

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

**Crim. Case No: HAC 232 of 2019**

STATE

vs.

1. EMOSI ROKOVESU
2. LEDUA TALEMAITOGA

**Counsel:** Mr. Z. Zunaid for the State  
Mr. K. Prasad and Ms. A. Sharma for Accused

**Date of Hearing:** 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> February 2020

**Date of Closing Submission:** 26<sup>th</sup> February 2020

**Date of Summing Up:** 02<sup>nd</sup> March 2020

**Date of Judgment:** 03<sup>rd</sup> March 2020

**Date of Sentence:** 03<sup>rd</sup> April 2020

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**SENTENCE**

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1. The court found you guilty and then convicted of one count of Aggravated Robbery, contrary to Section 311 (1) (a) of the Crimes Act which carries a maximum penalty of twenty (20) years imprisonment.
2. The prosecution proved beyond a reasonable doubt that you, with two other accomplices, had robbed Mr. Navin Bhugaloo on 15 June 2019. He was on his way back home after having few drinks with one of his workmates when you and two of your accomplices robbed him. One of you came from behind and grabbed his mobile phone. Mr. Bhugaloo tried to

chase after the person who grabbed his mobile phone, but another of you came from his back and pushed him, which caused Mr. Bhugaloo injuries on his left palm and knee.

3. You and your accomplices had robbed the complainant while he was walking on a public road in the early morning of 15 June 2019. Crimes of this nature are prevalent and have created insecurity and vulnerability in society. Aggravated Robbery is the worst and severe form of property crime in this jurisdiction, which carries a maximum penalty of twenty years imprisonment. Therefore, I find this is a serious offence.
4. Because of the seriousness of this offence, it is my opinion that such offenders must be dealt with severe and harsh punishment. Therefore, the purpose of this sentence is founded on the principle of deterrence and protection of the community.
5. The High Court in **State v Vatunicoko [2018] FJHC 885; HAC210.2018 (21 September 2018)** found that:

*“In assessing the objective seriousness of your offending, I am mindful that aggravated robbery in the company of others is punishable by 20 years’ imprisonment. The tariff depends on the nature and circumstances of the robbery. The tariff is as follows:*

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

6. Nawana JA in Qalivere v State [2020] FJCA 1; AAU71.2017 (27 February 2020) held that:

*“Low threshold robbery, with or without less physical violence, is sometimes referred to as street-mugging informally in common parlance. The range of sentence for that type of offence was set at eighteen months to five years by the Fiji Court of Appeal in Raqauqau’s case (supra).*

7. Crimes of this nature have the effect of endangering the innocent public and their freedom of life. You and your accomplices had found an opportunity when the complainant was walking on the public road in the early morning. One of the accomplices has grabbed the mobile phone of the complainant and ran away. While the complainant tries to chase him, one of you had pushed him, causing injuries to his palm and knee. Accordingly, it appears that you have used a substantial amount of force on the complainant. Certainly, the impact of this offence on the complainant must be a frustrating experience. The complainant is a foreign national, who is currently working in Fiji. Therefore, I find the level of harm and culpability in this offending is substantially high.
8. You are a nineteen years old young first offender. Therefore, you are entitled to a substantial discount for your previous good character.
9. Having taken into consideration the above-discussed factors, I sentence you to a period of four (4) years imprisonment for this offence of Aggravated Robbery as charged.
10. Having considered the seriousness of this crime, the purpose of this sentence, your age, and opportunities for rehabilitation, I find two (2) years of the non-parole period would serve the purpose of this sentence. Hence, you are not eligible for any parole for two (2) years, according to Section 18 (1) of the Sentencing and Penalties Act.

### Head Sentence

11. Accordingly, I sentence you to a period of **four (4) years** imprisonment for the offence as charged. Moreover, you are not eligible for any parole for **two (2) years** pursuant to Section 18 of the Sentencing and Penalties Act.

### Actual Period of Sentence

12. You have been in remand custody for this case for nearly nine (9) months and ten (10) days. In pursuant of Section 24 of the Sentencing and Penalties Act, I consider ten (10) months as a period of imprisonment that has already been served by you.
13. Accordingly, your actual sentencing period is **three (3) years and two (2) months** of imprisonment period, with **one (1) year and two (2) months** of non-parole period.
14. Thirty (30) days to appeal to the Fiji Court of Appeal.



R.D.R.T. Rajasinghe  
Judge

### At Suva

03<sup>rd</sup> April 2020

### Solicitors

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