

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

**Crim. Case No: HAC 348 of 2019**

STATE

vs.

ISOA VONU

**Counsel:** Mr. Z. Zunaid for the State  
Accused In Person

**Date of Hearing:** 05<sup>th</sup>, 06<sup>th</sup> and 07<sup>th</sup> October 2020

**Date of Closing Submission:** 07<sup>th</sup> October 2020

**Date of Summing Up:** 08<sup>th</sup> October 2020

**Date of Judgment:** 09<sup>th</sup> October 2020

**Date of Sentence:** 16<sup>th</sup> October 2020

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**SENTENCE**

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1. The Accused, Mr. Isoa Vonu, has been charged with one count of Aggravated Robbery, contrary to Section 311 (1) (a) of the Crimes Act, which carries a maximum penalty of 20 years imprisonment. The particulars of the offence are that:

*Statement of Offence*

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

*Particulars of Offence*

*ISOA VONU, SERUVATU NIUMATAIWALU & TEVITA RAVAI on the 4<sup>th</sup> day of September, 2019 at Nakasi, in the Central Division, in the company of each other stole \$1800.00 cash and 1x Samsung J2 mobile-phone from SANJAY NARAYAN SHARMA and immediately before stealing from SANJAY NARAYAN SHARMA, used force on him.*

2. Subsequent to the hearing, the court found you guilty of the offence of Aggravated Robbery and convicted to the same. It was proved during the hearing that you and two other accomplices had planned to rob the complainant's house. Three of you had then carried out the said plan on the early morning of the 4th of September 2019. You and one of your accomplices had entered the house through a window, while the third accomplice was guarding at the outside. You were not wearing a mask, though your accomplice wore a mask. Your accomplice had then placed a chopper on the complainant's neck and demanded him the cash. You had collected the cash and money box from the complainant. You then tied the hands and legs of the complainant and pushed him on the bed. Two of you had then fled the scene with the third accomplice.
  
3. This is a violent home invasion in the night while the occupants were sleeping and then stealing therein. The Supreme Court in **Wise v State [2015] FJSC 7; CAV0004.2015 (24 April 2015)** has outlined the importance of a safe and secure environment for the people from violent intruders as of this nature, where Gates CJ held that:

*"it is our duty to make clear these type of offences will be severely disapproved by the courts and be met with appropriately heavy terms of imprisonment. It is a fundamental requirement of a harmonious civilized and secure society that its inhabitants can sleep safely in their beds without fear of armed and violent intruders."*

4. In view of the above observation made by the Supreme Court of Fiji in respect of violent home invasions in the night, I find this is a very serious offence. Hence, 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 the protection of the community. I am mindful of the principle of rehabilitation; however, this offence's seriousness obviously outweighs the principle of rehabilitation.

5. Tariff for the offence of Aggravated Robbery is between eight (8) years to sixteen (16) years of imprisonment (*Wise v State (supra)*).
6. The Supreme Court in **Wise v State (supra)** had further outlined the aggravating factors that the sentencing court could take into consideration when sentencing offenders to offences of this nature, where Gates CJ held that:

*"Sentences will be enhanced where additional aggravating factors are also present. Examples would be:*

- i) *Offence committed during a home invasion,*
- ii) *In the middle of the night when victims might be at home asleep,*
- iii) *Carried out with premeditation, or some planning,*
- iv) *Committed with frightening circumstances, such as the smashing of windows, damage to the house or property, or the robbers being masked,*
- v) *The weapons in their possession were used and inflicted injuries to the occupants or anyone else in their way,*
- vi) *Injuries were caused which required hospital treatment, stitching and the like, or which come close to being serious as here where the knife entered the skin very close to the eye,*
- vii) *The victims frightened were elderly or vulnerable persons such as small children.*

7. The complainant was staying in the house with his wife and four daughters. In his evidence, the complainant explained that he would never forget this horrendous experience in his life. This horrific experience would definitely stay in his mind for an extended period.
8. Your accomplice was wearing a mask and armed with an offensive weapon (Chopper) when you invaded the complainant's house. You have entered the house while the occupants were sleeping in the night. The complainant was not able to react or escape from the ordeal that you and your accomplice were going to unleash on him. You have used a substantial amount of physical force by threatening the complainant with a chopper and then tying up the complainant's hands and legs. Accordingly, I find the level of harm and culpability in this offence is significantly high.
9. It was established during the hearing that this was a planned robbery. Most of the stolen items have not been recovered. I find these reasons as aggravating factors.
10. You have not been adversely recorded with any previous convictions. However, there is no evidence or information before this court to consider your general reputation in society and no information about any significant contribution you have made to the community. Therefore, you are only entitled a meager discount for your previous character.
11. Considering the above-discussed reasons, I sentence you to ten (10) years imprisonment for the offence of Aggravated Robbery.
12. Having considered the seriousness of this crime, this sentence's purpose, and your young age, I find eight (8) years of the non-parole period would serve the purpose of this sentence. Hence, you are not eligible for any parole for eight (8) years pursuant to Section 18 (1) of the Sentencing and Penalties Act.

### Head Sentence

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

### Actual Period of the Sentence

14. You have been in remand custody for this case for one (1) year and eight (8) days before the sentence as the court did not grant you bail. In pursuant of Section 24 of the Sentencing and Penalties Act, I consider one (1) year as a period of imprisonment that you have already served.
15. Accordingly, the actual sentencing period is **nine (9) years** imprisonment with a non-parole period of **seven (7) years** imprisonment.
16. Thirty (30) days to appeal to the Fiji Court of Appeal.



A handwritten signature in black ink, appearing to read "R.D.R.T. Rajasinghe".

R.D.R.T. Rajasinghe  
**Judge**

### At Suva

16<sup>th</sup> October 2020

### Solicitors

Office of the Director of Public Prosecutions for the State.  
Accused In Person.