

IN THE HIGH COURT OF FIJI

AT SUVA

[CRIMINAL JURISDICTION]

CRIMINAL CASE NO. HAC 160 OF 2022

BETWEEN : STATE

AND : ANARE TURAGA

Counsel : Ms P Ram for the State
Accused in Person

Date of Hearing : 27 June 2022

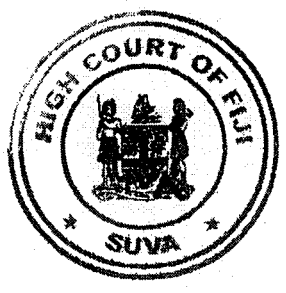
Date of Sentence : 6 July 2022

SENTENCE

- [1] The offender is 21 years old. He has pleaded guilty to a charge of arson.
- [2] The facts are as follows. The victim and the offender are cousins. On 13 March 2022 they had an argument which ended up in a physical altercation between them during a dirking party at the victim's residence at Visama, Nausori. After the fight the victim apologized to the offender but the offender refused to accept the apology. The offender was furious and threatened to harm the victim with a knife. He was heavily intoxicated. He continued to challenge the victim for a fight. The victim ignored the offender and went to sleep after the offender left his home.
- [3] The following morning the victim left his home for a trip to Suva. When he returned home he saw his house was on fire and the fire brigade was trying to put the fire out without success. The victim's three bedroom house and its contents were totally destroyed. The total value of loss to the victim was \$64,000.00.

- [4] Witnesses had placed the offender conducting himself in a suspicious manner at the victim's home shortly before the fire started. When the offender was arrested he made a full admission to the police. He told the police that he entered the victim's home, lit some newspapers with a gas lighter and threw them on a mattress before fleeing the scene in a taxi.
- [5] The maximum penalty prescribed for arson is life imprisonment. The tariff is between 5 to 12 years' imprisonment on conviction after trial (*Nakato v State* [2018] FJCA 129; AAU74.2014 (24 August 2018)). A comparable case is *State v Tubuna* [2020] FJHC 389; HAC017.2020 (5 June 2020) where a sentence of 3 years imprisonment with a non-parole period of 18 months was imposed for arson in similar circumstances as the present case.
- [6] The aggravating factors are that the offence was fueled by alcohol and the house torched was a dwelling house of a relative of the offender. The offence has caused significant monetary loss to the victim.
- [7] The mitigating factors are that the offender is young and has entered an early plea to the charge. He has expressed remorse by admitting the offence to police and to the court. He has saved significant court's time and resources by pleading guilty early.
- [8] The offender has one previous conviction for burglary and two for theft in 2017. His character deserves little weight as a mitigating factor.
- [9] The primary purpose of sentence is deterrence, both general and special. The objective seriousness of the offence is reflected in the maximum penalty prescribed for arson. Custodial sentence is inevitable in circumstances of the case.

[10] The offender is convicted and sentenced to three years imprisonment with a non-parole period of 18 months. Suspension is not appropriate.



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Hon. Mr Justice Daniel Goundar

Solicitors:
Office of the Director of Public Prosecutions for the State
Accused in Person