

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 174 OF 2014S

STATE

vs

JEKESONI VULI

Counsels : Mr. T. Qalinauci for State  
Ms. L. Rasua for Accused  
Hearings : 8, 9, 10 and 11 February, 2016  
Summing Up : 12 February, 2016  
Judgment : 12 February, 2016  
Sentence : 4 March, 2016

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## SENTENCE

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1. In a judgment delivered on 12 February 2016, the court found you guilty and convicted you on the following information:

### CHARGE

#### *Statement of Offence*

**AGGRAVATED ROBBERY:** Contrary to section 311[1][a] of the Crimes Decree No. 44 of 2009.

#### *Particulars of Offence*

**JEKESONI VULI with others** on the 1<sup>st</sup> day of May 2014 at Nasinu in the Central Division, stole 2 x HP Brand Laptops valued at \$6,500.00, 1 x I Phone valued at \$3800.00, 2 x Apple I Pod valued at \$4800.00, 2 x Apple I Touch valued at

\$2000.00, 1 x Apple I Pod valued at \$800.00, 3 wrist watches valued \$1450.00, Assorted Jewelleries valued at \$11000.00 and cash \$1000.00, all to the total value of \$31,350.00 the property of **SHANAL KAUSHIK PRASAD**.

2. The brief facts were as follows. The complainant (PW2) and his family were fast asleep in their house on 1 May 2014 at 2.30 am. You and six others, armed with crowbars and metal rods, broke into their house. You were all masked. You and your friends threatened the complainant and his family and forcefully demanded money and jewelleries. You and your friends then ransacked the house and stole their properties as itemized in the information. You and your friends later fled the crime scene.
3. "Aggravated Robbery" is a serious offence, and it carries a maximum penalty of 20 years imprisonment (section 311 (1) of the Crimes Decree 2009). The tariff for a spate of robberies is a sentence between 10 to 16 years imprisonment: **Nawalu v State**, Criminal Appeal Case No. CAV 0012 of 2012, Supreme Court of Fiji. The tariff for a single case of robbery with violence is 8 to 16 years imprisonment: **Wallace Wise v The State**, Criminal Appeal Case No. CAV 0004 of 2015, Supreme Court of Fiji. The actual sentence will depend on the aggravating and mitigating factors.
4. The aggravating factors, in this case, were as follows:
  - (i) Home Invasion Offence: The people living in this country are entitled to treat their homes as their castles. They go home to rest, sleep and recuperate for the next day at work. You and your friends had no regard whatsoever to this family's right to enjoy the comfort of their home. You broke into the same, ransacked the same and stole \$31,350 worth of properties. You will have to pay for your crime with the loss of your liberty, and you should not complain of the sentence. The sentence is meant to protect the community and act as a deterrence to others;
  - (ii) You offended while the complainant's family were sleeping in their home at 2.30am in the early morning;
  - (iii) Your offending was carried out with premeditation and planning;
  - (iv) Crowbars and iron rods were used in the offending;
  - (v) The victims were verbally threatened and abused.

5. The mitigating factor, were as follows:
- (i) You had been remanded in custody since 2 June 2014, when you first appeared in the Magistrate Court, that is, 1 year 9 months 2 days ago.
6. I start with a sentence of 11 years imprisonment. I add 3 years for the aggravating factors, making a total of 14 years imprisonment. I deduct 2 years for time already served, while remanded in custody, leaving a balance of 12 years imprisonment.
7. Mr. Jekesoni Vuli, for committing "Aggravated Robbery" against the complainant and his family on 1 May 2014, at Nasinu in the Central Division, I sentence you to 12 years imprisonment, with a non-parole period of 11 years imprisonment, effective forthwith.



  
**Salesi Temo**  
**JUDGE**

Solicitor for the State : Office of the Director of Public Prosecution, Suva.  
Solicitor for Accused : Legal Aid Commission, Suva.