

IN THE MAGISTRATE'S COURT AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. 659 of 2015

STATE

v

IOWANE MELETI SAUKURU

Appearance : **PC Lal** for the prosecution
Accused in person

Sentence : **2 August 2019**

SENTENCE

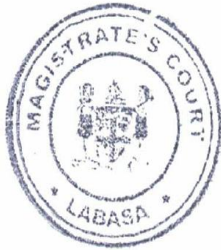
1. *Iowane Meleti Saukuru* today is for sentencing for one count of *Theft*, contrary to *section 291* of the *Crimes Decree*.
2. You were found guilty after the trial and convicted as charged on this court judgment of 19 July 2019.
3. In the judgment, the court finds that on 3 November 2015, you went into Courts Fiji Limited store at Labasa and took one chainsaw STIHL brand valued \$1,419.00. You took the chainsaw out of the shop without paying for the same. In doing so you permanently deprived the victim of their property. The victim notice that the chainsaw was missing.

When they viewed the CCTV, then saw you took the chainsaw without paying for it.

4. 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.*
5. The aggravating factors is that you create insecurity to the business communities in Labasa.
6. The compelling mitigating factors are;-
 - a. *You ask for forgiveness,*
 - b. *Promise not to re-offend as you learnt your lesson.*
7. This is a well planned theft and it attract greater sentence. For your sentence, I pick 12 months as my starting point. I add 6 months for the aggravating factor. That increases your sentence to 18 months imprisonment. I reduce 4 months for your mitigation. That reduce your sentence to 14 months imprisonment.
8. I noted from the record that you were in remand for about 1 week. I reduce that from your sentence. That reduce your sentence to 1 year, 1 month, and 3 weeks imprisonment.

9. Your final sentence is 1 year, 1 month, and 3 weeks imprisonment.
10. I noted *section 4* of the *Sentence and Penalties Act*. You are currently serving and you asked for a concurrent sentence.
11. Iowane Meleti Saukuru, I now sentence you to 1 year, 1 month and 3 weeks imprisonment. This sentence is to be served concurrently with the sentence that you are currently serving in other cases.

28 days to appeal.



C. M. Tuberi
RESIDENT MAGISTRATE