

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

Criminal Case number: HAC 367 of 2022

STATE

-v-

1. SOLOMONI RANACIKA

Counsels:	Ms. Ali, Naazish (For the State) Mr. Veibataki, Etonia (For the Accused)
Mitigation & Sentencing Date of Sentence:	21 st March, 2025 and 11 th March, 2025 27 th August, 2025

SENTENCE

1. **SOLOMONI RANACIKA**, on the date of trial, 10th December, 2024, you decided to take a progressive approach and take a plea of guilty on your own accord to the following offences;

COUNT ONE

Statement of Offence

AGGRAVATED BURGLARY: Contrary to Section 313 (1) (a) of the Crimes Act 2009.

Particulars of Offence

SOLOMONI RANACIKA and another between the 17th and 18th day of October, 2022 at Nakasi in the Central Division, in the company of each other, entered as trespassers into PRASAD'S FRIENDLY ENTERPRISE, with intent to commit theft therein.

COUNT TWO

Statement of Offence

THEFT: Contrary to Section 291 (1) of the *Crimes Act 2009*.

Particulars of Offence

SOLOMON RANACIKA and another between the 17th and 18th day of October, 2022 at Nakasi in the Central Division, in the company of each other, dishonestly appropriated (stole), 1 x XL Drua Jersey, BH 10 and BH 20 cigarettes, 1/2 kg Suki (rolled cigarettes), 14kg pounded grog, 3kg waka (grog), 1 x carton choc chip cookies, 2 x carton Tomato Chow noodles, 3 x 5 packets Maggi noodles, 12 x packets Rewa powdered milk, 15 x Five Star peanut butter 200 grams, 4 x Five Star salted peanuts, 36 x packets Orange flavoured Tang juice, 40x packets assorted Marimas juice, 5 x packets Scotch finger, 1x carton Oreo (Original) biscuits, 1/2 carton Oreo (Chocolate) biscuits, 2 x packets Weetabix biscuits, 4 x packets Rewa Life Milk, 2 x carton FMF Breakfast Crackers biscuits, 10x packets 1kg sugar, 10 x packets 1kg dhal (split peas), 12 x 2kg FMF flour, 1x card MR BON Super glue, 4 x purple medium Colgate toothbrush, 1x blue medium Colgate toothbrush, 10 x packets milk Arrowroot biscuits 250 grams, 1 x black T&G brand music box with charger, 1 x black small transistor radio (battery operated), 2 x 150 grams Hot & Spicy Potato Chips, 2 x 100 grams Mexicana Twisties, 2 x 200 grams Bongo, P.K and Eclipse Chewing Gums, 15 x 125 grams Rewa Butter, 20 x 500 grams Crest Sizzlers (Original) Sausages, 1 x carton Blitz ice-cream, 6 x 500ml Frubu juice, 5 x bottles 2.25 litre Coke juice, 1 x bottle 2.25 litre Sprite juice and \$100.00 cash, the property of PRASAD'S FRIENDLY ENTERPRISE, with the intention of permanently depriving PRASAD'S FRIENDLY ENTERPRISE, of the said property.

COUNT THREE

Statement of Offence

AGGRAVATED BURGLARY: Contrary to **Section 313 (1) (a)** of the *Crimes Act 2009*.

Particulars of Offence

SOLOMONI RANACIKA and another between the 17th and 18th day of October, 2022 at Nakasi in the Central Division, in the company of each other, entered as trespassers into SULTAN TRADERS PTE LIMITED, with intent to commit theft therein.

COUNT FOUR

Statement of Offence

THEFT: Contrary to **Section 291 (1)** of the *Crimes Act 2009*.

Particulars of Offence

SOLOMONI RANACIKA and another between the 17th and 18th day of October, 2022 at Nakasi in the Central Division, in the company of each other, dishonestly appropriated (stole), 1 x black & red Bluetooth radio, 3 x radio speakers, 1 x radio remote, 3 x travelling kits, 4 x Adidas pouch, 3x Bible cases and assorted clothes, the property of SULTAN TRADERS PTE LIMITED, with the intention of permanently depriving SULTAN TRADERS PTE LIMITED, of the said property.

COUNT FIVE

Statement of Offence

AGGRAVATED BURGLARY: Contrary to **Section 313 (1) (a)** of the *Crimes Act, 2009*.

Particulars of Offence

SOLOMONI RANACIKA and another between the 17th and 18th day of October, 2022 at Nakasi in the Central Division, in the company of each other, entered as trespassers into ALL MAKE AUTO SPARES LIMITED, with intent to commit theft therein.

COUNT SIX

Statement of Offence

THEFT: Contrary to **Section 291 (1)** of the *Crimes Act, 2009*.

Particulars of Offence

SOLOMONI RANACIKA and another between the 17th and 18th day of October, 2022 at Nakasi in the Central Division, in the company of each other, dishonestly appropriated (stole), 1x black Nokia mobile phone and \$5.00 cash, the property of ALL MAKE AUTO SPARES LIMITED, with the intention of permanently depriving ALL MAKE AUTO SPARES LIMITED, of the said property.

COUNT SEVEN

Statement of Offence

AGGRAVATED BURGLARY: Contrary to **Section 313(1) (a)** of the *Crimes Act, 2009*.

Particulars of Offence

SOLOMONI RANACIKA and another between the 17th and 18th day of October, 2022 at Nakasi in the Central Division, in the company of each other, entered as trespassers into ZOOM FITNESS CENTRE AND RESTAURANT, with intent to commit theft therein.

COUNT EIGHT

Statement of Offence

THEFT: Contrary to **Section 291 (1)** of the *Crimes Act, 2009*.

Particulars of Offence

SOLOMONI RANACIKA and another between the 17th and 18th day of October, 2022 at Nakasi in the Central Division, in the company of each other, dishonestly appropriated (stole), 1 x Energy Smart rice cooker, 1 x steel pot, 1 x ANKO Deep fryer, 1 x Cutter Knife set, 1 x pair red boxing gloves, 1x pair black boxing gloves, 1x skipping rope, 1 x black waist belt, 1 x pulling spring, 1x burner gas stove, 1 x yellow gas hose pipe with red regulator and

1 x 4.5kg Blue gas cylinder, the property of ZOOM FITNESS CENTRE AND RESTAURANT, with the intention of permanently depriving ZOOM FITNESS CENTRE AND RESTAURANT, of the said property.

COUNT NINE

Statement of Offence

RESISTING ARREST: Contrary to **Section 277 (b)** of the *Crimes Act, 2009*.

Particulars of Offence

SOLOMONI RANACIKA on the 18th day of October, 2022 at Nakasi in the Central Division, resisted PC 6918 JOSEFA KAMA whilst affecting arrest in due execution of his duty.

Summary of Facts

2. You also admitted to the following facts read, explained and understood by you. The facts revealed that between 17th and 18th October, 2022 from midnight onwards, the Accused in company of another entered the premises of Prasad's Friendly Enterprise situated at Lot 3 Wainibuku Road, Nakasi, as trespassers, with intent to commit theft therein.
3. Prasad's Friendly Enterprise is situated along the main road, Nakasi in a building which consist of other shops.
4. The Accused and another climbed on the roof top of the building in which Prasad's Friendly Enterprise is situated. Adjacent to Prasad's Friendly Enterprise is a second hand clothing shop namely Sultan Traders PTE Limited. Upon reaching the rooftop, Accused used a steel cutter to cut the roofing iron between the Prasad's Friendly Enterprise shop and second hand clothing shop. The Accused then climbed into the second hand clothing shop where he saw a grill door which separated the second hand clothing shop and Prasad's Friendly Enterprise shop. The accused then picked a cloth hanger from inside the second hand clothing shop and uncoiled it. He then used the uncoiled hanger to open the lock on the grill door. The Accused then entered into Prasad's Friendly Enterprise where he saw food items, cash till and a container containing coins.
5. Whilst the Accused was inside the Prasad's Friendly Enterprise he stole 1 x XL Drua Jersey, BH 10 and BH 20 cigarettes, 1/2 kg Suki (rolled cigarettes), 14kg pounded grog, 3kg waka (grog), 1 x carton choc chip cookies, 2 x carton Tomato Chow noodles, 3 x 5 packets Maggi noodles, 12x packets Rewa powdered milk, 15 x Five Star peanut butter 200 grams, 4 x Five Star salted peanuts, 36 x packets Orange flavoured Tang juice, 40 x packets assorted Marimas juice, 5x packets Scotch finger, 1x carton Oreo (Original) biscuits, 1/2 carton Oreo (Chocolate) biscuits, 2 x packets Weetabix biscuits, 4 x packets Rewa Life Milk, 2x carton FMF Breakfast Crackers biscuits, 10 x packets 1kg sugar, 10 x packets 1kg dhal (split peas), 12 x 2kg FMF flour, 1 x card MR BON Super glue, 4 x purple medium Colgate toothbrush, 1 x blue medium Colgate toothbrush, 10 x packets milk Arrowroot biscuits 250 grams, 1 x black T&G brand music box with charger, 1 x black small transistor radio (battery operated), 2 x 150 grams Hot & Spicy Potatoe Chips, 2 x

- 100 grams Mexicana Twisties, 2 x 200 grams Bongo, P.K and Eclipse Chewing Gums, 15 x 125 grams Rewa Butter, 20 x 500 grams Crest Sizzlers (Original) Sausages, 1x carton Blitz ice-cream, 6 x 500ml Frubu juice, 5 x bottles 2.25 litre Coke juice, 1x bottle 2.25 litre Sprite juice and \$100.00 cash. He then packed these items into 3 x 50kg Mil-Mix bag, and walked away with the same. *[Counts 1&2]*.
6. At the time the Accused was inside the second hand clothing shop namely Sultan Traders PTE Limited, he stole 1 x black & red Bluetooth radio, 3 x radio speakers, 1 x radio remote, 3 x travelling kits, 4 x Adidas pouch, 3 x Bible cases and assorted clothes. This was done when the shop was closed and Accused entered this shop as a trespasser with intent to commit theft and did committed theft of complainant's properties. *[Counts 3&4]*.
 7. On the same night Accused in company of another also trespassed into All Make Auto Spares Limited which is situated at Lot 2 Kings Road, Nakasi, with intent to commit theft. The accused had entered into All Make Auto Spares Limited through the toilet window. He climbed on the toilet window and used an iron rod to break the window frame, thereafter he had removed the louver blades and then entered into the office of All Make Auto Spares Limited. Upon entering the office he searched the office and found 1 x black Nokia mobile phone and \$5.00 cash in the office table drawer. The Accused then stole 1 x black Nokia mobile phone and \$5.00 cash the property of ALL MAKE AUTO SPARES LIMITED. *[Counts 5&6]*.
 8. At the time Accused was exiting the premises of All Make Auto Spares Limited after stealing items from therein he saw a restaurant namely Zoom Fitness Centre and Restaurant which was adjacent to All Make Auto Spares Limited. The Accused then decided to break into this restaurant with another. The Accused then trespassed into ZOOM FITNESS CENTRE AND RESTAURANT, with intent to commit theft. He had gained entry into this restaurant by forcefully pushing the door and once it was open he searched the restaurant and found gas cylinder and kitchen appliances. The accused then stole 1 x Energy Smart rice cooker, 1x steel pot, 1x ANKO Deep fryer, 1 x Cutter Knife set, 1 x burner gas stove, 1x yellow gas hose pipe with red regulator and 1 x 4.5kg Blue gas cylinder the property of Zoom Fitness Centre and Restaurant.
 9. Whilst the Accused was inside the restaurant he discovered there was a gym beside the restaurant and a grill door was separating it from the restaurant. He then used a steel roofing cutter to cut the grills and entered into the gym through the window. Upon entering the gym he found gym equipment's. The Accused then stole 1x pair red boxing gloves, 1x pair black boxing gloves, 1x skipping rope, 1x black waist belt and 1x pulling spring the property of Zoom Fitness Centre and Restaurant. *[Counts 7 & 8]*.
 10. The Accused with assistance of his friends packed all the above-mentioned stolen items into 50kg Mil-Mix bags and carried these items to a vacant house in Wainunu Settlement in Wainibuku, Nakasi and kept them inside this house. The vacant house in Wainunu Settlement was under the care of Accused's uncle namely Josaia Qeteqetelevu who is also charged with him in this matter.
 11. The matter was reported to the Police by the Complainants (owner of the shops). An investigation was carried out. The Accused and his uncle Josaia Qeteqetelevu were later arrested on 18th October, 2022, from the vacant house in which the stolen items were recovered. At the time of the arrest the Accused tried to escape and resisted arrest by pushing PC 6918 Josefa Kama in due execution of his duty. *[Count 9]*

12. The abovementioned stolen items were fully recovered during the Police investigation.
13. The Accused was interviewed under caution by Police at Nakasi Police Station on the 19th October, 2022. The Accused fully admitted to the alleged offending as charged on the Information.

Conviction

14. The Court finds the Accused guilty as charged and convicts him of four counts of Aggravated Burglary contrary to **section 313 (1) (a)** of the *Crimes Act, 2009*, four counts of Theft contrary to **section 291 (1)** of the same Act and one count of Resisting Arrest contrary to **section 277 (b)** of the said Act too..

Sentencing Guidelines

15. Before sentencing the Accused, this court has considered the sentencing guidelines pursuant to **sections 4(1), 4(2) and 15** of the *Sentencing and Penalties Act, 2009*.

Maximum Penalty and Tariff

Counts 1, 3, 5 & 7 – Aggravated Burglary

16. The maximum penalty of the offence of aggravated burglary is 17 years imprisonment.
17. In the Fiji Court of Appeal case of *Kumar and Vakatawa [2022] FJCA; AAU33.18 and AAU117.19* (24 November 2022), the Court has outlined the starting point and tariff. This offence falls under the low harm of Aggravated Burglary whereby the starting point is 3 years and the sentencing range is from 1 year to 5 years.

Counts 2, 4, 6 & 8 - Theft

18. For the offence of theft the maximum penalty is 10 years imprisonment. The tariff for the offence of theft is settled. In *Mikaele Ratusili v. State, Criminal Appeal no. HAA 011 of 2012* (1 August, 2012) Madigan J. set out the tariff for theft as follows:
 - “(i) *For the first offence of simple theft the sentencing range should be between 2 and 9 months.*
 - (ii) *any subsequent offence should attract a penalty of at least 9 months.*
 - (iii) *Theft of large sums of money and thefts in breach of trust, whether first offence or not can attract sentences of up to three years.*
 - (iv) *regard should be had to the nature of the relationship between offender and victim.*
 - (v) *planned thefts will attract greater sentences than opportunistic thefts.”*

Count 9 – Resisting Arrest

19. The maximum penalty for Resisting Arrest is 5 years imprisonment.
20. Though the tariff for Resisting Arrest had not been promulgated in a guideline judgment, the suitable range of the tariff had been pronounced in several cases. In this regard, in the cases of *Hicks v State [2011] FJHC 455; HAA018.2011 (19 August, 2011); and State v Vananalagi [2011] FJHC 515; HAC091.2010S (9 September, 2011)*, the suitable range is identified as 6 to 12 months imprisonment.

Aggravating Factors

21. The aggravating factors;
 - (i) The accused committed a spate of burglaries within 24 hours;
 - (ii) He was the main character in this case;
 - (iii) Accused was well equipped for the task as he had a steel cutter and iron rod. A clear indication that he had premeditated the crime.
 - (iv) Such offences are prevalent in our society.

Mitigating Factors

22. The only mitigating factor is that his last conviction was in 2017. It is submitted that the accused is still in a position to rehabilitate himself.

Guilty Plea

23. The accused decided to change his plea to guilty on the date of the trial and this court will only give you one month discount.

Sentence

Counts 1, 3, 5 & 7 – Aggravated Burglary

24. I select a starting point of 3 years imprisonment. In considering your aggravating factors, I enhance your sentence by 1 year and arrive at 4 years imprisonment. For your mitigating factor, your sentence is reduced by 1 year and it is now 3 years imprisonment. I further reduce 1 month for your guilty plea and your final punishment for this offence is 2 years and 11 months imprisonment.
25. The same process is repeated for counts 3, 5 and 7.

Counts 2, 4, 6 & 8 – Theft

26. For the offence of theft, you are sentenced to 6 months imprisonment. The same is applicable to counts 4, 6 and 8.

Count 9 – Resisting Arrest

27. For the offence of Resisting Arrest, your sentence is 6 months imprisonment.

Summary of Sentence

28. The summary of sentence are as follows;
- (i) Count 1 – Aggravated Burglary - 2 years and 11 months imprisonment;
 - (ii) Count 2 – Theft - 6 months imprisonment
 - (iii) Count 3 – Aggravated Burglary - 2 years and 11 months imprisonment;
 - (iv) Count 4 – Theft - 6 months imprisonment
 - (v) Count 5 – Aggravated Burglary - 2 years and 11 months imprisonment;
 - (vi) Count 6 – Theft - 6 months imprisonment
 - (vii) Count 7 – Aggravated Burglary - 2 years and 11 months imprisonment;
 - (viii) Count 8 – Theft - 6 months imprisonment
 - (ix) Count 9 - Resisting Arrest - 6 months imprisonment.

Several offences based on same facts

29. **Section 17** of the **Sentencing and Penalties Act 2009** stipulates that;

“If an offender is convicted of more than one offence founded on the same facts, or which form a series of offences of the same or a similar character, the court may impose an aggregate sentence of imprisonment in respect of those offences that does not exceed the total effective period of imprisonment that could be imposed if the court had imposed a separate term of imprisonment for each of them.”

30. The four counts of Aggravated Burglary, the four counts of Theft and the one count of Resisting Arrest which you have been convicted are offences founded on the same facts and are of similar character. In accordance with **section 17** of the Sentencing and Penalties Act, 2009 I consider it just and appropriate to impose an aggregate sentence for the nine offences having the Aggravated Burglary count as the base sentence as it is the more serious of the offences.

31. So your head sentence is 2 years and 11 months.

Time spend in custody

32. You were arrested on 18th October, 2022, kept in custody until bailed on 21st June, 2023, a total of 1 year and 8 months.
33. In accordance with **section 24** of the *Sentencing and Penalties Act, 2009*, this court reduces 1 year and 8 months from your head sentence. Your final sentence is 1 year and 3 months imprisonment.

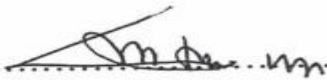
Final Decision

34. Though you are not a first offender, I note that all the stolen items have been recovered. I, therefore, decide to suspend your sentence of 1 year and 3 months to a period of 3 years effective forthwith. [Suspended sentence explained to the accused in court].
35. You are to seize this opportunity and reform your behavior to become a useful member of society.

Period of Appeal

36. 30 days to appeal to the Court of Appeal




Waleen M George
Acting Puisne Judge

Dated at Suva this 27th day of August, 2025.

Solicitors:

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