

IN THE HIGH COURT OF FIJI
AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 113 OF 2008

BETWEEN:

STATE

A N D:

AVEUTA NALANILAWA

Counsel: Ms. J. Cokanasiga for the State
Ms. A. Savou for the Accused

Date of Hearing : Friday 27th March, 2009
Date of Sentence : Monday 30th March, 2009

SENTENCE

[1] Aveuta Nalanilawa, you are convicted on your own plea of guilty to the following offence:

Statement of Offence

ASSAULT WITH INTENT TO ROB: Contrary to Section 293(3) of the Penal Code of Fiji Cap 17.

Particulars of Offence

AVEUTA NALANILAWA on the 12th day of June 2008, at NARERE in the Central Division assaulted VINCENT JIAVE SAVIKE with intent to rob the said VINCENT JIAVE SAVIKE.

- [2] The facts are that you and your co-accused entered the home of the complainant with the intention to rob him. Before you could steal anything, you were disturbed by the Police. You fled the scene. The complainant was a 12 year old boy.
- [3] You were a juvenile when you committed this offence. I take into account all that was said by your counsel in mitigation. Your role was minimal. You were influenced by the co-accused who was much older in age than you and was your uncle. You only acted as a watchman.
- [4] The mitigation factors are compelling. You are a young person with previous good character. You are still in school. The complainant was not physically injured. No property was taken from his house. Your role was minimal.
- [5] Your co-accused who was the principal offender and had 25 previous convictions was sentenced to 3 years imprisonment.
- [6] However, your circumstances are different from his. You are a first time and a young offender. You have spent about 16 days in remand.
- [7] Taking all these matters into account I sentence you to 12 months imprisonment suspended for 2 years. Suspended sentence explained.

.....
Daniel Goundar
JUDGE

At Suva
Monday 30th March, 2009

Solicitors:

Office of the Director of Public Prosecutions, Suva for the State
Legal Aid Commission, Suva for the Accused.