

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

*Criminal Case No. 161 of 2017*

**STATE**

v

**SUMEET SHISH NEET CHAND**

Appearance : **PC Monish** for the prosecution  
**Mr Paka. A** for the accused

Sentence : **18 January 2019**

**SENTENCE**

1. *Sumeet Shish Neet Chand* today is for sentencing for one count of *Theft*, contrary to *section 291* of the *Crimes Decree of 2009*.
2. On 24 April 2017, you pleaded guilty to the charge in the presence of your counsel. I find your plea to be unequivocal as it was given on your own free will.
3. The brief summary of facts are;-  
*"At about 1pm on 7 April 2017, Arun Lata (the victim) and also the mother in law of Sumeet Shish Neet Chand (the accused) saw the accused went to town. The victim went to her room and found that her gold ring valued \$200.00 was missing from the nail where it was hanged. The victim also*

*blames the accused for stealing her gold chain valued \$400.00. The victim asked the accused when the accused returned from town. The accused denied and the matter was reported to police. The accused was arrested, interviewed under caution and admitted to the allegation.*

4. You admitted to the summary of facts on 24 April 2017, and convicted as charge.
5. The maximum sentence for the offence of theft is 10 years imprisonment. In the case of **Ratusili v State** [2012] FJHC 1249; HAA011.2012 (1 August 2012), the High Court set the tariff as follows:-
  - a) *First offence of simple theft, sentence range between 2 and 9 months;*
  - b) *Any subsequent offence, attracts penalty at least 9 months;*
  - c) *Theft of large sum of money and theft in breach of trust, whether first offence or not attract sentences of up to 3 years;*
  - d) *Planned thefts attract greater sentence than opportunistic thefts.*
6. In **Koroivaki v The State**, Crim. App. No. AAU0018 of 2010 (15 March 2013) the Court of Appeal said at paragraph 27:-

*"In selecting a starting point, the Court must have regard to an objective seriousness of the offence. No reference should be made to the mitigating and aggravating factors at this stage. As a matter of good practice, the starting point should be picked from the lower or middle range of the tariff".*
7. The aggravating factors are;-
  - a. *Breach of trust as you are member of the family and you stole items belongs to your mother in law.*
8. The mitigating factors are;-
  - a. *Young offender of 21 years old.*
  - b. *First offender.*
  - c. *Asking for court leniency.*

9. For your sentence, I pick 5 months as my starting point as this is a case of simple theft and opportunistic theft. I add 6 months for the aggravating factors and that increases your sentence to 11 months imprisonment. I reduce 6 months for your mitigation and that reduce your sentence to 5 months imprisonment.
10. You entered an early guilty plea and you are entitle for a one third reduction of 1 month and 2 weeks. I reduce your sentence by 1 month and 2 weeks and that reduce your sentence to 3 months and 2 weeks imprisonment.
11. Your final sentence is 3 months and 2 weeks imprisonment.
12. In this sentence, I have considered *section 4* of the *Sentence and Penalties Act*. I also considered the principle of rehabilitation and deterrent. I noted that there was no recovery and deterrent sentence both specific and general should be imposed to denounce such act.
13. *Sumeet Shish Neet Chand*, I now sentence you to 3 months and 2 weeks imprisonment with immediate effects.
14. Since the sentence is pronounced in absence of the accused, the sentence and appeal period to take effects from the date of the execution of committal warrant.

**28 days to appeal.**



C. M. Tuberi  
RESIDENT MAGISTRATE

