

**IN THE HIGH COURT OF FIJI**  
**AT LABASA**  
**[CRIMINAL JURISDICTION]**

**CRIMINAL CASE NO. HAC 122 OF 2022**

**BETWEEN** : THE STATE

**AND** : 1. N. J. V.  
2. V. N.

**Counsel** : Ms E Thaggard for the State  
Ms S Naidu for the 1<sup>st</sup> Juvenile  
Ms M Manulevu for the 2<sup>nd</sup> Juvenile

**Date Hearing** : 27 February 2023

**Date of Punishment:** 03 March 2023

**PUNISHMENT**

1. Juveniles (N and V) have pleaded true to a charge of aggravated robbery.
2. The facts are that on 18 November 2022, at about 9.20am, the juveniles entered the complainant's shop located at Naseakula, Labasa. The complainant is a 35-year old shop owner. The juveniles had covered their heads with cloth to conceal their identity when they entered the shop. After entering the shop, N jumped over the counter where the complainant was standing with her 13-year old son. When the complainant screamed N drew out a small kitchen knife and swung at her. He demanded money from the complainant. The complainant received a cut on her finger and started to bleed when she defended herself from the attack. N quickly grabbed a plastic bag containing some coins and fled the scene together with V.

3. The incident was reported and the complainant was medically examined. The complainant had sustained a 'clean cut on her left middle finger – 1 x 1.5cm'.
4. The juveniles were arrested and interviewed under caution. They admitted to committing the offence of robbery in the company of each other. The stolen money (\$50.00) had not been recovered.
5. Both juveniles are students. They attend the same high school. V is 14 years old. He is a Year 10 student. He is being raised by a single mother who is dependent on social welfare benefit and sells handicrafts for a living.
6. N is 15 years old. He is also a Year 10 student. He is genuinely remorseful for his conduct. He informs the court that he gave in to peer pressure when he committed the crime. Otherwise, the crime is out of character for him according to his character referees (teachers and pastors).
7. The offence is objectively serious. The maximum penalty for aggravated robbery is 20 years imprisonment. The aggravating factors are that a weapon was used and physical injury although not serious was inflicted on the victim.
8. However, the court is mindful that a different sentencing regime applies to juvenile offenders under the Juveniles Act. Rehabilitation and not deterrence is the primary purpose of punishment for juvenile offenders. Detention is a last option, and if detention is considered, the length cannot exceed more than 2 years (s 30(3) of the Juveniles Act).
9. In this case, both juveniles have expressed genuine remorse by pleading true to the charges very early in the proceedings. Their pleas have saved court's time and resources. They have previous good character and are continuing with their studies.

10. After taking all these matters into account, both juveniles are released on a good behaviour bond in a sum of \$500.00 signed by their parent/guardian for a period of two years.
11. N is principally responsible for the offence. He caused the physical injury to the victim before grabbing the coin bag and fleeing the scene with V.
12. I order that N's parents compensate the victim for the loss of property and medical expenses in a sum of \$100.00 to be paid directly to the victim within 14 days from the date of this order.



  
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Hon. Mr Justice Daniel Goundar

**Solicitors:**

Office of the Director of the Public Prosecutions for the State  
Office of the Legal Aid Commission for the Juveniles