

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

**Crim. Case No: HAC 057 of 2022**

**STATE**

vs.

**VILIKESA DELANA**

**Counsel:** Mr. E. Samisoni for the State  
Mr. E. Varinava for Accused

**Date of Hearing:** 19<sup>th</sup> to 25<sup>th</sup> April 2023  
**Date of Closing Submission:** 01<sup>st</sup> of May and 06<sup>th</sup> of June 2023  
**Date of Judgment:** 15<sup>th</sup> June 2023  
**Date of Sentence:** 29<sup>th</sup> June 2023

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**SENTENCE**


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1. Mr. Vilikesa Delana, you stand convicted for one count of Murder, contrary to Section 237 of the Crimes Act, which carries a mandatory sentence of life imprisonment. Moreover, you pleaded guilty to one count of Theft, contrary to Section 291 of the Crimes Act. Being satisfied that you pleaded guilty of your own free will and voluntarily, I now convict you of this offence of Theft.

2. It was proved that you and the first Accused, Emori Naqova, killed the Deceased while executing an unlawful enterprise of assaulting the Deceased on the 22nd of January 2022. After assaulting the Deceased, you stole his blue knapsack bag.
3. Murder is the most serious offence against a person. The punishment for the offence of Murder is a mandatory sentence of life imprisonment. However, the sentencing court has been given judicial discretion to set a minimum term to be served before a pardon may be considered. The minimum term to be served does not mean early release upon serving that term. It only allows the Accused to petition the Mercy Commission to recommend a pardon under Section 119 (3) of the Constitution.
4. The tariff for Theft is 2 - 9 months imprisonment.
5. This crime is a sorrowful tragedy. You and the first Accused found the Deceased and another was assaulting a girl in a narrow lane in Nausori town on the night of 22nd of January 2022. You were returning home after spending time in a nightclub. You and the first Accused then confronted the Deceased and his friend. You and the first Accused then started to assault the Deceased and killed him.
6. You are adversely recorded with four previous convictions, three of which were for the offence of Theft.
7. Having considered these reasons, I exercise my discretion under Section 237 of the Crimes Act to set a minimum term of 15 years to be served before a pardon may be considered. In respect of the offence of Theft, I sentence you to 4 months imprisonment period.
8. Accordingly, I sentence you to life imprisonment for this offence of Murder with a minimum term of 15 years to be served before a pardon may be considered. Furthermore, I sentence you to four months imprisonment for the offence of Theft as charged in the Information. Both sentences are to be served concurrently.

9. Thirty (30) days to appeal to the Fiji Court of Appeal.



  
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Hon. Mr. Justice R.D.R.T. Rajasinghe

**At Suva**

29<sup>th</sup> June 2023

**Solicitors**

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