

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC. 195 of 2018

BETWEEN: STATE

PROSECUTION

AND: KENI SOQO

ACCUSED PERSON

Counsel: Ms. M. Chowdhury for State
Accused In Person

Sentence: 25th June 2018

SENTENCE

1. Mr. Keni Soqo, you have been charged with one count of Damaging Property, contrary to Section 369 of the Crimes Act, which carries a maximum penalty of two (2) years imprisonment period. The particulars of the offence are that:

COUNT 1

Statement of Offence

DAMAGING PROPERTY: Contrary to Section 369 of the Crimes Act 2009.

Particulars of Offence

KENI SOQO on the 12th day of May, 2018 at Vatuwaqa, in the Central Division, wilfully and unlawfully damaged the glass window of the house belonging to **GADE SUKABULA**.

2. You pleaded guilty for this offence on the 21st of June 2018. Satisfied by the fact that you have fully comprehended the legal effect of your plea and your plea was voluntary

and free from influence. I convicted you for the offence of Damaging of Property as charged.

3. It was revealed by the summary of facts, which you admitted in court, that you have broken the glass window of the bedroom of the complainant's house. The complainant is your former wife.
4. The tariff for the offence of Damaging Property is three (3) to twelve (12) months imprisonment. (State v Baleinabodua (2012) FJHC 981; HAC 145,2010 (21 March 2012)State v Vakalaca - Sentence [2018] FJHC 455; HAC027,2018 (31 May 2018).
5. Apart from stating that the accused had broken the glass window of the house, the summary of facts does not revealed any aggravating circumstances of this offending.
6. The complainant is the former wife of the accused.
7. You are recorded with one previous conviction that was in 2005. You are entitled for discount for your good character over the period of last thirteen years since 2005.
8. You pleaded guilty for this offence at the first available opportunity. Therefore, you are entitled for a substantive discount for your early plea of guilty.
9. Having considered these factors discussed above, I impose you a three (3) months imprisonment period for this offence of damaging property.
10. Taking in to consideration, your age, opportunities for rehabilitation, I suspend your sentence for a period of two (2) years.
11. Accordingly, I sentence you for a period of **three (3) months** for this offence of Damaging Property, contrary to Section 369 of the Crimes Act and suspend it for a period of **two (2) years** pursuant to Section 26 of the Sentencing and Penalties Act.

12. You have been in remand custody for this case for a period of nearly forty-two (42) days as you were not granted bail by the Court. In pursuant of Section 24 of the Sentencing and Penalties Act, I consider the period of two (2) month as the period of imprisonment that have already been served by you.
13. Accordingly, your actual sentencing period is **one (01) month** of imprisonment period, which is suspended for a period of **two (2) years**.
14. If you commit any crime during this period of two (2) years and found guilty by the court, you are liable to be charge and prosecute for an offence in pursuant of Section 28 of the Sentencing and Penalties Act.
15. Since this incident involves with domestic violence, I am satisfied that there are sufficient grounds to consider making an order under the Domestic Violence Act. I accordingly make a permanent Domestic Violence Restraining Order against you with standard non-molestation conditions pursuant to section 24 and 28 of the Domestic Violence Act. The above Domestic Violence Restraining Order will be in force until this court or any other competence court is varied or suspended it. Furthermore, if you breached this restraining order, you will be charged and prosecuted for an offence pursuant of section 77 of the Domestic Violence Act.
16. Thirty (30) days to appeal to the Fiji Court of Appeal.




R.D.R. Rajasinghe
Judge

At Suva
25th June 2018

Solicitors
Office of the Director of Public Prosecutions for the State.
Accused In Person.