

IN THE MAGISTRATES' COURT OF FIJI
AT SUVA
EXTENDED JURISDICTION

High Court Criminal Case No. HAC 105 of 2017
Magistrates' Court Criminal Case No. CF 2043 of 2017

STATE

v.

MYLES BAKAU

For the State : *Corporal R. Lata of the Police Prosecution Department*

For the Accused: *In Absentia*

SENTENCE

1. You were found guilty and convicted after trial of "**Theft**." The facts are that on 7 December 2016, you had walked up to **Renuka Saleshni Lata** and had snatched her *mangalsutra* from her neck and had run off with it. She had been eight months pregnant at the time.
2. The maximum penalty for "**Theft**" is imprisonment for 10 years and the tariff for the offence is imprisonment between 02 months and 03 years: **Ratusili v. State** [2012] FJHC 1249; HAA011.2012 (1 August 2012).
3. This was clearly a pre-planned, targeted crime against a vulnerable victim.
4. In mitigation, you were 20 years old at the time. That is the only discernable mitigating factor available to you.

5. You were granted bail on the date of first call. You are not a first offender. You have four previous convictions all dated 2015 and one of those previous convictions is for "*Theft*". You received a suspended sentence for that offence.
6. I pick a starting point of imprisonment of 02 years taking into account the circumstances of the offending. I decrease this by 09 months for your status as a young offender. Your sentence is now imprisonment for 01 year and 03 months. I see no reason to suspend this sentence. Clearly you are not a good prospect for rehabilitation.
7. You are hereby sentenced to imprisonment for 01 year and 03 months. I issue a committal warrant and a warrant of apprehension. You are to be arrested post-haste and your sentence is to commence from the date of your apprehension.
8. **Any party not satisfied with this decision is at liberty to appeal to the Court of Appeal within 30 days.**



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Seini K Puamau
RESIDENT MAGISTRATE



Dated at Suva this 6th day of January 2021.