

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**CRIMINAL JURISDICTION**

**Criminal Case No. HAC 55 of 2024**

**BETWEEN** : **STATE**

**AND** : **SILIVIO VUETI KAVU**

**Counsel** : **Ms T Sharma for the State**  
**Ms O Grace for the Accused**

**Judgment** : **22 July 2025**

**Mitigation/Submissions** : **29 July 2025**

**Sentence** : **7 August 2025**

**SENTENCE**

- [1] Silivio Vueti Kavvu, you appear today for sentence.
- [2] You have been found guilty of one count of aggravated burglary and one count of theft.
- [3] The facts are these. Between 26 January 2024 and 28 January 2024, you and others broke into the home of Vindu Shandil while she was away from the house. You removed the louvers from the toilet window to enter the house. You proceeded to steal a large number of household items from inside the house, including a chest freezer, a 32 inch television, an electric kettle, a home theatre system and speakers, a blue cooler box, a microwave and micro oven, a tabua, two bottles of gin and brandy, two laptops, a vacuum cleaner, clothing and food items.

[4] Whilst you did not cause any damage in breaking into the house, you and your co-offenders nevertheless ransacked the house. After stealing the household items, you subsequently proceeded to sell many of the items. Some items were, however, later recovered – this included, the chest freezer, the home theatre system, the micro oven, the blue cooler bag, one laptop, some clothing and some food items. The state has indicated that the value of the items stolen was about \$13,000.00 and the value of the items recovered was about \$4,000.00, meaning a loss to the victim of approximately \$9,000.

[5] Whilst you made admissions during the police interview and scene reconstruction, you pleaded not guilty and defended the charges. Following the trial, you were found guilty of both counts.

[6] The following mitigation has been provided on your behalf:

- You are 24 years old.<sup>1</sup>
- You are in a defacto relationship and have a 5 year old daughter.
- You are employed and the sole breadwinner for the family.

[7] The maximum penalty prescribed for aggravated burglary is 17 years imprisonment and the maximum penalty for theft is 10 years imprisonment. The two counts relate to the same offending and, therefore, I will take an aggregate (ie a combined sentence for the two counts). As aggravated burglary carries the higher maximum sentence I will have regard to the tariff for this offence. I will, nevertheless, have regard to the theft in arriving at your final sentence.

[8] The tariff guideline for aggravated burglary is set out by the Court of Appeal in *Kumar & Vakatawa v State* [2022] FJCA 164 (24 November 2022). The Court of Appeal stated that there are two steps that must be followed. The first step is to identify the harm caused or intended in the offending. The Court of Appeal identified three categories of

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<sup>1</sup> Your date of birth is recorded in the police documents as being 17 April 2001.

harm (high, medium or low offending) and the relevant factors. The second step, once the category is found, is to consider the aggravating and mitigating circumstances in order to arrive at a head sentence. Both parties identify the facts of your case as falling most suitably within the **medium** category of harm and I agree. The reason being, the value of the items stolen from the victim's house, the ransacking of her house and that the fact that no violence was used on the homeowner.

[9] Due to the fact that you committed the burglary with others but that no weapon was used means that the sentencing range for you is 3 to 8 years with a **starting point of 5 years imprisonment.**

[10] I will now consider the aggravating and mitigating factors. The aggravating factors here are:

- i. There was some degree of planning involved in respect to the burglary and theft. You broke into the house after the victim had left for a few days. Some of the items were large, such as the chest freezer, which will have required several persons to move. You then organised buyers for the stolen items.
- ii. You have three previous convictions, but only one is relevant, being burglary on 30 October 2015 for which you were sentenced to 4 months imprisonment suspended for 12 months.

[11] I add 12 months for these aggravating factors taking your sentence to **6 years imprisonment.**

[12] I will now consider your mitigating factors. You are only 24 years old. The only conviction of relevance occurred almost 10 years ago and you were only 14 years old at the time. Given your young age, you are a good candidate for rehabilitation. I deduct 2½ years for mitigating factors leaving a balance of **3½ years imprisonment.**

[13] I will now consider your non-parole period. The court must impose a non-parole period where you have received a sentence of 2 years or more unless I consider the nature of your offence or your past history make the fixing of a non-parole period inappropriate. Given the prevalence of offending of this nature in Fiji and the need for deterrence, in my view, a non-parole period is required. The following comments by His Lordship Justice Goundar in *State v Takalaibau* [2018] FJHC 505 (15 June 2018) at [10] sum up the impact of home burglaries on the community:

*Burglary of home must be regarded a serious offence. A home is a private sanctuary for a person. People are entitled to feel safe and secure in their homes. Any form of criminal intrusion of privacy and security of people in their homes must be dealt with condign punishment to denounce the conduct and deter others. As Lord Bingham CJ in Brewster 1998 1 Cr App R 220 observed at 225:*

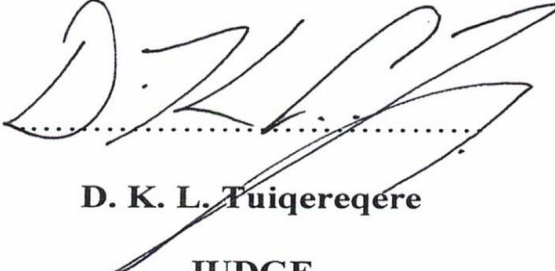
*Domestic burglary is, and always has been, regarded as a very serious offence. It may involve considerable loss to the victim. Even when it does not, the victim may lose possessions of particular value to him or her. To those who are insured, the receipt of financial compensation does not replace what is lost. But many victims are uninsured; because they may have fewer possessions, they are the more seriously injured by the loss than those they do have. The loss of material possessions is, however, only part (and often a minor part) of the reason why domestic burglary is a serious offence. Most people, perfectly legitimately, attach importance to the privacy and security of their own homes. That an intruder should break in or enter, for his own dishonest purposes, leaves the victim with a sense of violation and insecurity. Even where the victim is unaware, at the time, that the burglar is in the house, it can be a frightening experience to learn that a burglary has taken place; and it is all the more frightening if the victim confronts or hears the burglar. Generally speaking, it is more frightening if the victim is in the house when the burglary takes place, and if the intrusion takes place at night; but that does not mean that the offence is not serious if the victim returns to an empty house during the daytime to find that it has been burgled. The seriousness of the offence can vary almost infinitely from case to case. It may involve an impulsive act involving an object of little value (reaching through a window to take a bottle of milk, or stealing a can of petrol from an outhouse). At the other end of the spectrum it may involve a professional, planned organisation, directed at objects of high value. Or the offence may be deliberately directed at the elderly, the disabled or the sick; and it may involve repeated burglaries of the same premises. It may sometimes be accompanied by acts of wanton vandalism.<sup>2</sup>*

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<sup>2</sup> My emphasis.

- [14] In my view, a reasonable non-parole period for you is 2 years and 6 months.
- [15] Finally, I note that you have already spent about 6 months on remand<sup>3</sup>. Pursuant to section 24 of the Sentencing and Penalties Act 2009 I reduce your sentence by the time already spent on remand so that the result is that your actual sentence is 3 years imprisonment and your non-parole period is 2 years imprisonment.
- [16] Mr Kavv, would you please stand.
- [17] You have been found guilty of breaking into the home of Vindu Shandil and stealing her personal property. It was not your property to take. You have violated her privacy and you have violated the security Vindu Shandil was entitled to feel of her home.
- [18] I make the following orders:
- i. You are sentenced to imprisonment for 3 years with a non-parole period of 2 years.
  - ii. You have 30 days to appeal to the Court of Appeal.



  
**D. K. L. Tuiqereqere**  
**JUDGE**

**Solicitors:**

**Office of the Director of Public Prosecutions for the State**

**Office of the Legal Aid Commission for the Accused**

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<sup>3</sup> From 31 January 2024 to 18 July 2024 and from 22 July 2025 to the present.