

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**[CRIMINAL JURISDICTION]**

**CRIMINAL CASE NO. HAC 120 OF 2021**

**BETWEEN** : STATE

**AND** : SIKELI ROKOLOA  
LEMEKI ROKOLOA

**Counsel** : Ms N Ali for the State  
Mr T Varinava both Accused

**Date of Hearing** : 1 July 2022

**Date of Sentence** : 12 July 2022

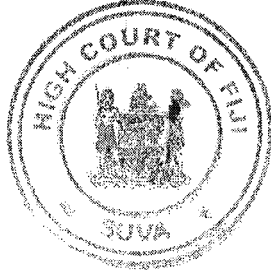
**SENTENCE**

- [1] Both accused have pleaded guilty to one count each of aggravated burglary and theft. Both charges are based on the same facts.
- [2] The victim operates a shop at Nausori town. On 11 April 2021 the victim learnt that her shop had been burgled. Entry to the shop was gained by breaking the glass door with a metal rod. The CCTV captured the intruders inside the shop. Later a witness identified the two accused as the intruders. Both were arrested and interviewed under caution. Both made full admissions. They admitted breaking into the shop and stealing assorted items such as sunglasses, watches and mobile phone chargers. The stolen goods have been recovered from the accused.
- [3] Aggravated burglary committed in a company carry a maximum punishment of 17 years imprisonment. The tariff range from 18 months imprisonment to 3 years imprisonment (*Leqavuni v State* [2016] FJCA 31; AAU0106.2014 (26 February 2016)). Suspension is available if the offender is young or the offender is a first

time offender and is genuinely remorseful (*State v Aumaile* [2018] FJHC 196; HAC08.2018 (16 March 2018) applied in *Kumar v State* [2018] FJCA 148; AAU165.2017 (4 October 2018))

- [4] The maximum penalty for theft is 10 years imprisonment and the tariff depends on the nature of theft (*Ratusili v State* [2012] FJHC 1249; HAA011.2012 (1 August 2012)).
- [5] In the present case, a commercial shop was burgled at nighttime. The offence is serious and the need for deterrence is strong.
- [6] However, there is no evidence of any significant planning involved in committing the crime. Nobody was inside the shop when the entry was made. The monetary value of the stolen property is small. Prosecution has not tendered any evidence of the monetary damage to the property to gain entry.
- [7] Both accused are first time offenders. Both have entered early guilty pleas, cooperated with the police by making full admissions and voluntarily returning the stolen property and expressing remorse. The first accused is 22 years old and is currently employed by a private electrical company. The second accused is 45 years old. He is married with six children. He earns a living by fishing and farming.
- [8] Due to the prevalence of the offence of burglary, I would have imposed a custodial sentence, but I am mindful that prison does not necessarily deter people from committing crime. In the present case the offenders have taken responsibility for their crime and have expressed genuine remorse. Both have spent 5 to 7 months in custody on remand. They are likely to respond to rehabilitation if given a chance.
- [9] Both accused are convicted and sentenced to an aggregate term of 2 years imprisonment suspended for 5 years. (Suspension explained)

[10] Recovered stolen items are returned to the owner.



A handwritten signature in black ink, appearing to read "Daniel Goundar", is written over a horizontal dotted line.

Hon. Mr Justice Daniel Goundar

**Solicitors:**

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