

**IN THE MAGISTRATE'S COURT AT LABASA**  
**CRIMINAL JURISDICTION**

*Criminal Case No. 411 of 2016*

**STATE**

v

**PARVIN DEO**

Appearance : **CPL Monish** for the Prosecution  
                  : **Accused** in person

Sentence : **23 November 2018**

**SENTENCE**

1. *Parvin Deo*, the accused, today is for sentencing for the offence of *Burglary*, where you contravened *sections 312(1)* of the *Crime Decree*.
2. On 15 July 2016, you elected to be tried before the Magistrate Court. On 18 November 2016, you waived your rights to counsel.
3. On 9 January 2017, you pleaded guilty to the charge. I find your plea to be unequivocal as it was given on your own free will.

4. The brief facts of the case are;-

*“On 1<sup>st</sup> day of June 2016, at Abua, Wailevu, Labasa, the accused Parvin Deo broke the gauze wire in one of the window at Satyawan’s house (the Vitim), entered the house and unplugged the radio from the switch. The victim was asleep when awoken by a sound of something fell down. The victim woke up and saw the accused with positive identification. The accused ran away. Matter was reported, accused was arrested, interviewed, and admitted to the allegation.”*
5. On 9 January 2017, you admitted to the above summary of facts and convicted as charged. On the same day you were given the opportunity to submit your mitigation. You informed the court that you do not wish to say anything. The purpose of the mitigation was explained to you in court on the same day and you maintain your position not to say anything.
6. The maximum penalty for *Burglary* is 13 years imprisonment. The tariff is from 12 months to 3 years imprisonment as set in ***Mosese Uluicicia v State***, *Criminal Appeal No. HAA 028 of 2014*.
7. The aggravating factors are;-
  - i. *Offended when the victim was enjoying the privacy, peace and comfort of his home.*
  - ii. *Have no regard to the peaceful use and enjoyment of property by the victim.*
  - iii. *You create fear and insecurity to the victim and his family members.*
8. For your sentence, my starting point is 2 years imprisonment. I add 9 months for the aggravating factors and that increase your sentence to 2 years and 9 months imprisonment. There is no mitigation offered and no discount for that.
9. You entered an early guilty plea. In the case of ***Vilimone v State [2008] FJHC 12***, the High Court recognised that one third of the sentence should

be reduced for an early guilty plea. Your one third entitlement is 11 months. I reduce 11 months from your sentence and that reduce your sentence to 22 months imprisonment.

10. Home and property invasion is a concern nationwide. To ensure there is protection from unwarranted invasion and to ensure there is peaceful and comfortable use and enjoyment of property by property owners, deterrent sentence both specific and general need to be issued to denounce such conduct. Considering *section 4* of the *Sentence and Penalties Act*, this sentence is based on the principle of deterrent. Accordingly, this is not an appropriate case for suspended sentence.
11. Parvin Deo, I now sentence you to 1 year and 10 months imprisonment with immediate effects.

**28 days to appeal.**



A handwritten signature in blue ink, appearing to read "C. M. Tuberi".

C. M. Tuberi

RESIDENT MAGISTRATE