

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**

**APPELLATE JURISDICTION**

**CRIMINAL APPEAL CASE NO.: HAA 009 OF 2009**

**BETWEEN:**

**AKEAI RANUKU**

***Appellant***

**AND:**

**THE STATE**

***Respondent***

**Counsel: Appellant in Person**  
**Mr. L. Fotofili for the State**

**Date of Hearing & Judgment: Friday 27 February, 2009**

**JUDGMENT**

- [1] The appellant was convicted on his plea of guilty to a charge of house breaking, entering and larceny and sentenced to 12 months imprisonment.
- [2] He appeals against sentence saying it is harsh and excessive. The State concedes the appeal.
- [3] The tariff for breaking and larceny offences is 2 to 3 years imprisonment. Suspended sentence is reserved for first time and young offenders.

- [4] In this case, the aggravating factors were that the appellant broke into his sister's house and stole \$1,000.00 cash. Only \$27.50 was recovered.
- [5] The mitigating factors were that the appellant was 17 years old and a first time offender. He showed remorse by entering an early guilty plea.
- [6] It is trite principle of sentencing that every effort should be made to keep young and first time offenders away from prison. In this case, after imposing 12 months imprisonment, the learned Magistrate did not consider whether the sentence should be suspended. The failure to do so, in my view, is an error justifying this Court's intervention.
- [7] Since the Accused has already served 3 months imprisonment, a just result could be achieved by reducing the sentence to 6 months imprisonment and suspending it for 12 months effective from today. Suspended sentence explained.
- [8] Appeal allowed.

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**Daniel Goundar**  
**JUDGE**

**At Suva**  
**Friday 27 February, 2009**

**Solicitors:**

Appellant in Person  
Office of the Director of Public Prosecutions, Suva for the State

