

Particulars of Offence

STEVE RATILA MOROVAN and INIA RAIQEU on the 9th day of December, 2022 at Nausori, in the Eastern Division, in the company of each other, stole 1 x backpack, the property of SOMAL SHALENDRA LAL and immediately before committing theft, used force on SOMAL SHALENDRA LAL

2. Satisfied that you have fully comprehended the legal effect of your plea and that your plea was voluntary and free from influence, I now proceed to sentence you for this offence.
3. According to the Summary of Facts you admitted in Court, you approached the Complainant with your Accomplice when he was waiting at Nausori bus station on the 9th of December 2022. One of you then tried to get his backpack, which he carried on over his shoulder. Two of you then pushed him down and attempted to grab his mobile phone. Meanwhile, one of you got his backpack and fled the scene.
4. You robbed the Complainant with your Accomplice while he was in public place. This is a crime of street mugging or a less sophisticated form of aggravated robbery. Crimes of this nature are prevalent and have created insecurity and vulnerability in society. Therefore, I find this is a serious offence.
5. Because of the seriousness of this offence, I believe such offenders must be dealt with severe and harsh punishment. Therefore, the purpose of this sentence is founded on the principle of deterrence and community protection.
6. The Summary of Facts reveals that the Complainant had suffered minor injuries. Hence, the level of harm falls within the low range. Accordingly, the starting point is three (3) years imprisonment, and the sentencing range is one (01) to five (05) years imprisonment. (*State v Tawake [2022] FJSC 22; CAV0025.2019 (the 28th of April 2022)*)

7. The stolen items have been recovered. As per the summary of facts, this is an opportunistic crime. You are 26 years old and a first offender. Hence, you are entitled to a discount for your previous good character. Moreover, showing your remorse, you pleaded guilty to this offence at the first opportunity. Therefore, you are entitled to a further discount for your early plea of guilty.
8. Subsequent to this incident, you claimed that you were assaulted during the investigation of this crime, resulting in severe life-threatening injuries and mental trauma. You still receive treatments for those injuries. You pleaded in your mitigation submission, seeking a non-conviction order as you plan to travel to Australia for further medical treatment.
9. However, there is no substantive evidence before this Court that you have made any arrangement to travel to Australia for medical treatment. You further claim that your father, who is an Australian, is willing to assist you. Yet, no material before this Court supporting such a claim. Your Counsel informed the Court that your father never had any contact with you or was in touch with you while you were growing up.
10. Considering these reasons, this case is not a proper and appropriate case to act under Sections 15 and 16 of the Sentencing and Penalties Act to make an order of non-conviction. I accordingly convict you of this offence as charged in the Information.
11. Considering the above reasons, I sentence you to 20 months imprisonment. Considering your adverse health condition and the requirement for further treatment for it, I suspend your sentence for a period of three years.
12. If you commit any crime during 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.

13. 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

08th December 2023

Solicitors

Office of the Director of Public Prosecutions for the State.

Redwood Law for the Accused.