Racecourse Road in Ba that all telephone lines in the area were not working. Upon checking all the joint pit, it was discovered that telecom cables had been cut and stolen.

Between the 14th and the 15th of November 2011 at Yalalevu, Ba, Paula Bete with others stole copper cable valued at \$3737.50 the property of Telecom Fiji Limited. The Theft was discovered when the technicians of Telecom Fiji Limited received a fault complaint that the telecom lines in Yalalevu were all not working. Upon checking the cable chamber in Yalalevu, the telecom technicians found that cable had been cut and stolen.

After the discoveries the matter was reported to the Police by one Anish Nand Sharma, a technician of Nailaga, Ba employed by Telecom Fiji Limited. The Police in Ba carried out their investigations and through information received, the accused, Paula Bete and others were arrested, interviewed and later charged for the offence of Theft.

The total value of copper cable stolen by Paula Bete with others was \$49, 837.50. From the cables stolen, some of the copper cables were recovered by the police from Vatulaulau which was 250 meters of cable valued at \$2687.50. The rest was not recovered.

5. After carefully considering the Plea of you to be unequivocal, this Court found you guilty for three counts of theft and accordingly you are convicted for all three counts under Section 291 (1) and (2) of the Crimes Decree respectively.
6. Accused **PAULA BETE** you stand convicted for three counts of Theft.
7. Section 291 (1) prescribes maximum sentence of 10 years for the offence of Theft.
8. Tariff for the offence of theft was discussed in several cases. In **Saukilagi v State** the Court accepted between 2 to 9 months as tariff for simple theft.

*“The tariff for simple larceny on first conviction is 2-9 months (**Ronald Vikash Singh v. State** HAA 035 of 2002) and on second conviction a sentence in excess of 9 months. In cases of the larceny of large amounts of money sentences of 1 ½ years imprisonment (**Isoa Codrokadroka v. State** Crim. App. HAA 67 of 2002) and 3 years imprisonment have been upheld by the High Court (**Sevanaia Via Koroi v. State** Crim. App. HAA 031 of 2001S). Much depends on the value of the money stolen, and the nature of the relationship between victim and the defendant. The method of stealing is also relevant.”*

9. You are not a first offender. You have 10 previous convictions. Six of those are for similar offences.
10. Of the \$ 49837.50 worth copper cables stolen, only \$ 2687.50 worth of goods were recovered from all accused. The state has also confirmed this position.
11. Considering the nature of the offence and all other circumstances I commence your sentence for the each count at 24 months.
12. State had submitted following aggravating factors:
 - (a) This was an organized crime,
 - (b) High value of the items stolen and only small part is recovered.
13. I add 6 months for the above aggravating factors. Now your sentence is 30 months.
14. The mitigating circumstances submitted by you are:
 - (a) You are remorseful,
 - (b) Some of the goods were recovered,
 - (c) You are married and sole bread winner of the family.
15. Considering above I reduce 4 months of your sentence now your sentence is 26 months.
16. For your guilty plea I deduct 6 months. Now your sentence is 20 months.
17. You were in remand for this case from November 2011 to 20th July 2012- 8 months and from March 2013 to August 2013- 4 months. Thus I reduce 12 months from your sentence. Now your sentence is 8 months.

18. Considering the totality principle I order that sentences to run concurrently.

19. Considering your previous record I do not suspend your sentence.

20. Summary

2nd charge of theft- 8 months imprisonment

3rd charge of theft- 8 months imprisonment

4th charge of theft- 8 months imprisonment

All sentences to run concurrently.

21. 30 days to appeal.

Sudharshana De Silva

JUDGE

Solicitors for the State : Office of the Director of Public Prosecution, Lautoka

Solicitors for the Accused: In Person