

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

**Crim. Case No: HAC 248 of 2021**

**BETWEEN:** STATE

**PROSECUTION**

**A N D:** 1. NAPOLIONI TAVU  
2. INIA RAIQUEU

**ACCUSED PERSONS**

**Counsel** : Ms. Z. Zunaid for the State  
Mr. T. Varinava for 1<sup>st</sup> Accused  
Ms. M. Singh for 2<sup>nd</sup> Accused

**Date of Sentence** : 08<sup>th</sup> November 2022

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**SENTENCE**

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1. Mr. Inia Raiqueu, you pleaded guilty to one count of Receiving Stolen Property, contrary to Section 306 (1) of the Crimes Act, which carries a maximum sentence of ten years imprisonment. The particulars of offence are:

**Count 1**

*Statement of Offence*

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

*Particulars of Offence*

*NAPOLIONI TAVU and another on the 22<sup>nd</sup> day of October, 2021 at Valelevu, in the Southern Division, in the company of each other stole 1x Samsung A10 mobile-phone and \$2000.00 cash from SUNDARESH ACHARI and immediately before stealing from SUNDARESH ACHARI, used force on him.*

**Count 2**

*Statement of Offence*

**RECEIVING STOLEN PROPERTY:** *Contrary to Section 306 (1) of the Crimes Act 2009.*


*Particulars of Offence*

*INIA RAIQEU on the 22<sup>nd</sup> day of October, 2021 at Valelevu, in the Southern Division, dishonestly received 1x Samsung A10 mobile-phone, knowing or believing the said property to be stolen.*

2. Satisfied by the fact that you have fully comprehended the legal effect of your pleas and that your plea was voluntary and free from influence, I now convict you of this offence as charged in the Information.
3. According to the Summary of Facts, you received one Samsung A10 mobile phone, a stolen property. You knew the mobile phone was stolen property as you were present when it was stolen.
4. The tariff for this offence is between 1 year to 3 years imprisonment (see *Tukei Taura v State, Criminal appeal NO. HAA 103: 104 of 2002* and *Ilaitia Turaga v State, Criminal Appeal NO. HAA 82 of 2002.*)

5. You sold this stolen item for \$30 soon after receiving it, which I find an aggravating factor. Besides that, the summary of facts does not disclose any aggravating circumstances.
6. You are a young first offender. You pleaded guilty to this offence at the first available opportunity. Moreover, you admitted your responsibilities for committing this crime in your caution interview. In doing that, you expressed remorse and repented for committing this crime. Therefore, you are entitled to a substantial discount for your early plea of guilty and good character.
7. Considering the above reasons, I sentence you to 12 months imprisonment. Taking into consideration your previous good character and opportunities for rehabilitation, I suspend your sentence for three years.
8. If you commit any crime during that period of three (3) years and are found guilty by the Court, you are liable to be charged and prosecuted for an offence according to Section 28 of the Sentencing and Penalties Act.
9. Thirty (30) days to appeal to the Fiji Court of Appeal.



  
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Hon. Mr. Justice R.D.R.T. Rajasinghe

**At Suva**

08<sup>th</sup> November 2022

**Solicitors**

Office of the Director of Public Prosecutions for the State.  
Office of the Legal Aid Commission for the 1<sup>st</sup> Accused.  
Office of the Legal Aid Commission for the 2<sup>nd</sup> Accused.