

Particulars of Offence

PONIPATE BOKADI with others on the 23rd day of June, 2018 at Nasinu in the Central Division, stole cash amounting to \$600.00 being the property of **IFEREIMI VASU** and immediately before stealing, used force on **IFEREIMI VASU**.

2. You pleaded guilty for this offence on the 14th of August 2018. Satisfied by the fact that you have fully comprehended the legal effect of your plea and your plea was voluntary and free from influence, I now convict you for this offence of Aggravated Robbery as charged.
3. According to the summary of fact, which you admitted in open Court, that you with other accomplices, came behind the complainant, who was returning home from his morning walk, and assaulted him. The complainant had retaliated. While the complainant was retaliating, he had fallen down. The complainant managed to pull down one of the assailants while he was falling down. You and the accomplices then fled the scene. You and the accomplices had stolen the wallet of the complainant with cash \$600 therein.
4. Tariff for the offence of Aggravated Robbery is between **eight (8) years to sixteen (16) years** of imprisonment. (Wise v State [2015] FJSC 7; CAV0004.2015 (24 April 2015)).
5. This is a case of robbing of an individual, using violence force, while he was walking along a public road. Crimes of this nature are prevalent, and have created insecurity and vulnerability in the society. Aggravated robbery is the worst and serious form of property crime in this jurisdiction, which carries a maximum penalty of twenty years imprisonment. Therefore, I find this is a serious offence.
6. In view of the seriousness of this offence, it is my opinion that such offenders must be dealt with severe and harsh punishment. Therefore, the purpose of this sentence is founded on the principle of deterrence and protection of community.

7. You have approached the complainant from behind and assaulted him with your other accomplices. Accordingly, it appears that you and your accomplices assaulted him when he was not in a position to properly protect and defend himself. The complainant is a 58 years old, elderly retired person. The complainant had sustained injuries to his eye and the ankle. You have found the complainant was walking back home after his morning walk in the early morning, and then executed this crime. You have stolen substantive amount of money from the complainant. In view of these facts, I find the level of harm and the levels of culpability in this crime are substantially high.
8. You have pleaded guilty at the first available opportunity. Moreover, you have admitted that you committed this crime in your caution interview and maintained that position until you pleaded guilty, which demonstrates your remorse and repent in committing this crime. Therefore, you are entitled for a substantial discount for your early plea of guilty and remorse.
9. The learned counsel for the defence in her mitigation submissions stated that you are 27 years old married person with one child. I consider your family circumstances in this sentence, though it has no much mitigatory value.
10. You are adversely recorded with eight (8) previous convictions. Seven (7) of them are related to property crimes. Therefore, you are not entitled for any discount for your previous good character.
11. Having taken into consideration the seriousness of this offence, the level of harm and culpability, your early plea of guilty, and your family circumstances, I sentence you for a period of ten (10) years imprisonment for the offence of Aggravated Robbery contrary to Section 311 (1) (a) of the Crimes Act.
12. Having considered the seriousness of this crime, the purpose of this sentence, your age, and opportunities for rehabilitation, I find eight (8) years of non-parole period would serve the

purpose of this sentence. Hence, you are not eligible for any parole for a period of eight (8) years pursuant to Section 18 (1) of the Sentencing and Penalties Act.

Head Sentence

13. Accordingly, I sentence you for a **period of ten (10) years imprisonment** for this offence of Aggravated Robbery, contrary to Section 311 (1) (a) of the Crimes Act. Moreover, you are not eligible for any parole for a period of **eight (8) years** pursuant to Section 18 of the Sentencing and Penalties Act.

Actual Period of Sentence

14. You have been in remand custody for this case for a period of one (1) month and twenty four (24) days as you were not granted bail by the Court. In pursuant of Section 24 of the Sentencing and Penalties Act, I consider the period of two (2) months as a period of imprisonment that have already been served by you.
15. Accordingly your actual sentencing period is **nine (9) years and ten (10) months** of imprisonment period, with **seven (7) years and ten (10) months** of non-parole period.
16. Thirty (30) days to appeal to the Fiji Court of Appeal.



R.D.R.T. Rajasinghe
Judge

At Suva

22nd August 2018

Solicitors

Office of the Director of Public Prosecutions for the State.
Office of the Legal Aid Commission for the Defence.