

IN THE MAGISTRATES' COURT OF FIJI
AT BA
[CRIMINAL JURISDICTION]

Criminal Case No: CF 536/25

STATE

v.

SEVECA MATAI

For Prosecution: PC [5647] P. Nair
For Accused: Appearing In Person
Plea: 21/1/2026
Conviction: 27/1/2026
Sentence: 27/1/2026

SENTENCE

A. Introduction

1. **Seveca Matai** [hereinafter referred to as 'accused'] you are to be sentenced for the offense of **Going Equipped for Theft** contrary to **Section 315 (1) of the Crimes Act 2009**.
2. You on the 20th day of December, 2025 at Yalalevu, Ba in the Western Division whilst not at home, had with you 1x Punjas white sack, 1 x white Rooster sack, 1 x black and orange hacksaw, 1 x chopper, 1x silver shifter, 1 x orange hacksaw blade, 1 x blue hacksaw blade, 1 x yellow pliers, 2 x red pliers, 1 x orange pliers, 1 x silver spanner, 1 x red wire, 1 x red spray and 1x syringe with needle with intent to use the said items in connection with the commission of Theft.
3. The charge was read, explained and understood by accused and he pleaded guilty to the charge on his own free will. The accused understood the consequences of his guilty plea to the charge.
4. The accused understood and admitted to the Summary of Facts that was read and explained to him in Court. The Summary of Facts revealed that you on 20/12/2025 at about 9.15am was inside the compound of one Ravinesh Prakash a 45-year-old businessman of Yalalevu, Ba. Ashu, a neighbor of Mr. Prakash then called him and told him that the accused was inside the compound while two others were outside of the fence, you were wearing a blue bag. Mr. Prakash then made arrangements for his neighbors to confront you together with the two others you were with, that resulted in you all fleeing the scene however while the two other persons escaped you were caught by members of the public that were present at the scene. You admitted to the Summary of Facts.
5. The Prosecution tendered as part of their case, the accused Record of Interview, the Search List and the Photograph Booklet of items found on the accused in the blue bag. The Prosecution informed the Court that you are a first offender.

6. I am satisfied with the accused guilty plea to the charge and his admission to the Summary of Facts in support of the charge. I find the accused is guilty as charged and I convict him accordingly.

B. Sentencing Regime

7. The maximum sentence for ***Going Equipped for Theft*** is 3 years imprisonment.
8. In ***Tuberi v State [2024] FJHC 704; HAA 25 of 2024 Bulamainaivalu J***, in an appeal against conviction and sentence on a charge of *Failure to Comply with Orders, Burglary, Theft, Serious Assault* inclusive of ***Going Equipped for Theft*** had found an aggregate sentence of 2 years and 5 months with a non-parole term of 1 year to be acceptable. While there is no set tariff for the offense of ***Going Equipped for Theft*** this Court is guided by ***Tuberi*** [supra] and finds that an imprisonment term in the range of 1 year is adequate with the allowance of a suspended term. The Court also considers that in the absence of any tariff, the Court has its powers to determine what is satisfactory in line with the factual matrix of each case.
9. The aggravating factor(s) are:
- Items found on you qualify as theft or burglary tools
 - Some degree of planning on account of the home being approached was empty during the festive season (December)
 - You tried to flee the scene when confronted
10. The mitigating factor(s) are:
- First offender
 - Accused is remorseful
 - Will not reoffend
11. The accused early guilty plea has saved the Court and Prosecution's time and resources to conduct trial thus the Court will attach the full discount for this.

C. Sentence

12. In sentencing the accused, the Court took into account the factors outlined in Section 4 (1) and (2) of the Sentencing and Penalties Act 2009.
13. Taking into consideration the objective seriousness of the offence of Going Equipped For Theft because of its maximum sentence, the court takes the starting point of 12 months imprisonment and I add 6 months imprisonment for the aggravating factors so the interim sentence is 18 months' imprisonment. I deduct 4 months imprisonment for the mitigating factors so the interim sentence is 14 months imprisonment. I deduct 4 months for the early guilty plea so the sentence is 10 months imprisonment.
14. Your time in remand is an estimate of 1 month (24/12/2025 – 26/1/2026) and is considered as time served pursuant to Section 24 of the Sentencing and Penalties Act 2009 thus your sentence is now at 9 months imprisonment.

15. I'm mindful of section 26 (2), (b) of the Sentencing and Penalties Act 2009 that I have the discretion to suspend the final sentence when it is below 2 years imprisonment.
16. The court looks at the sentencing remarks of Goundar J in Balagan v State [2012] HAA 31/11S 24 April 2012 at [20] in considering to suspend a sentence:

'Whether an offender's sentence should be suspended will depend on a number of factors. These factors no doubt will overlap with some of the factors that mitigate the offence. The final test for an appropriate sentence is – whether punishment fits the crime committed by the offender?' (my underlining)

17. The court denounces your offending.
18. You told the Court you had come from Navutu, Lautoka to Ba to meet your friends to look for scrap metal. You were found idly walking into the compound of a resident of Ba which was empty at the time, I find your reasoning to come and look for scrap metal to be devoid of truth.
19. A sentence that will deter is warranted. A partially suspended term will meet the principles of rehabilitation also, together with sending a warning to would be offenders, especially to those that come from outside this close-knit community of Ba that such offending will not be taken lightly by the Court.
20. **The accused is sentenced 9 months imprisonment of which you will serve 3 months immediately and the remainder of 6 months will be suspended for a term of 3 years.**
21. You are warned by the court that when you commit another offence within 3 years you may be charged for Breach of Suspended Sentence: contrary to Section 28 of the Sentencing and Penalties Act 2009. If you are convicted then the sentencing court may activate the suspended sentence at paragraph 20.
22. 28 days to appeal to the High Court.

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S. Nasedra [Ms.]
[Resident Magistrate]

Divisional Prosecuting Officer/Western
Accused – In Person