

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

**CASE NO: HAC. 246 of 2020**

**[CRIMINAL JURISDICTION]**

**STATE**

**V**

**ANASA RANASAU NAWAQATABU**

**Counsel** : Ms. S. Sharma for the State  
Ms. L. David for the Accused

**Date of Sentence** : 12 March, 2021

**SENTENCE**

1. Anasa Ranasau Nawaqatabu, you stand convicted of the offence of aggravated robbery contrary to section 311(1) of the Crimes Act 2009 upon pleading guilty to the relevant charge.

2. Your charge reads thus;

*Statement of Offence*

**AGGRAVATED ROBBERY:** contrary to Section 311 (1) (a) of the Crimes Act 2009.

*Particulars of Offence*

**ANASA RANASAU NAWAQATABU AND ANOTHER,** on the 5<sup>th</sup> day of August, 2020 at Manoca Nausori, in the Eastern Division, robbed one **RONALD SATEN** of \$700.00 cash, the property of **RONALD SATEN**.

3. You have admitted the following facts;

1. *The Accused is Anasa Ranasau Nawaqatabu, 21 years old (DPB: 29/07/1999),*

- farmer, residing at Kalau Farm, Verata junction, Tailevu.*
2. *The complainant is Ronald Saten, 36 years old, self-employed, residing at Mara Road, Manoca.*
  3. *The complainant operates a shop called Roshen Shopping from his home at Mara Road, Manoca.*
  4. *On 5<sup>th</sup> August 2020 at about 9.40 pm, the complainant was inside the shop when the accused and his accomplice entered the complainant's shop. The accused entered through the small opening at the counter of the shop. The complainant tried to stop the accused. The accused forcefully pushed the complainant as the complainant was resisting. The accused picked the container containing \$700.00 cash, belonging to the complainant and gave it to his accomplice who was standing outside the counter.*
  5. *The accused and his accomplice then ran away with \$700.00 cash.*
  6. *The accused was arrested, caution interviewed and he was formally charged on 13<sup>th</sup> August 2020.*
  7. *The accused has admitted to the offence in his caution interview from Q&A 48 – 53. (Marked as annexure "A" is the copy of Record of Interview for the second accused).*
  8. *There was nil recovery.*
  9. *The accused has nil previous convictions. (Marked as Annexure "B" is the Criminal Record History by the Criminal Records & Fingerprint Office).*
4. 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* [2015] FJSC 7; CAV0004.2015 (24 April 2015)]
5. In this case, there is no question that the accused had committed the offence of aggravated robbery (robbery committed by more than one person) given the involvement of the accomplice who did not enter the shop but was standing outside the counter. In my view, the offence of aggravated robbery is identified as the most serious among the offences against property under Part 16 of the Crimes Act for the fear, helplessness and the feeling of being violated this offence instils in the victim's mind when the relevant theft is committed. The higher the number of the offenders that would enter into the relevant building to commit the offence, the more fear that would be instilled in the victim. In my considered view, given this rationale, for the reason that only one person (the accused who is charged in this case), had entered the shop according to the

summary of facts, this case presents a special circumstance that would warrant a departure from the aforementioned sentencing tariff as far as the selection of the starting point is concerned. In my view, it would be just and appropriate in this case to select a starting point below the said tariff.

6. Given the above discussion, I would select 06 years imprisonment as the starting point of your sentence.
7. You have stolen \$700 cash from the complainant. I find it appropriate to consider the said value as an aggravating factor in this case. I would add 01 year in view of the value of the items.
8. In addition to the fact that you have entered an early guilty plea, I would consider the following as your mitigating factors;
  - a) You are a first offender;
  - b) \$400 has been restituted and your father has tendered an apology to the complainant on your behalf which was duly accepted by the complainant;
  - c) You are remorseful; and
  - d) You have cooperated with the police.
9. I would deduct 03 years from the sentence in view of the above mitigating factors (except for the guilty plea). Now the sentence is 04 years imprisonment. In view of your early guilty plea, I would grant a discount of one-third. Accordingly, the final sentence is 02 years and 08 months (after deducting 1 year and 4 months).
10. I would fix the non-parole period at 02 years in terms of the provisions of section 18(1) of the Sentencing and Penalties Act.
11. It is submitted that you have been in custody in view of this matter from 13/08/20. Accordingly, you have spent a period of 06 months and 29 days in

custody. The period you were in custody in relation to this case shall be regarded as a period of imprisonment already served by you in view of the provisions of section 24 of the Sentencing and Penalties Act.


12. In the result, you are sentenced to a term of 02 years and 08 months imprisonment with a non-parole period of 02 years. Considering the time spent in custody, the time remaining to be served is as follows;

Head Sentence - 02 years; 01 month; and 01 day

Non-parole period - 01 year; 05 months; and 01 day

13. Considering the fact that you have served nearly 07 months of your sentence, the circumstances of this case including the fact that the complainant has pardoned you, and taking into account the fact that you are a first offender, I have decided to suspend the remaining period of your sentence for a period of 03 years.
14. The court clerk will explain you the effects of a suspended sentence.
15. Accordingly, you will be released today. You are thoroughly warned and advised to hereafter abide by the laws of the country and to lead a good life.
16. Thirty (30) days to appeal to the Court of Appeal.



  
Vinsent S. Perera  
JUDGE

**Solicitors;**

Office of the Director of Public Prosecutions for the State  
Legal Aid Commission for the Accused