

IN THE HIGH COURT OF FIJI

AT LAUTOKA

[CRIMINAL JURISDICTION]

CRIMINAL CASE NO: HAC 149 of 2024

STATE

V

1. J.D.

2. I.I.

3. I.T.

Counsel: Ms. Brook Navunicagi for the State  
Ms. Litiana Volau for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Named Juveniles

Punishment Hearing: 28 November 2025

Date of Punishment: 15 December 2025

*The name of the three Juveniles have been suppressed. Accordingly, the 1<sup>st</sup> Named Juvenile will be referred to as J.D., the 2<sup>nd</sup> Named Juvenile will be referred to as I.I. and the 3<sup>rd</sup> Named Juvenile will be referred to as I.T.*

## PUNISHMENT

[1] J.D., I.I. and I.T. as per the Information filed by the Director of Public Prosecutions (DPP), you were charged with the following offences:

### COUNT 1

#### *Statement of Offence*

**AGGRAVATED BURGLARY:** Contrary to Sections 46 and 313 (1) (a) of the Crimes Act 2009.

***Particulars of Offence***

J.D., I.I. and I.T., on the 19<sup>th</sup> day of October 2024, at Nadi, in the Western Division, in the company of each other, entered as trespasses into the premises of **VOTUALEVU PUBLIC SCHOOL**, with intent to commit theft therein.

**COUNT 2**

***Statement of Offence***

**THEFT**: Contrary to Sections 46 and 291 (1) of the Crimes Act 2009.

***Particulars of Offence***

J.D., I.I. and I.T., on the 19<sup>th</sup> day of October 2024, at Nadi, in the Western Division, dishonestly appropriated 2 x Soccer Balls, 4 x Rugby Balls and 1 volleyball net, the property of **VOTUALEVU PUBLIC SCHOOL**, with the intention of permanently depriving **VOTUALEVU PUBLIC SCHOOL** of the said property.

- [2] This matter was first called before me on 15 November 2024. On 12 March 2025, the DPP filed and served the Disclosures relevant to the case. After many adjournments, on 25 June 2025, the Information was filed and served and the matter was adjourned for plea.
- [3] J.D., I.I. and I.T., on 7 August 2025, you were all ready for your pleas. On that day, the three of you pleaded guilty to the two counts against you in the Information. This Court was satisfied that you all pleaded guilty on your own free will and free from any influence. Court found that you fully understood the nature of the charges against you and the consequences of your guilty pleas.
- [4] On 8 October 2025, the State filed the Summary of Facts. On the same day, the Summary of Facts were read out and explained to the three of you and you understood and agreed to the same. Accordingly, this Court found your guilty pleas to be unequivocal. This Court found that the facts support all elements of the two counts in the Information, and found the two counts proved on the Summary of Facts agreed by you. Accordingly, J.D., I.I. and I.T., this Court found you guilty on your own plea in respect of the two counts of Aggravated Burglary and Theft as charged.
- [5] I now proceed to impose the punishments on you.
- [6] The Summary of Facts filed by the State reads as follows:

**1. DETAILS OF THE JUVENILES AND PROSECUTION WITNESSES**

**JUVENILE 1 (J1):** *The 1<sup>st</sup> Juvenile in this matter is one J.D., 15 years of age, student of Sabeta.*

- JUVENILE 2 (J2): The 2<sup>nd</sup> Juvenile in this matter is one I.I., 14 years of age, student of ATS subdivision.*
- JUVENILE 3 (J3): The 3<sup>rd</sup> Juvenile in this matter is one I. T., 14 years of age, student of ATS subdivision.*
- Prosecution Witness 1 (PW1): is one Saylendra Singh, 50 years of age, Head Teacher, Savunawai Stage 2, Nadi.*
- Prosecution Witness 2 (PW2): is one Sikeli Soronivalu, 42 years of age, Gardener, Votualevu, Nadi.*
- Prosecution Witness 3 (PW3): is one Setefana Rasei, 13 years of age, Student, Votualevu, Nadi.*
- Prosecution Witness 4 (PW4): is one Vakamoce Gaunavinaka, 13 years of age, Student, Votualevu, Nadi.*
- Prosecution Witness 5 (PW5): is one Josefa Ratabua, 11 years of age, Student, ATS Votualevu, Nadi.*

## **2. BACKGROUND**

- 2.1 The complainant in this matter is one Saylendra Singh, aged 50 years of age, Savunawai, Votualevu, Nadi.*
- 2.2 The three Juveniles in this matter are J.D., 15 years of age, Student of Sabeta; I.I., 14 years of age, Student of ATS Subdivision, Votualevu, Nadi; and I.T., 14 years of age, Student, ATS Subdivision, Votualevu, Nadi.*
- 2.3 The three Juveniles were charged with one count of Aggravated Burglary, contrary to Section 313 (1) and one count of Theft, contrary to Section 291 (1) of the Crimes Act 2009.*
- 2.4 On the 21 October 2024, at around 7.20 a.m., PW1 came to the school and met the Gardener who informed him that the store room padlock was opened and some items were missing. PW1 went and checked the cameras and saw that six I-Taukei students were inside (had entered) the school compound.*
- 2.5 The six students were in the school compound on Saturday 19 October 2024, at around 3.12 p.m. PW1 noted that the six students were not from his school and that they resided at ATS Quarters and were schooling at Maharishi.*
- 2.6 A Year 7 Student named Jabez identified the students as J.D., I.I., Vakamo and I.T. According to PW1 the following items were missing from the school store room:*
- 1. 2 soccer balls*
  - 2. 4 rugby balls*
  - 3. 1 volleyball net*
- 2.7 PW2 is the Gardener for the Votualevu Public School. According to him, on the 20 October 2024, he came to the school and discovered that the school sports room door was opened. Upon further inspection, PW2 noted that the padlock on the door was broken and the door was damaged. After making this discovery, PW2 notified PW1.*

- 2.8 PW3 is a Student of Maharishi Sanatan Primary School. PW3 offers direct evidence of the alleged offence.
- 2.9 The other witnesses say that the alleged offending occurred on the 19 October 2024. PW2 states that he discovered that the lock was opened and the items missing on 20 October 2024. PW3's version of events is that the offence was committed on the 10 October 2024. However, that makes no sense because PW2 would have noticed the broken lock and the missing items earlier.
- 2.10 Keeping the above in mind, PW3 states that on the 10 October 2024, he went to the river side at Tadra with Joseva, Vakamoce, I.T., I.I. and J.D. to swim in the river.
- 2.11 At about 3.00 p.m. whilst on their way home, they stopped at Vatualevu Public School to pick and eat mangoes. While eating mangoes, PW3 saw I.I., Joseva and J.D. enter into the school compound. PW3 recalls that he and I.T. remained outside. While PW3 and I.T. were standing outside, they saw J.D. holding two soccer balls and one rugby ball. I.I. was holding one volleyball and one volleyball net and Joseva came back empty handed.
- 2.12 PW3's evidence corroborates the evidence of PW1 in relation to Jabez's identification on the Juveniles. PW1 states that Jabez identified J.D., I.I., Vakamo and I.T. This is consistent with PW3's evidence that he remained outside the school with I.T. Jabez does not see I.T. in the school compound or he would have identified him or stated that he did not know one of the boys.
- 2.13 The lack of identification of Juvenile 3 taken with the evidence of PW3, strongly suggests that Juvenile 3 was not present in the school grounds with his friends when the alleged offence was committed.
- 2.14 PW4 gives similar evidence to PW3. However, he states that on the 19 October 2024, he saw J.D. and I.I. enter into the school storeroom and take one soccer ball, volleyball net, volleyball and rugby ball. PW4 ran away from the other two Juveniles because he did not want to be involved with them.
- 2.15 PW5's evidence begins similar to PW3 and PW4. However, he states that on 19 October 2024, he saw I.I. and I.T. heading towards a tap in the school compound. PW5 followed them and saw J.D. pick up a 15 cm iron rod and attempted to break the lock for the store room but was unsuccessful.
- 2.16 After opening the Staff room door I.I. and J.D. walked inside and they kicked out a rugby ball and I.T. caught it. When I.I. and J.D. finally exited the room, I.I. was holding a volleyball and volleyball net in each hand. According to PW5, as they all exited the school premises I.T. kicked both rugby balls back into the school compound.
- 2.17 Juvenile 1 made full admissions during his caution interview.
- 2.18 Juvenile 2 made full admissions in his record of interview, he admits being present and J.D. opened the door and they entered and took the balls.
- 2.19 Juvenile 3 admits that while I.I. was breaking into the store room, he turned the security camera away so as not to see them. The conduct he admits is indicative of a guilty mind. Juvenile 3 admitted he took one rugby ball and one soccer ball.

### **3. ARREST AND CAUTION INTERVIEW**

On the 31 October 2024, Juvenile 1 was arrested and was interviewed under caution by CPL Mosile. Juvenile 1 made full admissions under caution.

*On the 1 November 2024, Juvenile 2 was arrested and interviewed under caution by WDC 6838 Mere. Juvenile 2 made full admissions under caution.*

*On the 2 November 2024, Juvenile 3 was arrested and interviewed under caution by PC 8093 Jone and made full admissions under caution.*

*[The Record of Interview of the three Juveniles have been Annexed].*

[7] J.D., I.I. and I.T., you have admitted to the above Summary of Facts and taken full responsibility for your actions.

[8] Section 4(1) of the Sentencing and Penalties Act No. 42 of 2009 ("Sentencing and Penalties Act") stipulates the relevant factors that a Court should take into account during the sentencing process. The factors are as follows:

*4. — (1) The only purposes for which sentencing may be imposed by a court are —*

*(a) to punish offenders to an extent and in a manner which is just in all the circumstances;*

*(b) to protect the community from offenders;*

*(c) to deter offenders or other persons from committing offences of the same or similar nature;*

*(d) to establish conditions so that rehabilitation of offenders may be promoted or facilitated;*

*(e) to signify that the court and the community denounce the commission of such offences; or*

*(f) any combination of these purposes.*

[9] Furthermore, Section 4(2) of the Sentencing and Penalties Act provides that in sentencing offenders a Court must have regard to the following factors—

*(a) the maximum penalty prescribed for the offence;*

*(b) current sentencing practice and the terms of any applicable guideline judgment;*

*(c) the nature and gravity of the particular offence;*

*(d) the offender's culpability and degree of responsibility for the offence;*

*(e) the impact of the offence on any victim of the offence and the injury, loss or damage resulting from the offence;*

*(f) whether the offender pleaded guilty to the offence, and if so, the stage in the proceedings at which the offender did so or indicated an intention to do so;*

*(g) the conduct of the offender during the trial as an indication of remorse or the lack of remorse;*

*(h) any action taken by the offender to make restitution for the injury, loss or damage arising from the offence, including his or her willingness to comply with any order for restitution that a court may consider under this Decree;*

*(i) the offender's previous character;*

*(j) the presence of any aggravating or mitigating factor concerning the offender or any other circumstance relevant to the commission of the offence; and*

*(k) any matter stated in this Decree as being grounds for applying a particular sentencing option.*

[10] J.D., I.I. and I.T., I have duly considered the above factors in determining the punishment to be imposed on you.

[11] In terms of Section 313 (1) of the Crimes Act No 44 of 2009 (Crimes Act), "A person commits an indictable offence (of Aggravated Burglary) if he or she-

*(a) Commits a burglary in company with one or more other persons; or*

*(b) ....."*

The offence of 'Burglary' is defined at Section 312 (1) of the Crimes Act as follows: "A person commits an indictable offence (which is triable summarily) if he or she enters or remains in a building as a trespasser, with intent to commit theft of a particular item of property in the building".

The offence of Aggravated Burglary in terms of Section 313 (1) of the Crimes Act carries a maximum penalty of 17 years imprisonment.

[12] The tariff that this Court had been consistently following for the offence of Aggravated Burglary, was between 18 months to 3 years imprisonment. Even the Court of Appeal in *Legavuni v. State* [2016] FJCA 31; AAU 106,2014 (26 February 2016), observed that the tariff for Aggravated Burglary was between 18 months to 3 years.

[13] However, in the decision of *(Avishkar Rohinesh) Kumar & Another (Sirino Vakatawa) v State* [2022] FJCA 164; AAU117.2019 (24 November 2022), the Fiji Court of Appeal formulated a new tariff for the offences of Burglary and Aggravated Burglary. Resident Justice of Appeal, His Lordship Justice Chandana Prematilaka (with Justices Suhada Gamalath and Priyantha Nawana agreeing) held:

*"[75] As the first step, the court should determine harm caused or intended by reference to the level of harm in the offending to decide whether it falls into High, Medium or Low category. The factors indicating higher and lower culpability along*

with aggravating and mitigating factors could be used in the matter of deciding the sentencing range. This would allow sentencers wider discretion and greater freedom to arrive at an appropriate sentence that fits the offending and the offender.

**Determining the offence category**

The Court should determine the offence category among 01-03 using *inter alia* the factors given in the table below:

- **Category 1** - Greater harm (High)
- **Category 2** - Between greater harm **and** lesser harm (Medium)
- **Category 3** - Lesser harm (Low)

<b>Factors indicating greater harm</b>
<i>Theft of/damage to property causing a significant degree of loss to the victim (whether economic, commercial, sentimental or personal value).</i>
<i>Soiling, ransacking or vandalism of property.</i>
<i>Restraint, detention or gratuitous degradation of the victim, which is greater than is necessary to succeed in the burglary. Occupier or victim at home or on the premises (or returns home) while offender present.</i>
<i>Significant physical or psychological injury or other significant trauma to the victim beyond the normal inevitable consequence burglary.</i>
<i>Violence used or threatened against victim, particularly the deadly nature of the weapon.</i>
<i>Context of general public disorder.</i>
<b>Factors indicating lesser harm</b>
<i>Nothing stolen or only property of very low value to the victim (whether economic, sentimental or personal). No physical or psychological injury or other significant trauma to the victim.</i>
<i>Limited damage or disturbance to property. No violence used or threatened and a weapon is not produced.</i>

[76] Once the level of harm has been identified, the Court should use the corresponding starting point in the following table to reach a sentence within the appropriate sentencing range. The starting point will apply to all offenders whether they plead guilty or not guilty and irrespective of previous convictions. A case of particular gravity, reflected by multiple features of harm, could merit upward adjustment from the starting point before further adjustment for level of culpability and aggravating or mitigating features.

LEVEL OF HARM (CATEGORY)	BURGLARY (OFFENDER ALONE AND WITHOUT A WEAPON)	AGGRAVATED BURGLARY (OFFENDER EITHER WITH ANOTHER OR WITH A WEAPON)	AGGRAVATED BURGLARY (OFFENDER WITH ANOTHER AND WITH A WEAPON)
HIGH	Starting Point: 05 years Sentencing Range: 03–08 years	Starting Point: 07 years Sentencing Range: 05–10 years	Starting Point: 09 years Sentencing Range: 08–12 years
MEDIUM	Starting Point: 03 years Sentencing Range: 01–05 years	Starting Point: 05 years Sentencing Range: 03–08 years	Starting Point: 07 years Sentencing Range: 05–10 years
LOW	Starting Point: 01 year Sentencing Range: 06 months – 03 years	Starting Point: 03 years Sentencing Range: 01–05 years	Starting Point: 05 years Sentencing Range: 03–08 years

- [14] Considering all the facts and circumstances of this case, as is depicted in the Summary of Facts, it is my opinion that the level of harm could be considered as low. This is due to the fact that the stolen property was not of a reasonably high value and since there was limited damage or disturbance to property. Furthermore, no violence was used or threatened. Therefore, the appropriate tariff in this case should be in the range of 1 to 5 years imprisonment for the offence of Aggravated Burglary.
- [15] In terms of Section 291 (1) of the Crimes Act “A person commits a summary offence if he or she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of the property”. The offence of Theft in terms of Section 291 (1) of the Crimes Act carries a maximum penalty of 10 years imprisonment.
- [16] In *Ratusili v. State* [2012] FJHC 1249; HAA011.2012 (1 August 2012); His Lordship Justice Madigan proposed the following tariff for the offence of Theft:
- (i) For a 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."*

[17] Since the theft in this case was consequent to the three of you entering into a Public School as trespassers, this cannot be considered as theft simpliciter. Therefore, it is my opinion that the appropriate tariff in this case should be in the range of 6 months to 3 years imprisonment for the offence of Theft.

[18] In determining the starting point within a tariff, the Court of Appeal, in *Laisiasa Koroivuki v State* [2013] FJCA 15; AAU 0018 of 2010 (5 March 2013) has formulated the following guiding principles:

*"In selecting a starting point, the court must have regard to an objective seriousness of the offence. No reference should be made to the mitigating and aggravating factors at this time. As a matter of good practice, the starting point should be picked from the lower or middle range of the tariff. After adjusting for the mitigating and aggravating factors, the final term should fall within the tariff. If the final term falls either below or higher than the tariff, then the sentencing court should provide reasons why the sentence is outside the range."*

[19] In *Kumar & Another v State (supra)*, their Lordships held that once the level of harm has been identified, the Court should use the corresponding starting point in the given table to reach a sentence within the appropriate sentencing range (paragraph 76 of the Judgment). As could be observed, the starting points in the said table are all in the middle range of the sentencing tariff.

[20] However, I respectfully submit that this is not consistent with what has been stated in *Laisiasa Koroivuki v State (supra)*, where it was held that as a matter of good practice, the starting point should be picked from the lower or middle range of the sentencing tariff.

[21] In terms of the Juveniles Act No. 13 of 1973 (Juveniles Act) (as amended) a "juvenile" has been defined to mean a person who has not attained the age of eighteen years, and includes a child and a young person. A "child" means a person who has not attained the age of fourteen years; while a "young person" means a person who has attained the age of fourteen years, but who has not attained the age of eighteen years.

[22] Accordingly, J.D., I.I. and I.T., considering the fact that the three of you were over the age of 14 years at the time of the offending, you would be considered as young persons.

- [23] Section 30 of the Juveniles Act imposes certain restrictions on the punishments which Courts could order against juvenile offenders. The Section provides that:

*“(1) No child shall be ordered to be imprisoned for any offence.*

*(2) No young person shall be ordered to be imprisoned for an offence, or to be committed to prison in default of payment of a fine, damages or costs, unless the court certifies that he is of so unruly a character that he cannot be detained in an approved institution or that he is of so depraved a character that he is not a fit person to be so detained.*

*(3) A young person shall not be ordered to be imprisoned for more than two years for any offence.”*

*Emphasis is mine.*

- [24] J.D., I.I. and I.T., the aggravating factors in this case are as follows:

- (i) The frequent prevalence of these offences in our society today.
- (ii) The three of you trespassed into the premises of a Public School, while it was unoccupied, thereby paying complete disregard to the privacy and property rights of the said Public School. By your actions you have disturbed the peace in the community.
- (iii) This Court finds that there could have been some amount of pre-planning or pre-meditation on the part of the three of you in committing these offences (since you may have been aware that the Public School premises was unoccupied at the time).
- (iv) You are now convicted of multiple offending.

- [25] J.D., I.I. and I.T., in mitigation you have submitted as follows:

- (i) That at the time of committing these offences you were all juvenile offenders (young persons).
- (ii) That the three of you are all first offenders.
- (iii) You fully co-operated with the Police when you were taken in for questioning and subsequently charged instead of trying to circumvent the course of justice.
- (iv) You have submitted that you are truly remorseful of your actions and assured Court that you will not re-offend and are willing to reform and do well in life.

- (v) There were full recoveries in this case. All the stolen items taken by you were handed over to the Police.
- (vi) That you entered a guilty plea at the first available opportunity during these proceedings.

[26] Considering the nature and gravity of the offending, your culpability and degree of responsibility for the offending, the aggravating factors and mitigating factors aforesaid, and also the restrictions placed on this Court in terms of the provisions of Section 30(3) of the Juveniles Act, J.D., I.J. and I.T., I impose on each of you a punishment of 2 years imprisonment for the charge of Aggravated Burglary and 1 year imprisonment for the count of Theft.

[27] In the circumstances, J.D., I.J. and I.T., your punishments are as follows:

Count 1- Aggravated Burglary contrary to Section 313 (1) (a) of the Crimes Act-2 years imprisonment.

Count 2- Theft contrary to Section 291 (1) of the Crimes Act –1 year imprisonment.

I order that all punishments to run concurrently. Therefore, your final total term will be 2 years imprisonment each.

[28] The next issue for consideration is whether your punishment should be suspended.

[29] Section 26 of the Sentencing and Penalties Act provides as follows:

(1) *On sentencing an offender to a term of imprisonment a court may make an order suspending, for a period specified by the court, the whole or part of the sentence, if it is satisfied that it is appropriate to do so in the circumstances.*

(2) *A court may only make an order suspending a sentence of imprisonment if the period of imprisonment imposed, or the aggregate period of imprisonment where the offender is sentenced in the proceeding for more than one offence,—*

*(a) does not exceed 3 years in the case of the High Court; or*

*(b) does not exceed 2 years in the case of the Magistrate's Court.*

[30] J.D. you are now 16 years of age [Your date of birth being 19 August 2009]. At the time of the offending in this case you were 15 years of age. You are said to be residing at ATS Subdivision, Votualevu, Nadi with your parents. You have submitted to Court that you

Intend to pursue vocational studies in Cookery in the coming year at Ratu Navula Vocational College in Nadi. You aspire to be Chef.

- [31] I.I. you are now 15 years of age [Your date of birth being 29 May 2010]. At the time of the offending in this case you were 14 years of age. You are said to be residing at ATS Subdivision, Votualevu, Nadi with your parents. You are said to be a Year 10 student at Ratu Navula College. You have submitted to Court that you aspire to be a professional Rugby player.
- [32] I.T. you are now 15 years of age [Your date of birth being 6 March 2010]. At the time of the offending in this case you were 14 years of age. You are said to be residing at Holika Settlement, Votualevu, Nadi with your parents. You are said to be a Year 9 student at Maharishi Sanatan College. You have submitted to Court that you aspire to be a Master Chef and travel to the United State of America to pursue your dream.
- [33] J.D., I.I. and I.T. you were arrested for this case on 31 October 2024 and produced in the Magistrate's Court of Nadi on 3 November 2024. Therefore, the three of you were in Police custody for nearly 3 days.
- [34] In *Singh & Others v. State* [2000] FJHC 115; HAA 79J of 2000S (26 October 2000); Her Ladyship Madam Justice Shameem held:

*"...However as a general rule, leniency is shown to first offenders, young offenders, and offenders who plead guilty and express remorse. If these factors are present then the offender is usually given a non-custodial sentence."*

- [35] In *Nariva v. The State* [2006] FJHC 6; HAA 148J.2005S (9 February 2006); Her Ladyship Madam Justice Shameem held:

*"The courts must always make every effort to keep young first offenders out of prison. Prisons do not always rehabilitate the young offender. Non-custodial measures should be carefully explored first to assess whether the offender would acquire accountability and a sense of responsibility from such measures in preference to imprisonment."*

- [36] J.D., I.I. and I.T. you are all young offenders. You are first offenders. You have fully co-operated with the Police in this matter and you have accepted responsibility for your conduct. You have submitted that you are truly remorseful of your actions and assured Court not re-offend and that you are willing to reform. You all entered guilty pleas at the first available opportunity during these proceedings. There were full recoveries made in this case.
- [37] J.D., I.I. and I.T., as per the Pre Punishment Report (dated 11 December 2025) submitted by Mr. Napolioni Wara, the Community Based Correction Officer, West, Department of Social Welfare, Lautoka Office (on behalf of Senior Welfare Officer, Southwest), it is

stated that the three of you have admitted and taken full responsibility for your actions. You have acknowledged that you have committed these offences and regret the rash decision to follow your peers. You are said to be very remorseful of your actions and the problems you have caused. You have undertaken never to re-offend and assured that you are willing to reform and do well in life. You have also apologized to your parents and families for the embarrassment you have caused.

- [38] For the aforesaid reasons, J.D., I.I. and I.T., it is my opinion that the chances for your rehabilitation is high. Therefore, I deem it appropriate to suspend your punishment.
- [39] However, in order to deter you and other persons from committing offences of the same or similar nature, and also to protect the community we live in, I suspend your punishments for a period of 7 years.
- [40] In the result, J.D., I.I. and I.T., your final punishment of 2 years imprisonment, is suspended for a period of 7 years with effect from today. You are advised of the effect of breaching a suspended punishment.
- [41] Furthermore, J.D. Court orders that you be put under probation of the Social Welfare Department for a period of 2 years. The Social Welfare Department is to immediately arrange for counselling to be provided to you in the presence of your parents. The Social Welfare Department is to provide all necessary assistance, support and counselling to your parents, so that they improve their parenting skills towards you. It is also the responsibility of your parents to ensure that you obey any directions given by the Social Welfare Department.
- [42] Furthermore, I.I. Court orders that you be put under probation of the Social Welfare Department for a period of 2 years. The Social Welfare Department is to immediately arrange for counselling to be provided to you in the presence of your parents. The Social Welfare Department is to provide all necessary assistance, support and counselling to your parents, so that they improve their parenting skills towards you. It is also the responsibility of your parents to ensure that you obey any directions given by the Social Welfare Department.
- [43] Furthermore, I.T. Court orders that you be put under probation of the Social Welfare Department for a period of 2 years. The Social Welfare Department is to immediately arrange for counselling to be provided to you in the presence of your parents. The Social Welfare Department is to provide all necessary assistance, support and counselling to your parents, so that they improve their parenting skills towards you. It is also the responsibility of your parents to ensure that you obey any directions given by the Social Welfare Department.
- [44] A copy of this Punishment is to be served on the Officer in Charge of the Department of Social Welfare, Lautoka Office and Senior Welfare Officer Southwest.

[45] You have 30 days to appeal to the Court of Appeal if you so wish.



*Riyaz Hamza*  
Riyaz Hamza

**JUDGE**

**HIGH COURT OF FIJI**

AT LAUTOKA

Dated this 15<sup>th</sup> Day of December 2025

**Solicitors for the State:**

Office of the Director of Public Prosecutions,  
Lautoka.

**Solicitors for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Juveniles:**

Office of the Legal Aid Commission, Lautoka.