

IN THE HIGH COURT OF FIJI AT SUVA
[CRIMINAL JURISDICTION]

CRIMINAL CASE NO: HAC. 148 of 2018

BETWEEN : **STATE**

AND : **JOSEPH CHRISTOPHER**

Counsel : ***Ms. Tivao S. for State***
: ***Accused appears in Person***

Hearing on : ***6th August – 10th August 2018***
Summing up on : ***13th August 2018***
Judgment : ***14th August 2018***
Sentence : ***19th September 2018***

SENTENCE

Mr. Joseph Christopher, you stand convicted of the offence of aggravated robbery contrary to section 311 (1) (b) of the Crimes Act 2009 after a full trial. Your charge reads thus;

Statement of Offence

Aggravated Robbery: contrary to section 311(1)(b) of the Crimes Act 2009.

Particulars of Offence

JOSEPH CHRISTOPHER also known as **JOSEPH CHRISTOPHER TAUKEI** on the 17th day of 2016 at Namena Road, Nabua in the Central Division, robbed DUSHYANT NARAYAN SINGH of \$ 3,400.00 cash, the property of DUSHYANT NARAYAN SINGH.

You pleaded not guilty to the above charge and the ensuing trial lasted for 5 days. The complainant, Ms. Meena Kumari, Mr. Praveen Kumar and a medical officer, have

given evidence for the prosecution while you offered an alibi and giving evidence produced two witnesses in support of your denial of the charge.

At the conclusion of the evidence and after the directions given in the summing up, the majority of assessors found you guilty to the count of Aggravated Robbery.

Accordingly, this Court convicted you to the alleged count of Aggravated Robbery contrary to section 311(1)(b) of the Crimes Act 2009.

The maximum sentence for the offence of aggravated robbery contrary to section 311(1) of the Crimes Act is 20 years imprisonment.

The tariff for this offence is an imprisonment term between 8 to 16 years. [**Wallace Wise v The State**, Criminal Appeal No. CAV 0004 of 2015; (24 April 2015)]

Explaining the aggravating circumstances of the offence of robbery with violence under the now repealed Penal Code, Goundar J said in the case of **State v Rokonabete** [2008] FJHC 226 that;

“The dominant factor in assessing seriousness for any types of robbery is the degree of force used or threatened. The degree of injury to the victim or the nature of and duration of threats are also relevant in assessing the seriousness of an offence of robbery with violence.”

The victim was stabbed twice and reasonably high degree of violence used. It would be considered as an aggravating factor.

In mitigation, you have not submitted anything but Court takes in to account that though you have many previous convictions, that you were not convicted of an offence, committed after 2007 other than for the two drug related offences in 2014. It could mean either you were trying to amend your ways and become a good citizen or that have become so smart that law could not fix you in, latterly. I prefer to accept the first, and assume that the temptation was so much that it overrode your conscience in this instance.

I would select 8 years imprisonment as the starting point of your sentence. Due to aggravating factors I enhance your sentence by three years and on mitigating factors set out above I reduce your sentence by a year. Therefore your final sentence is 10 years imprisonment.

You should serve at least 8 years before being eligible for parole. Since you have been in remand for this matter since 13th of April 2018, that period specifically 160

days, would be deducted from the remainder. Therefore the remainder you have to serve would be;

Head sentence - 9 years, 6 months and 20 days.

You will have to serve a minimum of 7 years, 6 months and 20 days to be eligible for consideration of parole.

Thirty (30) days to appeal to the Court of Appeal.



Solicitors: - ***Office of the Director of Public Prosecutions for the State.***
- ***Accused appeared in person***