

IN THE COURT OF APPEAL
[On Appeal from the High Court]

CRIMINAL APPEAL NO: AAU0099 of 2013
[High Court Case No. HAC 015/13]
[Nasinu Magistrate's Court No. 1602/12]

BETWEEN : THE STATE *Appellant*

AND : 1. SOLOMONI MUDULALI
2. KOLINIO SERU *Respondents*

Coram : Goundar JA

Counsel : Ms J. Prasad for the Appellant
Respondents in Person

Date of Hearing : 11 June 2014

Date of Ruling : 22 July 2014

RULING

[1] The State seeks leave to appeal against the sentences imposed on the respondents by the Magistrates' Court exercising extended jurisdiction.

[2] The respondents were sentenced to 9 months' imprisonment suspended for 2 years and a fine of \$200.00 each after they pleaded guilty to the following charge:

Statement of Offence

AGGRAVATED ROBBERY: Contrary to Section 311 of the Crimes Decree No. 44 of 2009.

Particulars of Offence

Solomoni Mudulali and Kolinio Seru with others on the 22nd day of December 2012 at Nasinu in the Central Division robbed one Vikash Goundar of \$52.00 cash.

[3] The ground of appeal is as follows:

“That the aforesaid sentence was manifestly lenient having regards to the sentencing guidelines and applicable tariff for aggravated robbery.”

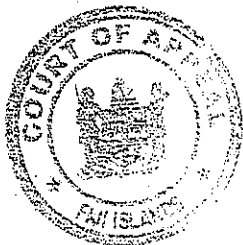
[4] The gist of the State’s contention is that the respondents’ sentences are well below the tariff for aggravated robbery, which is 8 to 14 years’ imprisonment, and since the victim was a taxi driver, the suspension of sentence was wrong in principle based on the Supreme Court’s judgment in *Narogo v The State [2008] FJSC CAV0019.07 (19 February 2008)*.


[5] According to the court record, the learned Magistrate gave no reason for the sentences that she imposed on the respondents. The sentences were imposed without any regard to the Sentencing and Penalties Decree and the guideline judgments on aggravated robbery of taxi drivers.

[6] I am satisfied that the State’s appeal is arguable and therefore leave is granted.

Result

[7] Leave granted.




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Hon. Justice D. Goundar
JUSTICE OF APPEAL