

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**[CRIMINAL JURISDICTION]**

**CRIMINAL CASE NO. HAC 371 OF 2022**

**BETWEEN** : STATE

**AND** : ESALA VATUNITU  
ILAITIA NAIVUA

**Counsel** : Mr L Baleilevuka for the State  
Mr J Buakula for both Accused

**Date of Hearing** : 5 May 2023

**Date of Sentence** : 1 June 2023

**SENTENCE**

- [1] Both accused appear for sentence after pleading guilty to one count each of aggravated burglary and theft.
- [2] The facts are that on 29 October 2022 at around 2.30 pm, both accused entered a dwelling house at Pacific Harbour with the intention to steal. At the time, the occupants were not present. The family had gone out for a day picnic.
- [3] Both accused hired a taxi from Navua and arrived at the targeted home. They told the taxi driver to wait for them at the driveway. Both accused entered the compound and gained entry to the house through the window after removing louver blades. After gaining entry they took a smart TV, a phone charger, three backpacks and some groceries from the house. They fled the scene in their hired taxi. The total value of stolen items was around \$4000.00. They sold some items and bought liquor and consumed it.
- [4] Both accused were arrested and interviewed under caution. They admitted the allegations. The stolen TV had been recovered.

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- [4] Both accused were arrested and interviewed under caution. They admitted the allegations. The stolen TV had been recovered.

- [13] Both accused are convicted and sentenced to an aggregate term of 2 years imprisonment. I have considered but have decided not to suspend the sentence. Both accused have not learnt from the suspended sentences imposed for previous offending. The main purpose of sentence for them is deterrence. The community must feel safe from anti-social behavior involving intrusion in people's privacy and homes.
- [14] Both accused have already served 7 months in custody on remand. The remaining term for them to serve is 1 year 5 months imprisonment.
- [15] Recovered stolen property is restored to the owner.



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**Hon. Mr Justice Daniel Goundar**

**Solicitors:**

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