

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

Criminal Case number: HAC 261 of 2022

STATE

-v-

MATAIASI NAKARAWA

Prosecution: Ms. Naidu, Monisha
Accused: Present with Mr. Emasi, Inoke

Date of Sentence: 11th March, 2025

SENTENCE

1. **MATAIASI NAKARAWA** you are here to be sentenced after pleading guilty on your own accord to the following offence.

First Count

Statement of offence

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

Particulars of Offence

MATAIASI NAKARAWA with another on the 12th day of July, 2022 at Vatuwaqa, in the Central Division, in the company of another stole 2 x 9 carat gold chains and \$100.00 cash, the properties of **KRISHAN SINGH** and immediately before committing theft, punched **KRISHAN SINGH**.

Summary of Facts

2. You admitted to the facts read and explained to you. It is revealed that the complainant in this case is **KRISHAN SINGH**, employed as a Fish Middleman of 56 Wailea Settlement, Vatuwaqa. (herein known as PW1).
3. On 12th July, 2022 at about 7.30pm, PW1 was returning from work and was on his way home. Whilst walking along Lemeki Street in Vatuwaqa, two youths approached him and robbed him.
4. PW1 stated that whilst walking, he felt someone hit him from the back. When he turned, he saw two youths and one of them he identified as "Matai" who was the first accused (A1). PW1 saw A1 and his accomplice whereby he clearly identified A1 as they reside in the same neighbourhood.
5. A1's accomplice held PW1 from behind and punched him whilst A1 grabbed PW1's two x 9 carat gold chain and fled the scene. A1's accomplice took \$100 from PW1's pocket and fled the scene too. As the two accused were running towards Wailea Street, he could see them clearly from the brightness of the street lights.
6. Accused together with his accomplice robbed PW1 of his 2 x 9 carat gold chains and \$100 cash and immediately before committing theft, assaulted PW1.

7. After the incident, PW1 reported the matter at Nabua Police Station.
8. The accused was arrested on 29th July, 2022 and was escorted to Nabua Police Station for questioning of the alleged offence of Aggravated Robbery.
9. When the accused was interviewed under caution, he made full admissions with respect to the alleged incident. He also admitted to being present at the alleged scene together with his accomplice and prior to robbing the complainant, they assaulted him.
10. The accused was then formally charged with one count of Aggravated Robbery contrary to 311 (1) (a) of the Crimes Act 2009.
11. The accused is a first offender.

Recording of Conviction

12. The Court is aware that the Accused understands the implication of his plea and finds him guilty accordingly. The Accused is convicted for one count of Aggravated Robbery contrary to 311 (1) (a) of the Crimes Act 2009.

Sentencing Guidelines

13. Prior to sentencing the accused, I have considered sections 4(1) and 4(2) of the Sentencing and Penalties Act, 2009 with regards to sentencing guidelines.

Maximum Penalty and Tariff

14. The maximum sentence for the offence of aggravated robbery contrary to section 311(1) of the Crimes Act is 20 years imprisonment.
15. In **State v. Tawake** [2022] FJSC 22; CAV 0025.2019 (28 April 2022) the starting for this offence which is on the lower range is 3 years. The sentencing range is: 1 – 5 years imprisonment.

Starting Point

16. This court selects 3 years as a starting point.

Aggravating Factors

17. There are no aggravating factors. This is not a pre-meditated crime but an opportunistic offence.
18. Your sentence remains at 3 years imprisonment.

Mitigating Factors

19. At the time of the offending, you were 18 years old. You are a first offender.
20. You have now found employment in Sigatoka and are assisting your family in their daily needs.
21. Based on the above factors, I reduce your sentence by 1 year and arrive at 2 years imprisonment.

Guilty Plea

22. You only pleaded guilty on the day of the trial. I further deduct 6 months from your sentence and arrive at 1 year and 6 months imprisonment.

Sentence

23. Mataiasi Nakarawa, you are sentenced to 1 year and 6 months imprisonment.

Period in Custody

24. Section 24 of the Sentencing and Penalties Act, 2009 requires the court to deduct time in custody before the trial. You were remanded in custody from 1st August, 2022 until 31st October, 2022, a total of almost 3 months.
25. I also deduct 3 months from your sentence and your final term is 1 year and 3 months imprisonment.

Suspend of not to suspend

26. In considering *section 26(2)(a)* of the Sentencing and Penalties Act, 2009, this court has the power to suspend a sentence that does not exceed 3 years.
27. I note that you are a young offender and the Court should provide you with an opportunity to reform. You must seize the opportunity to do so and become a law abiding person.
28. Based on the above reasons, I order that your sentence of 1 year and 3 months is to be suspended.

Summary

29. Mataiasi Nakarawa, you are sentenced to 1 year and 3 months imprisonment. However, your sentence is suspended for a period of 1 year effective forthwith.
30. Suspended sentence is to be explained to you in your preferred language.

Appeal Period

31. 30 days to appeal to the Fiji Court of Appeal.




Waleen George
Acting Puisne Judge

Dated at Suva this 11th day of March, 2025.

**Solicitors: Office of the Director of Public Prosecution for State
Legal Aid Commission for the Accused**