

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

Criminal Case No. HAC 197 of 2025

BETWEEN : **STATE**

AND : **MELI SERUKALOU**

Counsel : **Ms T Sharma for the State**
Accused in person

Mitigation/Sentencing : **12 August 2025**

Sentence : **14 August 2025**

SENTENCE

[1] Meli Serukalou, you appear today for sentencing.

[2] On 12 August, you pleaded guilty to two counts of burglary and two counts of theft committed on 20 and 22 June 2025. The prosecution has filed a Summary of Facts which you have accepted as true.

[3] The facts are these. In the early hours of 20 June 2025 you broke into the warehouse of Ranger Bits & Four-Wheel Drive Spares Pte Ltd and stole the following items:

- 1 battery charger (\$125)
- 1 drill (\$75)
- 1 electric cordless plastic welding machine (\$350)

- 1 MIG welding machine (\$2800)
 - 2 chargers with batteries (\$850)
- Total value: \$4,200**

[4] The owner of the business discovered the theft later the same day and reported the matter to the police.

[5] Two days later, on 22 June 2025, you returned to the same warehouse to steal more items. On this occasion you stole the following:

- 1 tin stripping tool (\$1850)
 - 1 oil pressure tester (\$500)
 - 1 engine compressor (\$500)
 - Beam duty socket set (\$250)
 - Amarok alloy wheels (\$2000)
 - ¾ drum tool set (\$750)
- Total value: \$5,850**

[6] The police conducted an investigation. You were interviewed by the police under caution. You admitted breaking into the warehouse and stealing the items. The police have recovered some of the stolen property, being the tin stripping tool, the oil pressure tester, the engine compressor, and the Beam duty socket set – the total value of the recovered items is \$3,100, meaning a loss to the business owner of \$6,950.

[7] You were arrested on 24 June 2025 and have since been on remand for a total of 51 days.

[8] I am satisfied that you pleaded guilty of your own free will and understood the consequences of doing so. I am also satisfied that the facts contained in the Summary

of Facts, which you have accepted as true, satisfy the elements for burglary and theft under sections 312(1) and 291(1) respectively of the Crimes Act 2009. I, therefore, convict you on the four counts.

Mitigation

[9] You have provided the following mitigation:

- i. You are 29 years old and you are a first offender.
- ii. You are not married but you have a 3 year old son to a previous partner to whom you provide financial assistance.
- iii. You are employed at a car wash.
- iv. You have expressed remorse, seeking forgiveness for your criminal conduct. You have promised that you will not commit any more crimes.

Sentencing regime

[10] The maximum sentence for burglary is 13 years imprisonment. The tariff for this offending has been set and requires me to firstly categorise the level of harm caused by your offending and then consider aggravating and mitigating factors.¹

[11] I categorise the level of harm here as medium based on the value of the property. I place it at the low end of the medium category given that no violence was used or threatened by you. The tariff for the medium category is 1 to 5 years imprisonment with a starting point of 3 years.

¹ *Kumar v State* [2022] FJCA 164 (24 November 2022).

[12] Before I set a starting point, I note that the maximum sentence for theft is 10 years imprisonment and the tariff for a first offence is between 2 and 9 months.² The four counts were committed on two separate occasions and only two days apart. As such, I will consider an aggregate (ie combined) sentence for you for the four offences.

Head sentence

[13] In assessing the objective seriousness of your offending in this matter, I have considered the maximum sentence prescribed, the sentencing guidelines by the Court of Appeal³, and the sentencing guidelines stipulated in section 4 of the Sentencing and Penalties Act 2009. As you fall within the medium category, the appropriate starting point is 3 years' imprisonment

[14] The next step involves a consideration of the aggravating and mitigating factors.

[15] I begin with the aggravating factors. Your degree of culpability is low. The prosecution argue that your offending involved some planning and the fact that you burgled the same business twice is a further aggravating feature. I agree. I add 6 months for the aggravating factors taking your sentence to 3½ years imprisonment.

[16] The mitigating factors are that you are young and a first offender. I deduct 18 months for mitigating factors, taking your sentence to 2 years imprisonment.

[17] I now consider your guilty plea. The largest deduction permitted for a guilty plea is one third of the sentence where an accused cooperates with the police and pleads guilty at the earliest opportunity. Here you made admissions in your police interview

² *Ratusili v State* [2012] FJHC 1249 (1 August 2012), at 13.

³ In *Kumar* (supra).

and pleaded guilty early. I allow the full one third deduction, being 8 months. This takes your sentence to **16 months imprisonment**.

Whether to suspend your sentence?

[18] I now consider whether this is an appropriate case to impose a suspended sentence. This Court may impose a suspended sentence where the sentence does not exceed 3 years imprisonment.⁴ I am satisfied that this an appropriate case to suspend your sentence. You have no previous convictions. You are an ideal candidate for rehabilitation given your age. However, in order to deter you (and other persons) from committing offences of this nature, and also to protect the community, I suspend your sentence for a period of three years.

Sentence

[19] Mr Serukalou, would you please stand.

[20] This is your first conviction. You have avoided prison only because of your previous good behaviour. You now have a choice to make in your life. If you choose to go down the path of committing more crimes you will come back before the court and you will go to prison. Make the right choice for your future and the future of your young son.

[21] I sentence you as follows:

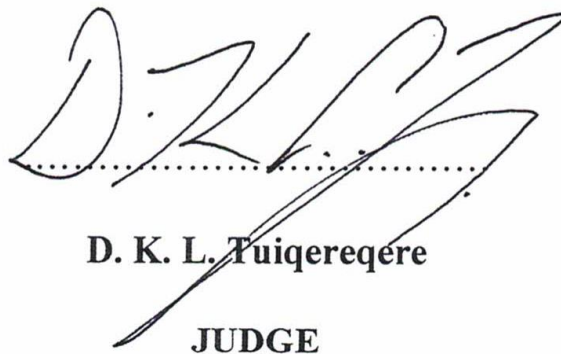
⁴ Section 26 of the Sentencing and Penalties Act.

1. You are sentenced to 16 months imprisonment. However, your sentence is suspended for 3 years.

I will advise you of the effect of breaching a suspended sentence. If you commit any crime punishable by imprisonment during the suspended operational period of three (3) years and you are found guilty of the crime by a Court, then you are liable to be charged and prosecuted for breaching your suspended sentence.⁵ If this happens, your sentence of imprisonment of 14 months imprisonment may be restored.⁶

2. The recovered stolen property (identified in paragraph [6]) is to be released by the Police to Ranger Bits & Four-Wheel Drive Spares Pte Ltd.
3. You have 30 days to appeal to the Fiji Court of Appeal.




D. K. L. Tuiqereqere
JUDGE

Solicitors:

Office of Director of Public Prosecutions for the State

⁵ Contrary to section 28 of the Sentencing and Penalties Act 2009.

⁶ You have been on remand for 51 days from 24 June 2025 to today. If your sentence is restored, the time in remand will be considered time already served as per s 24 of Sentencing and Penalties Act.