

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

**Criminal Case No.: HAC 41 of 2024**

**STATE**

**V**

**JOJI NASEDRA**

<b>Counsel</b>	<b>:</b>	<b>Ms. E. Thaggard for the State</b>
	<b>:</b>	<b>Mr. I. Rusaqoli for the Accused</b>
<b>Date of Trial</b>	<b>:</b>	<b>4, 5, 6, 7, 12, 13 August 2025</b>
<b>Date of Judgment</b>	<b>:</b>	<b>26 September 2025</b>
<b>Date of Sentencing Hearing</b>	<b>:</b>	<b>9 October 2025</b>
<b>Date of Sentence</b>	<b>:</b>	<b>7 November 2025</b>

**SENTENCE**

1. **Mr. Nasedra**, on 26 September 2025, after trial before this Court, you were convicted of two counts of aggravated robbery, contrary to section 311(1)(a) of the Crimes Act 2009.
2. The factual basis upon which I sentence you today is set out in my Judgment dated 26 September 2025. For present purposes, it is sufficient to set out those facts in brief summary.
3. I am sure that you played the leading role in the planning and execution of aggravated robberies at the home of Mr. Jay Kumar in the early hours of 1 April 2024. During the course of those robberies, Mr. Tuwaqa and Shainal, Mr. Kumar's 14-year-old son, were tied up, gagged, blindfolded and beaten.

Mr. Kumar's three teenage daughters, and his sister, were obliged to barricade themselves in the bathroom and were subjected to threats of sexual violence as you and/or your accomplices attempted to break into the bathroom whilst demanding to know where cash could be found in the house. \$6000.00 in cash and mobile phones were stolen. Mr. Tuwaqa and Shainal suffered injuries requiring medical attention.

4. I must now proceed to impose a just and proportionate sentence for your offending. As the two robberies were committed on the same occasion, it is appropriate that I impose an aggregate sentence.

#### **Sentencing submissions**

5. The prosecution has filed helpful written submissions, and Ms. Thaggard also addressed the Court at your sentencing hearing. The prosecution has drawn my attention to the relevant guideline judgment. In *State v Tawake* [2020] FJSC 22; CAV0025.2019, the Supreme Court identified the starting points and sentencing ranges for three categories of robbery. Ms. Thaggard submits that the offending in this case caused “*high*” harm. As the robbery was aggravated by the presence of at least three accomplices and the use of a weapon, Ms. Thaggard identifies the appropriate starting point as 9 years, with a range of 6 to 12 years’ imprisonment.
6. The prosecution has also urged upon me a number of factors which makes your offending more serious. The robberies took place at Mr. Kumar’s home in the dead of night, and two victims were tied up and violently punched and kicked. Shainal was a 14 -year-old-child. An elderly woman and three girls were threatened with sexual violence. The house was ransacked and left in a chaotic state. A large sum of money was stolen. The robberies involved a considerable degree of planning.
7. Mr. Rusaqoli has made written submissions on your behalf, and I heard from Ms. Kirti at your sentencing hearing. I have considered everything they have advanced on your behalf.

8. You are now a 48-year-old married man with four children aged 22, 18, 12 and 7. Your youngest child is said to be disabled. You earn \$3000.00 per month as a farmer and owner of pine trees. You are to be regarded as a first offender.
9. Mr. Rusaqoli submits that your offending falls within the “*low*” harm category. As no weapon was used, the starting point, as per *Tawake*, is 3 years, with a range of 1 to 5 years’ imprisonment. He argues that, whilst you took a hammer to the scene, the hammer was to be used as a tool rather than a weapon.
10. Mr. Rusaqoli informs me that you are remorseful and wish to be present for your disabled daughter, and to set a good example for her. He urges the Court to impose a sentence reflective of principles of justice that will give you an opportunity for rehabilitation.


### **Discussion**

11. The maximum sentence for aggravated robbery is 20 years’ imprisonment.
12. In my judgement, the harm caused by the robberies falls into the “*high*” category in *Tawake*. There were six victims in total, four of them children. The harm was both physical and psychological. It was apparent to me when she gave evidence at trial that Aunt Malti continues to be traumatised by the experience of protecting her nieces. I have no doubt that the children would have been terrified and traumatised by their experiences that night.
13. Regarding the statutory aggravation, I am prepared to accept that you did not take your hammer for use as a weapon. There is no evidence that it was used to threaten or injure the victims. Indeed, it would appear that none of the victims even saw the hammer during the course of the robberies.
14. I take as the starting point for your aggregate sentence 7 years’ imprisonment. Many of the aggravating factors identified in the guideline judgment are present in this case. Balancing those factors with your limited mitigation warrants a substantial uplift from the starting point to 12 years’ imprisonment. Whilst I acknowledge that this is a sentence above the range identified in *Tawake*, I am compelled to say that a sentence of 9 years’ imprisonment, at the top of that range, would not meet the justice of this case. These were very

serious aggravated robberies causing incalculable harm. It is trite that guidelines are not tramlines.

15. In order to facilitate your rehabilitation, I fix a non parole period of 8 years. If you truly wish to set a good example for your children, I urge you to reflect long and hard on your shameful and abhorrent offending against your victims, especially those innocent children who are likely to have been scarred for life by what you subjected them to that night. It is to be hoped that, when you are eventually released from prison, you choose to live the rest of your life as a responsible and law-abiding parent and member of the community.
16. You have been in custody for a total of about 2 months pending the disposal of this matter. I round that up to 3 months, which is to be regarded as time you have already served.
17. In the result, for the reasons I have explained, you are sentenced to 11 years' 9 months' imprisonment. You shall be eligible to seek parole after 7 years 9 months from today.
18. You may appeal to the Court of Appeal within 30 days.



  
Hon. Mr. Justice Burney

**At Labasa**

**7 November 2025**

**Solicitors**

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