

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

**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO: HAC165 OF 2007**

**BETWEEN:**

**THE STATE**

**AND:**

**MAKARIO ANISIMAI**

**Date of Hearing:** 8<sup>th</sup> June 2009

**Date of Sentence:** 17<sup>th</sup> June 2009

**Counsel:** Ms S. Puamau for State  
Accused in person

**SENTENCE**

[1] The accused has freely and voluntarily pleaded guilty to a charge of robbery with violence. He is convicted as charged.

- [2] The facts are that on 24 September 2005 at around 7.45pm, the complainant was sitting in her stationary car when the accused snatched her handbag by pushing her head against the steering wheel and poking her side. The complainant managed to raise alarm and with the assistance of the neighbours, the accused was apprehended after a chase. The value of the handbag was \$40.00 and it contained jewellery, cosmetics, and cash, to the total value of \$699.99. Only the handbag was recovered.
- [3] The accused is 39 years old. He is married with two children. He has an unimpressive criminal record. Most of his convictions are for violent offences. Currently, the accused is serving a sentence of 14 years imprisonment. While in prison, the accused has been undergoing counseling by a faith based organization called Wings of Hope Counseling Ministry. Reverend Jokatama Bola has compiled a report on behalf of the accused. The report states that there has been a positive change in the accused's life. The accused acknowledges he has harmed many people by his actions.
- [4] The offence in this case does not fall in the category of serious violence with robbery cases. The accused used minimum force. He pushed and poked the complainant using his hand while she was sitting in her car. The complainant was not physically injured. It was not a pre-planned offence. The accused merely took an advantage of an opportunity when he saw the complainant sitting alone in her car with her handbag.
- [5] Given the circumstances of the offence, I consider a term of imprisonment below the tariff for this type of offence is justified.

[6] The mitigating factors are the guilty plea and remorse. The aggravating factor is the non recovery of the stolen property.

[7] Taking these matters into account and bearing in mind that the accused is serving a lengthy imprisonment sentence, he is sentenced to 2 years imprisonment, to be served concurrently with his pre-existing sentence.

[8] The recovered handbag to be returned to the complainant.

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Daniel Goundar  
**JUDGE**

At Suva  
17<sup>th</sup> June 2009

**Solicitors:**  
Office of the Director of Public Prosecutions for State  
Accused in person