

IN THE HIGH COURT OF FIJI AT SUVA

CASE NO: HAC. 56 of 2018

[CRIMINAL JURISDICTION]

STATE

V

P K

Counsel : Mr. E. Samisoni for State  
Ms. M. Ratidara for Accused

Sentence on : 25 May 2018  
(The juvenile's name is suppressed)

ORDER

1. P K, you were found guilty of the following offence on your plea of guilty;

**FIRST COUNT**

*Statement of Offence*

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

*Particulars of Offence*

**P K with another** on the 15<sup>th</sup> day of December 2017 in Suva in the Central Division, in the company of each other, robbed **KESHNI GOUNDAR** of 1 x Samsung Mobile Phone valued at \$700.00, and 1 x wallet containing \$150.00, all to the total value of \$850.00, the property of **KESHNI GOUNDAR**.

2. The summary of facts are as follows;

1. *On 15 December 2017 at about 3.30pm, Keshni Goundar ("hereinafter PW1") knocked off work from the Fiji National University Nasinu Campus ("hereinafter FNU"). She then walked towards the FNU back gate making her way to the FNU bus stop.*
2. *She stood waiting for her husband, Ritesh Prasad ("hereinafter PW2") at the FNU bus stop. She was carrying her black bag which consists of her head phones, her wallet and \$150.00 cash. Her mobile phone was placed inside her pocket.*
3. *She was waiting alone at the bus stop when suddenly P.K ("hereinafter the juvenile") who was wearing a green t-shirt and another person pulled her mobile phone and black bag. She fell onto the ground.*
4. *The juvenile and another took her black bag and mobile phone and ran towards the bush. She shouted for help and ran back towards FNU. She went and told her friends at FNU what happened and they came out to look for the two boys. She called PW2 and informed him of what happened.*
5. *A few minutes later, the police and PW2 arrived and they went into the bush looking for the two suspects. While searching, they managed to find PW1's black bag but the money and mobile phone were missing. The police left in their vehicle to go and check the Kinoya Car Wash. PW2 kept searching at the track they were in.*
6. *Upon following the track, he managed to find the juvenile who was sitting on the track. PW2 ran towards the juvenile and punched his leg. The juvenile asked PW2 not to surrender himself over to the police.*
7. *PW2 pulled the juvenile from the track and onto the roadside where PW1 identified the juvenile as one of the people that robbed her.*
8. *The juvenile pushed PW2 and ran away but was later caught by members of the public and taken to Valelevu Police station and caution interviewed by DC 2659 Eliki Kaumaitotoya in the presence of his mother.*
9. *In his caution interview, the juvenile admitted to robbing PW1 with another. He also admitted that he took PW1's bag and \$50.00 while his accomplice took the rest of the items.*
10. *The juvenile was subsequently charged.*

3. The tariff endorsed by the Supreme Court for the offence of aggravated robbery in the case of *Wise v State* [2015] FJSC 7 is an imprisonment term between 8 and 16 years. The maximum penalty for the said offence in terms of section 311 of the Crimes Act is an imprisonment term of 20 years.
4. In terms of the provisions of section 30(3) of the Juveniles Act a young person shall not be ordered to be imprisoned for more than 2 years.
5. According to the social welfare report, you left school in term 2 last year and you joined a car wash. Your counsel had submitted that you were persuaded by a friend to commit this offence.
6. The offence relating to this case was committed at a bus stop which is a public place. You and your co-accused targeted a lady who came to the bus stop to go home after work. As a result of the force used on her, she fell onto the ground. I will consider these as aggravating circumstances.
7. You turned 16 this week. In the social welfare report it is submitted that you have been behaving very well in the centre and have been respectful to the officers. According to the said report and the submission made by your counsel in mitigation you regret your actions and you are willing to reform. I would consider these as mitigating factors.
8. In addition to the above mitigating factors you have taken responsibility for your actions and had saved the court's time by pleading guilty at the earliest opportunity.
9. You admitted in open court that you have been punished in two cases and therefore you are not a first offender before me.
10. Having considered all the facts before this court including the fact that you have committed the most serious offence against property under Part 16 of the Crimes Act, I would impose on you a term of 6 months imprisonment. As I said in the case of *State v DL* (HAC 042 of 2018; 18 May 2018) the offences against

property are prevalent in the country and the number of young offenders brought before the courts for committing such offences appear to be increasing. Therefore, it is necessary to impose a term of imprisonment in this case.

11. You have spent 05 months and 10 days in custody in relation to this matter. The said period you have spent in custody shall be regarded as a term already served in terms of section 24 of the sentencing and Penalties Act. Accordingly time remaining to be served by you is 20 days.
12. Considering the circumstances of this case, especially the seriousness of the offence you have committed I am not convinced that I should suspend your punishment.
13. Given the failure of your parents to properly look after you, I would order your mother to pay a fine of \$50. I make this order in terms of section 32(1)(c) of the Juveniles Act.
14. In the circumstances, an imprisonment for a term of 06 months is imposed on you and considering the time you have spent in custody, the period remaining to be served is 20 days. You shall serve this term in the Boys Centre. Your mother is fined \$50 and this fine should be paid at the Suva High Court Criminal Registry on or before 25/07/18.



A handwritten signature in blue ink, appearing to read "Vinsent S. Perera".

Vinsent S. Perera

JUDGE

**Solicitors:**

**Office of the Director of Public Prosecutions for the State  
Legal Aid Commission for the Juvenile**