

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 131 OF 2025

BETWEEN : **STATE**

AND : **ILIESA COLAIVALU**

Date of Sentence : **29 August 2025**

Counsel : **Ms P Ram for the State**
Accused in Person

SENTENCING REMARKS

[1] The Accused has freely and voluntarily pleaded guilty to a charge of Arson.

Facts of the Case

[2] On the morning of 27 January 2024, the Accused returned to his brother's home from his farm in Kalaba Settlement, Ovalau, and deliberately set the house on fire using matches and old rags. He then fled the scene, taking his personal belongings with him.

[3] At the time, the victim—his brother, aged in his thirties, was asleep inside the house. He awoke to intense heat as the fire rapidly engulfed the three-bedroom dwelling. The house and all its contents were completely destroyed. The total loss suffered is estimated at \$40,000.00, and the property was not insured.

[4] Upon arrest, the Accused admitted to the offence under caution. He stated that he committed the act due to ongoing disputes between his aunt and his brother's wife over ownership of the property.

Maximum Sentence and Tariff

- [5] The offence of arson carries a maximum penalty of life imprisonment, reflecting its seriousness. However, sentencing tariffs typically range from 5 to 12 years' imprisonment, as established in *Nakato v State* [2018] FJCA 129; AAU74.2014 (24 August 2018).

Personal Circumstances

- [6] The Accused is 30 years old, married, and has two children. He previously studied electrical engineering at Fiji National University but did not complete his studies. His criminal history includes:

- A 2024 conviction for acts intended to cause grievous harm
- A May 2025 conviction for burglary, resulting in a 6-month prison sentence

These personal circumstances offer limited mitigating value.

Mitigating Factors

- [7] The mitigating factors are:

- Admission of guilt during police interview
- Early guilty plea
- Genuine remorse
- Forgiveness from the victim, his brother

- [8] These factors carry utilitarian value and are given appropriate weight.

Aggravating Factors

- [9] The aggravating factors are:

- The offence involved a dwelling house
- The victim was asleep inside at the time
- The act caused significant financial loss

Objectives of Sentencing

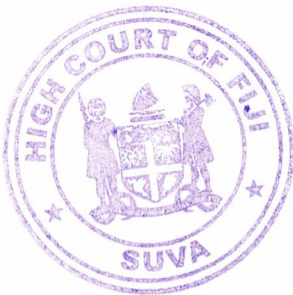
[10] The use of fire to resolve family property disputes must be denounced and deterred. Suspension is inappropriate due to the seriousness of the offence.

[11] Sentencing Calculation

- Starting point: 5 years' imprisonment
- Aggravating factors: +2 years
- Mitigating factors and time in remand (since 8 May 2025): -4 years

Final Sentence

[12] The Accused is convicted and sentenced to 3 years' imprisonment, with a non-parole period of 2 years, to be served concurrently with any pre-existing sentence.



A handwritten signature in black ink, appearing to be "D. Goundar".

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Hon Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State

Accused in Person