

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

**Criminal Case No. HAC 61 of 2025**

**THE STATE**

**-v-**

**ISIKELI TAWAKE**

**Counsel: Mr. E. Kotoilakeba for the State**  
**Ms. V. Kirti for the Accused**

**Sentencing Hearing: 15 September 2025**

**Date of Sentence: 30 September 2025**

**SENTENCE**

1. **Mr. Isikele Tawake**, you have pleaded guilty to charges of aggravated burglary and theft. You have agreed that, on 23 July 2025, armed with a steel pipe, you entered Ms. Shweta Singh's home as a trespasser, threatened her, and stole her motor vehicle and mobile phone.
2. Based on these admitted facts, you have voluntarily accepted responsibility for your wrongdoing. I find you guilty as charged and convict you accordingly.
3. To assist me in deciding on the most appropriate way of dealing with you, I requested the Social Welfare Department to prepare a pre-sentence report, including a recommendation as to your suitability for a community-based order. I am pleased that you fully cooperated in the preparation of that report, which is favourable to you.

### **Pre-sentence Report**

4. **Mr. Tawake**, your pre-sentence report was prepared by Mr. Asesela Tawake, who reports that you are 21 years old and live with your parents at Beula Settlement in Savusavu. After leaving school, you worked as a driver responsible for delivering water throughout the Suva – Nausori corridor. After working for two years, you returned to Savusavu to farm with your father. You also work as a casual labourer.
5. You told Mr. Tawake that you were under the influence of alcohol when you broke in to Ms. Shweta's home. You had done some work for her husband and felt cheated when he failed to pay you. You also informed him that your time in custody has helped you reflect on the negative impact of your behaviour, and expressed confidence that this will be your final offence.
6. Mr. Tawake assesses that your youth, early admission of guilt, and demonstrated insight suggests that you retain potential for rehabilitation if given the opportunity. He recommends that the Court gives consideration to making a Community Work Order.

### **Prosecution Sentencing Submissions**

7. The prosecution has filed written sentencing submissions setting out the current sentencing practice for aggravated burglary and theft. Based on this current practice, the prosecution submitted that the level of harm is low, and urged this court to take a starting point of 3 years' imprisonment, with a range of 1 to 5 years' imprisonment.
8. When the Court questioned Mr. Kotoilakeba about this categorisation, he quite properly revised his position, submitting that the appropriate category, having regard to the violence threatened against Ms. Shweta and the high value of the stolen items, is category 2 (medium harm), with a starting point of 5 years imprisonment and sentencing range of 3 to 8 years' imprisonment.

### **Defence Sentencing Submissions**

9. Ms. Kirti has filed helpful written submissions on your behalf. She sets out

several factors that reduce the seriousness of your offending. You cooperated with the police and, importantly, you saved this court's time and resources by pleading guilty at the earliest opportunity. You are a young first offender, and have shown genuine remorse by pleading guilty. She submits that you have a high chance of rehabilitation.

10. I am reminded that a sentencing court must not impose a more serious sentence unless it is satisfied that a lesser sentence will not meet the statutory objectives of sentencing, and sentences of imprisonment should be regarded as the sanction of last resort (this also includes suspended sentences of imprisonment).

### **Analysis and disposal**

11. Aggravated burglary is a serious offence. It can have significant psychological, emotional and financial effects on victims. Everyone should feel secure in their own homes.
12. To reflect the seriousness of the offence of aggravated burglary, adult offenders are generally given a prison sentence, albeit such sentences are often suspended in the case of first offenders.
13. However, it is well-established that the approach to children in conflict with the law should be different from that of adult offenders. The primary objective of any order of the court is not punishment. Rather, the objective is to help the child to correct his behaviour and become a productive, law-abiding member of society.
14. There is also a growing acceptance that these objectives can properly be extended to young adult offenders. It is now well-established by case law that the young age and/or lack of maturity of an offender do not cease to have any relevance on his or her 18<sup>th</sup> birthday. Full maturity and all the attributes of adulthood are not magically conferred on young people on their 18<sup>th</sup> birthdays. Experience of life reflected in scientific research is that young people continue to mature, albeit at different rates, for some time beyond their 18<sup>th</sup> birthdays. The youth and maturity of an offender continue to be factors that inform any sentencing decision even if an offender has passed his or her 18<sup>th</sup> birthday.

15. In this case, I consider that your lack of maturity played a large part in your poor decision making arising from your grievance with Ms. Shweta's husband.
16. Having said all that, I consider that only a custodial sentence would meet the justice of this case. Whilst in drink, you threatened a young woman alone in her own home at night, and you stole valuable items. Plainly, this is a category 2 case. The appropriate starting point is 5 years' imprisonment. Leaving aside credit for your early guilty pleas, and balancing the factors which make your offending both more and less serious, I reduce your sentence to 3 years' imprisonment.
17. I further reduce your sentence by one third to give full credit for your early guilty pleas. From your sentence of 2 years' imprisonment must be deducted the time which you have spent in custody since your arrest on 24 July 2025, which I round up to 3 months.
18. Your sentence of 21 months' imprisonment means that the Court has a discretion to suspend your sentence, and I have decided that suspension is justified in all the circumstances of this case.
19. For the reasons that I have explained, I sentence you to 21 months' imprisonment suspended for 3 years.
20. In the event that, during the next 3 years, you commit another offence punishable by imprisonment, and are charged under section 28 of the Sentencing and Penalties Act 2009, if convicted, the court may impose a fine, and must restore the sentence that I have imposed today unless exceptional circumstances make that unjust.
21. I also consider that a period of supervision in the community would promote your rehabilitation. I, therefore, make a Community Based Corrections Order.
22. A copy of the Order will be provided to you so that you can read and understand it in your own time.
23. If you are not able to comply with the conditions of the Order you may apply to court and the court may deal with you in a different way.

24. You may also be brought back to court and be dealt with in a different way if you fail to comply with any of the conditions I have imposed.
25. 30 days to appeal to the Court of Appeal.



A handwritten signature in black ink, consisting of a stylized initial "J" followed by a long horizontal line.

Hon Mr. Justice Burney

**At Labasa**  
**30 September 2025**

**Solicitors:**  
**Office of the Director of Public Prosecutions for the State**  
**Office of the Legal Aid Commission for the Accused**