

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Crim. Case No: HAC 057 of 2022

STATE

vs.

EMORI NAQOVA

Counsel: Mr. E. Samisoni for the State
Ms. L. Ratidara for Accused

Date of Hearing: 19th to 25th April 2023

Date of Closing Submission: 01st of May and 06th of June 2023

Date of Judgment: 15th June 2023

Date of Sentence: 29th June 2023

SENTENCE

1. Mr. Emori Nagova, you stand convicted for one count of Murder, contrary to Section 237 of the Crimes Act, which carries a mandatory sentence of life imprisonment.
2. It was proved that you and the third Accused Vilikesa Delana, killed the Deceased while executing an unlawful enterprise of assaulting the deceased on the 22nd of January 2022.
3. Murder is the most serious offence against a person. The punishment for the offence of Murder is a mandatory sentence of life imprisonment. However, the sentencing court has been given judicial discretion to set a minimum term to be served before a pardon may be considered. The minimum term to be served does not mean early release upon serving that

term. It only allows the Accused to petition the Mercy Commission to recommend a pardon under Section 119 (3) of the Constitution.

4. This crime is a sorrowful tragedy. You and the third Accused found the Deceased and another was assaulting a girl in a narrow lane in Nausori town on the night of 22nd of January 2022. You were returning home after spending time in a nightclub. You and the third Accused then confronted the Deceased and his friend. You and the third Accused then started to assault the Deceased and killed him.
5. You have been an active and productive member of your community as you are a church member and have also coached the village rugby team. However, you are adversely recorded with six previous convictions, many of which are violent in nature.
6. Having considered these reasons, I exercise my discretion under Section 237 of the Crimes Act to set a minimum term of 15 years to be served before a pardon is considered.
7. Accordingly, I sentence you to life imprisonment for this offence of Murder with a minimum term of 15 years to be served before a pardon may be considered.
8. Thirty (30) days to appeal to the Fiji Court of Appeal.



At Suva

29th June 2023


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Hon. Mr. Justice R.D.R.T. Rajasinghe

Solicitors

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