

IN THE RESIDENT MAGISTRATE'S COURT OF FIJI
AT NAVUA

Criminal Case No: - 213/2013

STATE

V

ALTE SAKEO

For Prosecution : - PC Freddy

Accused : - In person

SENTENCE

1. **ALTE SAKEO**, you were charged in this Court for the offence of Theft contrary to section 291(1) of the Crimes Decree No .44 of 2009.
2. You waived right to counsel and pleaded guilty for the above offence on 24/06/2013. You also admitted the summary of facts.
3. Summary of facts showed that you stole two chickens from Rami Sami poultry farm on 12/05/2013. At that time you were working as a security guard in that farm.
4. This Court is satisfied about your plea and convicts you for the above offence.

The Law and the Tariff for Theft

5. Section 291 of the Crimes Decree sets down the maximum penalty for this offence as 10 years imprisonment.

6. In **Jone Saukilagini [2005]FJHC 13** Her Ladyship Justice Shameem held that **“the tariff for simple larceny on a first conviction is from two to nine months. In cases of larceny of large amount of money sentence of 18 months to three years have been upheld by the High Court”**

. **Aggravating factors**

7. Aggravating factor is breach of trust. You stole from your work place.

Mitigating factors

8. You submitted following as mitigating factors.

- I. 22 years old
- II. Married
- III. First offender
- IV. Stolen properties were recovered

9. In this case I select 06 months imprisonment as your starting point and add 04 months for aggravating factors. Deduct 03 months for mitigating factors to reach 07 months. For pleading guilty at the first available opportunity I deduct further 1/3 to reach 05 months.

10. This Court has the power to suspend a sentence which does not exceed a 02 years under section 26(2) (b) of the Sentencing and Penalties Decree.

11. You are a first offender. You pleaded guilty at the first available opportunity. Therefore you need to be given a chance to reform.

12. Accordingly I sentence you to 05 months imprisonment and suspend that for 01 year.

13. If you commit any offence punishable by prison sentence during the next 01 year you can be charged under section 28 of the Sentencing and Penalties Decree.

14. 28 days to appeal

24/06/2013

H. S. P. Somaratne
Resident Magistrate, Navua

