

**IN THE MAGISTRATES' COURT  
AT BA  
CRIMINAL JURISDICTION**

**Criminal Case No. 449/2025**

**BETWEEN: STATE**

**PROSECUTION**

**AND: SAIRUSI LAUTABUI**

**ACCUSED**

**Counsel:** WCPL 4897 Venu Singh for Police Prosecution  
Ms. S. Singh (LAC) for the Accused.

**Date of Sentence:** 5 December 2025.

**SENTENCE**

Introduction

1. Mr. Sairusi Lautabui, on 3 December 2025, you pleaded Guilty to 1 count of Going Equipped for Theft contrary to section 315(1) of the Crimes Act 2009. The particulars of the offence are:

*Statement of Offence*

***Going Equipped for Theft:*** *Contrary to Section 315(1) of the Crimes Act 2009.*

*Particulars of Offence*

***Sairusi Lautabui*** *on the 1<sup>st</sup> day of November 2025 at Full Chow Restaurant Ba Market, Ba in the Western Division whilst not at home, had with him 1x Silver coloured Spanner, 1x Silver Kitchen Knife and 1x Black Bag containing a Black Jacket with intent to use the said items in connection with the commission of Theft.*

2. Satisfied that you have fully comprehended the legal effect of your plea and that your plea was voluntary and free from influence, I now convict you and proceed to sentence you for this offence.

Circumstances of the offending

3. According to the Summary of Facts you admitted in Court, on 1 November 2025 at about 11pm, Cpl Azad received information that an unknown person was attempting to break into the Full Chow Restaurant at Ba Market. Cpl Azad proceeded to the location accompanied by PC Seva.
4. Upon arrival, both Officers observed the suspect on top of the Full Chow Restaurant roof and when the suspect saw the officers, he immediately jumped down the roof and attempted to escape. However, PC Seva was able to apprehend the suspect.
5. The suspect turned out to be you and upon searching you, the following items were found in your possession:
  - i. 1x silver coloured shifter spanner with a green and yellow plastic cover;

- ii. 1x small silver knife with a yellow handle; and
- iii. 1x black Under Armour bag containing a black jacket.

The above items were seized and exhibited.

- 6. You were arrested and interviewed under caution where you initially stated that you had been looking for your \$10.00 on the rooftop of the Restaurant but then later on you admitted that you had attempted to break into the Restaurant when the Police arrived. You were then charged for this matter.

#### Objective Seriousness

- 7. Considering the prevalent nature of this crime which could potentially limit the rights of people to enjoy their hard-earned properties, I find the objective seriousness of this crime is materially significant.

#### Sentencing Purpose

- 8. Considering that the primary purpose of this sentence is founded on the principle of deterrence, it is the responsibility of the Court to deter others from committing such offences of the same or similar nature as well as to protect the community from those who commit such offences.
- 9. A deterrent sentence for such offences of this nature demonstrates the gravity of the offence and reflects the society's immediate denouncement of such crimes.

#### Sentencing Regime

- 10. The maximum penalty for the offence of this offence is 3 years imprisonment.
- 11. There is no set sentencing preferences or tariff this offence. Thus, the sentence in each case is dependent on its own set of facts.

#### Mitigating and Aggravating Factors

- 12. The Court notes the mitigation offered by your counsel on your behalf.
- 13. The Court is aware that you took an early guilty plea which highlights your remorse for your actions and this is evident from your cooperation with the Police at the time of your interview.
- 14. Further, the Court was informed that you are a first offender at the time of the offending.
- 15. The aggravating factor is that there was some degree of planning on your part.

#### Sentence

- 16. Considering the objective seriousness and the sentencing purpose, the appropriate starting point is 12 months. I will then add 4 months for the aggravating factor mentioned at paragraph 15 herein, making it a total of 16 months imprisonment.

17. For your mitigating circumstances including you having no prior convictions at the time of the offending, I will deduct 4 months. For your early guilty plea which highlights your genuine remorse for your actions, I will deduct a further 6 months leaving you with a balance of 6 months imprisonment.
18. Section 26(1) of the Sentencing and Penalties Act allows a court to make an order suspending the whole or part of the sentence if it is satisfied that it is appropriate to do so in the circumstances whilst section 26(2)(b) provides the Magistrates Court with the discretion to suspend a sentence where the sentence does not exceed 2 years.
19. Considering your previous good character and the chances of rehabilitation, I will partly suspend your sentence. You shall serve 3 months of your sentence immediately and the remaining period of 3 months is suspended for 3 years.
20. If you commit any crime during the 3 years, you are liable to be charged and prosecuted for an offending pursuant to section 28 of the Sentencing and Penalties Act.
21. Further, the Court is aware that you have been in custody from 1 November 2025 to the date of this Sentence which is 34 days.
22. Considering section 24 of the Sentencing and Penalties Act, 1 month will be considered as time served by you.
23. As such, you are to serve 2 months imprisonment whilst the remaining 3 months will be suspended for 3 years.
24. Any party aggrieved with this decision has 28 days to appeal to the High Court.

  
N. Mishra  
Resident Magistrate

