

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

**CRIMINAL CASE NO. HAC 112 OF 2025**

**STATE**

**V**

**M.K [JUVENILE 1], S.C [JUVENILE 2], AND P.S [JUVENILE 3]**

**Counsel** : Ms. S. Swastika for the State.  
Ms. L. Volau for all the Juveniles.  
: Ms. M. Simpson for the Social Welfare  
Department.

**Date of Submissions** : 21 January, 2026  
**Date of Hearing** : 28 January, 2026  
**Date of Punishment** : 30 January, 2026

---

**PUNISHMENT**

---

*(The names of all the juveniles are suppressed they will be referred to as "M.K",  
"S.C", and "P.S" respectively).*

1. All the juveniles are charged with the following offences as per the consolidated information filed by the Director of Public Prosecutions dated 8<sup>th</sup> December, 2025:

COUNT ONE

***Statement of Offence***

**AGGRAVATED ROBBERY:** Contrary to section 311(1) (a) of the Crimes Act 2009.

***Particulars of Offence***

M.K., S.C., and P.S., on the 31<sup>st</sup> of July 2025, at Nadi in the Western Division, in the company of each other, robbed YOGESH PRASAD, of 1 x Blue Samsung A20 phone, 1 x white pair of sneakers and wallet containing assorted cards all to the total value of \$649.00.

COUNT TWO

***Statement of Offence***

**AGGRAVATED ROBBERY:** Contrary to section 311(1) (a) of the Crimes Act 2009.

***Particulars of Offence***

M.K., S.C., and P.S., on the 31<sup>st</sup> of July 2025, at Nadi in the Western Division, in the company of each other, robbed RANDIR SINGH, of 1 x Blue Silver VIVO phone, black shoes, \$150.00 cash, 2 x torch, 1 x multi screw driver & pliers set and wallet containing assorted cards, all to the total value of \$1040.00.

COUNT THREE

***Statement of Offence***

**AGGRAVATED ROBBERY:** Contrary to section 311(1) (a) of the Crimes Act 2009.

### ***Particulars of Offence***

M.K., S.C., and P.S., on the 31<sup>st</sup> of July 2025, at Nadi in the Western Division, in the company of each other, robbed SHONIL KUMAR, of 1 black iPhone 13 valued at \$1,900.00.

2. On 31<sup>st</sup> December 2025, all the juveniles pleaded guilty to the above counts in the presence of their counsel. Thereafter on 21<sup>st</sup> January 2026 all the juveniles in the presence of their counsel admitted the summary of facts read in their preferred language.
3. The brief summary of facts is as follows:
  - 3.1 In the afternoon of 31<sup>st</sup> July 2025, the three victims participated in a business house bowling competition held at Nadi Sports Club. The three victims are work colleagues.
  - 3.2 At around 9.45 pm, the victims got into their company vehicle (a white Prado registration EZ 871) and left the Nadi Sports Club. The second victim was the driver, the first victim sat at the front passenger seat and the third victim sat at the back.
  - 3.3 As they drove along Navakai Road towards Nadi Muslim League complex, they came across a stretch of road without streetlights. As they entered this stretch of road, the victims saw three unknown ITaukei boys standing on the roadway, with a few more standing by the road side.
  - 3.4 Suddenly, one of the ITaukei boys standing on the road threw a large rock, which struck the front bumper of the vehicle. The first victim

saw the other two ITaukei boys throwing stones that landed on top of the vehicle.

3.5 The driver immediately stopped the vehicle, and as soon as he did so, the doors were opened by the boys from outside, three of whom pulled the first victim out of the front passenger seat. The victim tussled with the boys and fell on the ground. At this time one of the boys struck the victim on the back of the head.

3.6 While the victim was on the ground, he felt that one of the boys who assaulted him was searching his pockets. This person removed the victim's phone from his pocket (a blue Samsung A20, valued at \$599.00) and began punching while demanding the password to the phone. At the same time, another boy removed the victim's white sneakers, valued at \$50.00, and took his wallet containing assorted cards. In summary the following items were taken from this victim:

3.6.1 - 1 x Blue Samsung A20 phone;

3.6.2 - 1 x white pair of sneakers;

3.6.3 - 1x wallet containing assorted cards;

3.6.4 - All to the total value of \$649.00.

3.7 According to the second victim, when he stopped the vehicle, two boys pulled him from the driver's seat. One of the boys struck him in the face with a stick. The victim was dragged along the road. As he lay on the road, he felt one of the boys searching his pockets, that boy removed his Vivo phone and wallet. The wallet contained assorted cards along with \$150.00 cash. The victim's black shoes valued at \$150.00, were also removed from his feet. The assailants also took 2 torches valued at \$40.00, 1 x multi screw driver and

pliers set valued at \$20.00, all belonging to the second victim. In summary the following items were stolen:

- 3.7.1 - 1 x blue silver Vivo phone;
- 3.7.2 - 1 x black shoes;
- 3.7.3 - \$150.00 cash;
- 3.7.4 - 2 x torches;
- 3.7.5 - 1 x multi screw driver and pliers set; and
- 3.7.6 - 1 x wallet containing assorted cards;
- 3.7.7 All to the total value of \$1040.00.

- 3.8 According to the third victim, when the vehicle stopped, he was pulled out by two iTaukei boys. The two iTaukei boys then proceeded to search his pockets. The victim had his phone and phone charger in his pocket, and the boys attempted to remove them. When the victim resisted, the assailants assaulted him to gain access to his pockets. The boys ultimately took the victim's black iPhone 13 (valued at \$1,900).
- 3.9 This victim was able to run away from his assailants to Nadi Sports Club, where he sought assistance from a taxi driver.
- 3.10 When the third victim and the taxi driver returned to the scene of the assault, the first and the second victims were found lying on the road. Both were taken to the hospital, the matter was reported to police, following which an investigation was conducted.
- 3.11 On 7<sup>th</sup> August 2025, the third victim was called to the Nadi Police Station, where he was shown a black iPhone 13, which he positively identified as his, the same phone that had been stolen from him.

3.12 All the juveniles were arrested and interviewed under caution whereby they admitted committing the offences charged.

3.13 The first victim suffered the following injuries as per his medical report:

- a) Bilateral periobital brushing and minimal swelling noted;
- b) Right insur fractured, no obvious deformity or laceration or active bleeding;
- c) Left sub-conjunctival hemorrhage.

3.14 The second victim suffered the following injuries as per his medical report:

- a) Scratch marks noted on left side of the face;
- b) Abrasion of 21 and 22 incisors.

4. After considering the summary of facts read by the state counsel, which was admitted by all the juveniles in the presence of their counsel, and upon reading their respective caution interviews, this court is satisfied that the juveniles have entered an unequivocal plea of guilty on their freewill.
5. This court is also satisfied that all the juveniles fully understood the nature of the charges and the consequences of pleading guilty. Furthermore, the summary of facts establishes all the elements of the offences of aggravated robbery.
6. In view of the above, this court finds all the accused persons guilty as charged. The state counsel filed punishment submissions, and the defence counsel filed mitigation submissions, for which this court expresses its gratitude.

7. The counsel for the juveniles presented the following mitigation:

“M.K” (Juvenile one)

- a) He is 16 years of age;
- b) Is currently a Vocational Student;
- c) Marital Arts black belt holder;
- d) Plays rugby for Guanavou Rugby Team;
- e) Has taken up carpentering to assist his father, earns \$40.00 per week;
- f) Pleaded guilty at the earliest opportunity;
- g) Is sincerely remorseful;
- h) Cooperated with the police;
- i) Seeks forgiveness of the court;
- j) Black iPhone 13 recovered.

“S.C” (Juvenile two)

- a) He is 17 years of age;
- b) Marital Arts black belt holder;
- c) Plays rugby for Guanavou Rugby Team;
- d) Has taken up carpentering to assist his father, earns \$40.00 per week;
- e) Pleaded guilty at the earliest opportunity;
- f) Is sincerely remorseful;
- g) Cooperated with the police;
- h) Seeks forgiveness of the court;
- i) Black iPhone 13 recovered.

“P.S” (Juvenile three)

- a).He is 16 years of age;
- b).Unemployed;
- c). Marital Arts white belt holder;

- d). Plays rugby for Guanavou Rugby Team;
- e) Gets financial assistance from his father at the rate of \$1,000.00 ;
- f) Pleaded guilty at the earliest opportunity;
- g) Is sincerely remorseful;
- h) Cooperated with the police;
- i) Seeks forgiveness of the court;
- j) Black iPhone 13 recovered.

### **REASONS FOR THE OFFENDING**

8. All the juveniles understand the seriousness of the offending. It was peer group influence that led to the commission of the offences and poor judgment on their part.

### **TARIFF**

9. The maximum penalty for the offence of aggravated robbery is 20 years imprisonment. This court also takes cognizance of the Supreme Court decision in *The State vs. Eparama Tawake CAV 0025 of 2019 (28 April, 2022)* which has provided guidance in regards to the appropriate punishment in aggravated robbery offences based on:

- a) The degree of the offender's culpability; and
- b) The level of harm suffered by the victim.

10. The Supreme Court in *Tawake's (supra)* made a pertinent observation from paragraph 26 to 28 as follows:

*[26] Once the court has identified the level of harm suffered by the complainant, 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 pleaded guilty or not guilty and irrespective of previous convictions:

	<b>ROBBERY (OFFENDER ALONE AND WITHOUT A WEAPON)</b>	<b>AGGRAVATED ROBBERY (OFFENDER <u>EITHER</u> WITH ANOTHER <u>OR</u> WITH A WEAPON)</b>	<b>AGGRAVATED ROBBERY (OFFENDER WITH ANOTHER <u>AND</u> WITH A WEAPON)</b>
<b>HIGH</b>	Starting point: 5 years imprisonment Sentencing range: 3-7 years imprisonment	Starting point: 7 years imprisonment Sentencing range: 5-9 years imprisonment	Starting point: 9 years imprisonment Sentencing range: 6-12 years imprisonment
<b>MEDIUM</b>	Starting point: 3 years imprisonment Sentencing range: 1-5 years imprisonment	Starting point: 5 years imprisonment Sentencing range: 3-7 years imprisonment	Starting point: 7 years imprisonment Sentencing range: 5-9 years imprisonment
<b>LOW</b>	Starting point: 18 months imprisonment Sentencing range: 6 months-3 years imprisonment	Starting point: 3 years imprisonment Sentencing range: 1-5 years imprisonment	Starting point: 5 years imprisonment Sentencing range: 3-7 years imprisonment

[27] Having identified the initial starting point for sentence, the court must then decide where within the sentencing range the sentence should be, adjusting the starting point upwards for aggravating factors and downward for mitigating ones. What follows is not an exhaustive list of aggravating factors, but these may be common ones:

- *Significant planning*
- *Prolonged nature of the robbery*
- *Offence committed in darkness*
- *Particularly high value of the goods or sums targeted*
- *Complainant is chosen because of their vulnerability (for example, age, infirmity or disability), or the complainant is perceived to be vulnerable*
- *Offender taking a leading role in the offence where it is committed with others*
- *Deadly nature of the weapon used where the offender has a weapon*
- *Restraint, detention or additional degradation of the complainant, which is greater than is necessary to succeed in the robbery*
- *Any steps taken by the offender to prevent the complainant from reporting the robbery or assisting in any prosecution*

[28] Again, what follows is not an exhaustive list of mitigating factors, but these may be common ones:

- *No or only minimal force was used*
- *The offence was committed on the spur of the moment with little or no planning*
- *The offender committed or participated in the offence reluctantly as a result of coercion or intimidation (not amounting to duress) or as a result of peer pressure*
- *No relevant previous convictions*
- *Genuine remorse evidenced, for example, by voluntary reparation to the complainant*
- *Youth or lack of maturity which affects the offender's culpability*
- *Any other relevant personal considerations (for example, the offender is the sole or primary carer of dependent relatives, or has a learning disability or a mental disorder which reduces their culpability)*

11. Taking into consideration the guidance offered by the Supreme Court in *Tawake's* case (supra) it is safe to say that the offending falls under low harm category by a group of individuals in the company of each other. The punishment for this category of offending is 1 to 5 years imprisonment.

### **AGGRAVATING FACTORS**

12. The following aggravating factors are obvious:

- (a) Planning

There is some degree of planning involved both the juveniles were anxious to rob anyone who would drive past in the night by standing on the road forcing the vehicle driver to stop the vehicle.

- (b) Victims were unsuspecting and vulnerable

The victims was unsuspecting and vulnerable going home together in a vehicle after a sporting event. The juveniles were bold and undeterred in what they did.

- (c) Prevalence of the offence

This type of offending has become very prevalent nowadays offenders are preying on innocent travelling public for easy money.

### **SOCIAL WELFARE REPORT**

13. As per the order of this court Ms. Simpson from the Department of Social Welfare, Lautoka prepared a comprehensive pre-punishment report for all the juveniles. This report was compiled after face to face interviews and home visitation conducted by the officer with the juveniles and their parents.

14. The Social Welfare Department recommends the following for the juvenile:

*a) The juveniles be given a chance to be rehabilitated;*

*b) The juveniles to be supervised by the Community Based Officer and they are to take part in rehabilitation programs with their parents.*

### **FAMILY SUPPORT**

15. The parents of the juveniles were in court during the hearing. They accept responsibility for the actions of their children. The first and second juveniles are brothers and it did not give their father any pleasure to see his sons in court. The same sentiments were raised by the mother of the third juvenile. All the parents have pledged their support, guidance and supervision of the juveniles. The parents of the juveniles assured the court that they will play a more active role in the lives of their children.

16. Furthermore, the juveniles also took responsibility for their actions. They expressed remorse and promised not to be in conflict with the law again. The juveniles told the court that they have learned from their mistakes.

17. The parents of the juveniles as part of their commitment have agreed to be bonded in respect of the good behaviour of their children in the sum of \$600.00 (for the second and third juveniles) who are brothers. The mother of the third juvenile in the sum of \$600.00 for her son. The parents are also willing to compensate the three victims in the sum of \$100.00 each for the harm and loss caused. Since the first and second juveniles are brothers, their father will pay \$300.00 as compensation to the three victims. The mother of the third juvenile will pay \$300.00 as compensation to the three victims.

## **DETERMINATION**

18. Section 17 of the Sentencing and Penalties Act states:

*“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.”*

19. Taking into account section 17 of the Sentencing and Penalties Act I prefer to impose an aggregate punishment for all the juveniles.
20. Considering the level of harm caused to the victims and the total value of the items stolen, amounting to \$3,589.00, and after taking into account the objective seriousness of the offences committed, I select 12 months imprisonment (at the lower range of the tariff) as the aggregate punishment for the three counts. The punishment is increased due to the aggravating factors, but reduced in light of mitigation and the early guilty plea. The juveniles have been in detention for 1 month and 5 days, which is deducted as a period of punishment already served.
21. The final aggregate punishment for all three counts is 1 year, 10 months and 25 days imprisonment. Under section 26 (2) (a) of the Sentencing and Penalties Act this court has a discretion to suspend the final punishment since it does not exceed 3 years imprisonment.

22. In *State vs. Alipate Sorovanalagi and others*, Revisional Case No. HAR 006 of 2012 (31 May 2012), Goundar J. reiterated the following guidelines in respect of suspension of a sentence at paragraph 23:

*"[23] In DPP v Jolame Pita (1974) 20 FLR 5, Grant Actg. CJ (as he then was) held that in order to justify the imposition of a suspended sentence, there must be factors rendering immediate imprisonment inappropriate. In that case, Grant Actg. CJ was concerned about the number of instances where suspended sentences were imposed by the Magistrates' Court and those sentences could have been perceived by the public as 'having got away with it'. Because of those concerns, Grant Actg. CJ laid down guidelines for imposing suspended sentence at p.7: "Once a court has reached the decision that a sentence of imprisonment is warranted there must be special circumstances to justify a suspension, such as an offender of comparatively good character who is not considered suitable for, or in need of probation, and who commits a relatively isolated offence of a moderately serious nature, but not involving violence. Or there may be other cogent reasons such as the extreme youth or age of the offender, or the circumstances of the offence as, for example, the misappropriation of a modest sum not involving a breach of trust, or the commission of some other isolated offence of dishonesty particularly where the offender has not undergone a previous sentence of imprisonment in the relevant past. These examples are not to be taken as either inclusive or exclusive, as sentence depends in each case on the particular circumstances of the offence and the offender, but they are intended to illustrate that, to justify the suspension of a sentence of imprisonment, there must be factors rendering immediate imprisonment inappropriate."*

23. The following relevant special circumstances or special reasons for the suspension of the imprisonment term in my view needs to be weighed in choosing an immediate imprisonment term or a suspended punishment.
24. The juveniles are young persons as per the Juveniles Act (16 and 17 years of age at the time of the offending), of good character, who committed isolated offences, pleaded guilty at the earliest opportunity, expressed remorse, cooperated with police, and have taken full responsibility for their actions. These special reasons render an immediate term of imprisonment inappropriate.
25. I am sure the juveniles, with family guidance, supervision, and support have a bright future ahead of them hence, a term of imprisonment would not be appropriate. In view of the above, this court has taken into account rehabilitation over retribution. Section 30 (3) of the Juveniles Act also imposes a limit on the punishment of young persons, capping it at a maximum of two years imprisonment.
26. Having considered section 4 (1) of the Sentencing and Penalties Act this court is of the view that this punishment is just in all the circumstances of this case.
27. In summary each juvenile is given an aggregate punishment of 1 year, 10 months and 25 days imprisonment as an aggregate punishment for three counts which is suspended for 3 years. The effect of the suspended sentence is explained to the juvenile. The following orders are to take effect immediately.

## **ORDERS**

- a) The juveniles are given a punishment of 1 year, 10 months and 25 days imprisonment as an aggregate punishment respectively for the three counts mentioned in the information which is suspended for 3 years with immediate effect;
- b) The parents of the juveniles are to sign a good behaviour bond on behalf of each juvenile in the sum of \$600.00. Furthermore, the father of the first and second juveniles is to pay a compensation of \$100.00 to each victim, amounting to a total of \$300.00. The mother of the third juvenile is also to pay compensation of \$100.00 to each victim, amounting to a total of \$300.00, at the High Court Registry on Friday 30<sup>th</sup> January 2026;
- c) The Social Welfare Department is to immediately arrange for the counselling of all the juveniles in the presence of their parents, with the view to assisting the juveniles to avoid peer group influence and to engage in meaningful activities, education and training;
- d) The Social Welfare Department is at liberty to work out any plans or programs in the best interests of the juveniles. The Social Welfare Department is also at liberty to appoint a Community-Based Officer to assist and monitor the progress of the juveniles in accordance with the provisions of the Community-Based Corrections Act 2018;
- e) It is the responsibility of the parents of the juveniles to ensure that the juveniles obey any directions given by the Social Welfare Department and/or the Community-Based Officer;

- f) The Social Welfare Department to provide assistance or counselling to the parents of the juveniles in improving their parenting skills towards the juveniles;
- g) A copy of this punishment is to be served on the Officer in Charge of the Department of Social Welfare.

28. 30 days to appeal to the Court of Appeal.

  
**Sunil Sharma**  
**Judge**



**At Lautoka**

30 January, 2026

**Solicitors**

**Office of the Director of Public Prosecutions for the State.**

**Office of the Legal Aid Commission for all the Juveniles.**