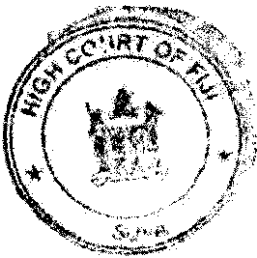




*J7 Pro mobile phone the property of VINEET VISHAL MAHARAJ and one stolen white Samsung mobile phone the property of MAKHUFUDIN AMI knowing or believing the property to be stolen.*

2. You pleaded guilty to this offence on the 3rd of May 2019. Satisfied by the fact that you have fully comprehended the legal effect of your plea and your plea was voluntary and free from influence, I now convict you to this offence as charged.
3. It was revealed in the summary of facts, which you have admitted in open court, that you have received these two stolen mobile phones while you were traveling in a taxi with others.
4. The drafters of the Crimes Act has prescribed ten years imprisonment to the offence of Receiving of stolen property, as they have taken this offence as serious as of the offence of theft, which also carries a maximum penalty of ten years imprisonment. Therefore, I find this offence of Receiving is a serious offence. Accordingly, the purpose of this sentence is founded on the principle of deterrence and the protection of the community.
5. The tariff of this offence of Receiving is 1 year to 3 years. **(Duacake v State [2018] FJHC 1170; HAA59.2018 (6 December 2018))**
6. The summary of facts does not reveal any aggravating factors apart from stating that you were found in possession of these two stolen mobile phones while you were traveling in a taxi.
7. You are 18 years old. The prosecution has not provided the previous criminal record of the accused. Hence, I presume that you are a first offender. Therefore, you are entitled for a discount for your previous good character.

8. You pleaded guilty to this matter at the early stages of this proceedings. Hence, you are entitled for a substantive discount for your early plea and also the remorse that you have expressed.
9. In view of these reasons, I sentence you to a period of one (1) year imprisonment to the offence of Receiving as charged.
10. Having taken into consideration your young age, unblemished record of your previous character and opportunities for rehabilitation, I find there are appropriate grounds to suspend your sentence pursuant to Section 26 of the Sentencing and Penalties Act.
11. I accordingly, sentence you to a period of **one (1) year** to this offence of Receiving, contrary to Section 306 (1) of the Crimes Act and suspend it for a period of **three (3) years**.
12. If you commit any crime during the period of 3 years and found guilty by the court you are liable to be charged and prosecuted for an offence in pursuant of section 28 of the Sentencing and Penalties Act.
13. Thirty (30) days to appeal to the Fiji Court of Appeal.



A handwritten signature in black ink, appearing to be "R.D.R.T. Rajasinghe".

R.D.R.T. Rajasinghe  
**Judge**

At Suva  
28<sup>th</sup> June 2019

Solicitors  
Office of the Director of Public Prosecutions for the State.  
Office of the Legal Aid Commission for the Defence.

