

IN THE HIGH COURT OF FIJI

AT LABASA

MISCELLANEOUS JURISDICTION

MISCELLANEOUS CASE NO: HAM 46 AND 47 OF 2019LAB

BETWEEN : MELI KISOKO

FIRST APPLICANT

AND : SAIMONE BANUVE

SECOND APPLICANT

AND : THE STATE

RESPONDENT

Counsels : Mr. A. Korotini for First Applicant
Mr. A. Korotini for Second Applicant
Mr. A. Rakaria for Respondent

Hearing : 16 December, 2019

Ruling : 16 December, 2019

Written Reasons : 23 December, 2019

WRITTEN REASONS FOR DENIAL OF BAIL

1. In Labasa High Court Criminal Case No. HAC 47 of 2019LAB, both applicants are facing an “aggravated robbery” charge, contrary to section 311 (1) (a) of the Crimes Act 2009. It was alleged that between 21 and 22 August 2019, at Taveuni in the Northern Division, the two applicants violently robbed the complainant of \$2,215 worth of properties, by strangling her and punching her face. Both applicants also have pending charges in two High Court cases, that is, HAC 48 and 51 of 2019LAB. In the first case, both applicants are facing an “aggravated

burglary” and “theft” charges. In the second case, both applicants are facing an “aggravated burglary” charge. All the above cases allegedly occurred between 21 and 22 August 2019, at Taveuni in the Northern Division.

2. It is well settled that every accused persons had a right to bail pending trial, unless the interest of justice requires otherwise. In deciding bail, the court had to take into account all the factors mentioned in Section 19 at the Bail Act 2002.
3. According to the prosecution, on all the above files, they had a strong case against both applicants. Prosecution said, they had the direct evidence of all the complainants, and in all the cases, both applicants admitted the offence to police when caution interviewed. If the two applicants are found guilty on the “aggravated robbery” charge, they are looking at a sentence between 8 to 16 years imprisonment.
4. In all cases, a trial date had not been set. But given the Labasa High Court Case Management process, they will be tried in less than 1 or 1 ½ years. The court is empowered to hold people in remand 2 years prior to trial. In any event, time spent in custody while awaiting trial, will be deducted from the applicant’s final sentence, if found guilty after trial. They are represented by able counsels, and they can visit him in custody as and when they please.
5. The allegations against both applicants were very serious. Between 21 and 22 August 2019, they allegedly committed three indictable offences in Taveuni, involving “aggravated robbery” and “aggravated burglary”. Although they are presumed innocent until proven guilty beyond reasonable doubt in a court of law, in my view, it is in the public interest and the protection of the community, that they be remanded in custody, until further orders of the court. I order so accordingly.
6. The above are the reasons why I refused their bail application on 16 December, 2019.




Salesi Temo
Judge

Solicitor for Applicant:
Solicitor for Respondent:

Legal Aid Commission, Labasa
Office of Director of Public Prosecution, Labasa

