

**IN THE HIGH COURT OF FIJI AT SUVA**  
**[CRIMINAL JURISDICTION]**

**CASE NO: HAC. 42 of 2019**

**BETWEEN** : **STATE**

**AND** : **JEKOPE NODRAKORO**

*Counsel* : *Ms. Tamanikaiyaroi U. for the State*  
: *Ms. David L. for the Accused*

*Hearing on* : *08<sup>th</sup> of May 2019*  
*Sentence* : *24<sup>th</sup> of May 2019*

**SENTENCE**

Mr. Jekope Nodrakoro, you were charged as follows;

*Statement of Offence*

Aggravated Robbery: contrary to section 311(1)(a) of the Crimes Act 2009.

*Particulars of Offence*

Jekope Nodrakoro in the company of others on the 16<sup>th</sup> day of January 2019 at Suva in the Central Division, with each other, robbed Saleszni Devi of 1 x hand bag, 2 x mobile phones, 2 x gold chains and \$50.00 cash, the properties of Saleszni Devi.

At the very first opportunity, Mr. Jekope Nodrakoro, the accused, having well understood the contents of the information and the consequences of such plea, pleaded guilty to the above count.

Thereafter, the State having filed the Summary of Facts, on the 17<sup>th</sup> of April 2019 the said Summary of Facts were read over and explained to you. You having understood, agreed and

accepted the said summary of facts to be true and correct and have taken full responsibility for your actions.

The Summary of Facts filed by the State discloses that:

- i) The Complainant is Saleszni Devi – 40 years of age, Domestic Duties of Wailea Settlement.
- ii) On 16<sup>th</sup> January 2019 at around 7pm, the complainant was walking home when suddenly the accused with others came from behind the complainant and grabbed her hand bag containing \$50 cash, 2 x mobile phones (Vido and Rio brand), assorted cards and 2 x gold chains.
- iii) The complainant shouted for help when Ravneel Prasad (“Ravneel”) who heard the complainant’s cry for help came outside of his home and saw he accused grab the handbag of the complainant and run away towards the church side.
- iv) Aniketh Chand (“Aniketh”) who also heard the complainants shout for help came out of his home and saw the accused running away from the complainant towards a church.
- v) Both Ravneel and Aniketh recognised the accused as they resided in the same neighbourhood i.e. Wailea Settlement.
- vi) The matter was then reported to Police at Nabua Police Station and after enquiries were made at Wailea Settlement police arrested he accused and escorted him to Nabua Police Station.
- vii) The Police later recovered 1 x mobile phone (Rio brand) the property of the complainant from one Anare Lewadamu whom the accused had sold the phone to.

I find that the summary of facts supports all elements of the charge in the Information, and find the charge proved on the Summary of Facts agreed by you. Accordingly, I find you guilty on your own plea and I convict you of the count of Aggravated Robbery contrary to section 311(1)(a) of the Crimes Act 2009, as charged.

The maximum sentence for the offence of aggravated robbery contrary to section 311(1) of the Crimes Act is 20 years imprisonment.

The tariff for this offence is an imprisonment term between 8 to 16 years. [**Wallace Wise v The State**, Criminal Appeal No. CAV 0004 of 2015; (24 April 2015)]

Explaining the aggravating circumstances of the offence of robbery with violence under the now repealed Penal Code, Gounder J said in the case of **State v Rokonabete** [2008] FJHC 226 that;

*“The dominant factor in assessing seriousness for any types of robbery is the degree of force used or threatened. The degree of injury to the victim or the nature of and duration of threats are also relevant in assessing the seriousness of an offence of robbery with violence.”*

Accordingly, His Lordship Justice Gounder in **State v Josaia Warodo Vatunicoko** [2018] FJHC885; HAC210.2018, summarized that;

The tariff depends on the nature and circumstances of the robbery. The tariff is as follows:

- Street mugging: 18 months to 5 years’ imprisonment (**Raqauqau v State** [2008] FJCA 34; AAU0100.2007 (4 August 2008).
- Home invasion: 8 – 16 years’ imprisonment (**Wise v State** [2015] FJSC 7; CAV0004.2015 (24 April 2015).
- A spate of robberies: 10 -16 years’ imprisonment (**Nawalu v State** [2013] FJSC 11; CAV0012.12 (28 August 2013)

As for the facts of this case, this would come under the category of street mugging mentioned above and therefore, the appropriate tariff would be from 18 months to 5 years of imprisonment.

As for the facts established by the summary of facts, there is not much violence used. In addition the accused is only 22 years old. His remorse is apparent through his co-operation with the police and the early plea of guilt. He has no previous convictions and assures that he will not re-offend.

In consideration of the objective seriousness of the offence I select 02 years imprisonment as the starting point of your sentence. There are no aggravating factors other than this being done on a public road. That has already considered as a part of the offence of Street Mugging. In consideration of the early guilty plea and the submission made on your behalf in mitigation, I will deduct 1 year. Therefore your final sentence is 01 year of imprisonment.

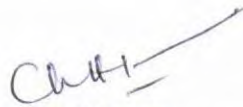
You have been in remand for a period of little more than a month. I consider it as already served and deduct 1 month from the remainder. Therefore the remainder will be an imprisonment term of 11 months.

Now I will consider the provisions of section 26(1) of the Sentencing and Penalties Act.

Jekope Nodrakoro, you have no previous convictions or pending cases. Further, you are only 22 years of age. Therefore, in consideration of the submissions made on your behalf, I am of the view it is nothing but fair that you should be given an opportunity to mend your ways and become good law abiding citizen. In result, your sentence of 11 months of imprisonment is suspended for a period of 3 years.

The consequences of a violation of the suspended term of imprisonment will be explained to you by the court clerks.

You will have thirty (30) days to appeal to the Court of Appeal, if you so desire.

  
Chamath S. Morais  
JUDGE



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