

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION**

**Crim. Case No: HAC 212 of 2018**

**STATE**

**vs.**

**NIKOTIMO KOROVOU**

**Counsel:** Ms. B. Khantaria for the State  
Mr. I. Ramanu for the Accused

**Date of Hearing:** 1<sup>st</sup> to 2<sup>nd</sup> October 2018

**Date of Summing Up:** 04<sup>th</sup> October 2018

**Date of Judgment:** 04<sup>th</sup> October 2018

**Date of Sentence:** 17<sup>th</sup> October 2018

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**SENTENCE**

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1. Mr. Nikotimo Korovou, you have been found guilty and convicted for one count of Aggravated Robbery, contrary to Section 311 (1) (a) of the Crimes Act, which carries a maximum sentence of 20 years imprisonment.
2. It was proved at the conclusion of the hearing that you together with two other accomplices came from behind the complainant and assaulted him when he was walking alone the Victoria Parade in the night of the 18th of May 2018. One of you have

strangled his neck, while another had twisted his hand. The third one had put a cloth into his mouth. After that, you and your two accomplices had robbed his wallet which contained \$160 and assorted cards.

3. The sentencing tariff for the offence of Aggravated Robbery is between 8 to 16 years imprisonment. (Wallace Wise v State [2015] FJSC 7; CAV0004.2015 (24 April 2015)).
4. This is a case of robbing of an individual, using violence force, while he was walking along a public road in the night. Crimes of this nature are prevalent, and have created insecurity and vulnerability in the society. Aggravated Robbery is the worst and serious form of property crime in this jurisdiction, which carries a maximum penalty of twenty years imprisonment. Therefore, I find this is a serious offence.
5. In view of the seriousness of this offence, it is my opinion that such offenders must be dealt with severe and harsh punishment. Therefore, the purpose of this sentence is founded on the principle of deterrence and protection of community.
6. Crimes of this nature have the effect of endangering innocent public and their freedom of life. You and your accomplices have found an opportunity when the complainant was walking along the Victoria Parade in the night at about 9.45 p.m. You then assaulted him from behind using substantial amount of violence. The complainant in his evidence said that he was frustrated and scared.
7. Certainly, the impact of this offence on the complainant must be a horrific and frustrating experience. Specially, he was suddenly grabbed from his behind and stole his belongings. Therefore, I find the level of harm and culpability in this offending are substantially high.
8. In view of the seriousness of the offence, and level of culpability and harm, I select twelve (12) years as the starting point.

9. The learned counsel for the defence submitted that you are 24 years old and has two young children.
10. You have been adversely recorded with six (6) previous convictions therefore, you are not entitled for any discount for your previous good character.
11. In view of your young age and family circumstances, I reduce one (1) year to reach the final sentence of eleven (11) years imprisonment.
12. Having considered the seriousness of this crime, the purpose of this sentence, your age, and opportunities for rehabilitation, I find nine (9) years of non-parole period would serve the purpose of this sentence. Hence, you are not eligible for any parole for a period of nine (9) years pursuant to Section 18 (1) of the Sentencing and Penalties Act.

#### Head Sentence

13. Accordingly, I sentence you for a **period of eleven (11) years imprisonment** for this offence of Aggravated Robbery, contrary to Section 311 (1) (a) of the Crimes Act. Moreover, you are not eligible for any parole for a period of **nine (9) years** pursuant to Section 18 of the Sentencing and Penalties Act.

#### Actual Period of Sentence

14. You have been in remand custody for this case for a period of four (4) months and seventeen (17) 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 five (5) months as a period of imprisonment that have already been served by you.
15. Accordingly your actual sentencing period is **ten (10) years and seven (7) months** of imprisonment period, with **eight (8) years and seven (7) months** of non-parole period.

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



  
R.D.R.T. Rajasinghe  
Judge

At Suva  
17<sup>th</sup> October 2018

Solicitors  
Office of the Director of Public Prosecutions for the State.  
Office of the Legal Aid Commission for the Defence.