

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

**Criminal Case Nos: HAC 01 of 2025;**  
**HAC 02 of 2025; HAC 03 of 2025;**  
**HAC 04 of 2025; HAC 05 of 2025**

**THE STATE**

**V**

**V K (Juvenile)**

**Counsel** : Ms E Thaggard for the State  
: Ms V Kirti for the Juvenile

**Date of Punishment Hearing:** 13 June 2025

**Date of Punishment** : 9 January 2026

**PUNISHMENT**

*(To protect the identity of the child in conflict with the law, I refer to him as Viliame  
in these written remarks)*

1. **Viliame**, on 14 March 2025, you pleaded guilty to one count of aggravated burglary and one count of theft (HAC 01 of 2025), one count of aggravated

robbery (HAC 02 of 2025), one count of aggravated burglary and one count of theft (HAC 03 of 2025), one count of aggravated burglary and one count of theft (HAC 04 of 2025), and one count of aggravated burglary and one count of theft (HAC 05 of 2025).

2. On the same date, you admitted a summary of facts that satisfied the elements of each offence to which you had voluntarily pleaded guilty, and I found you guilty as charged accordingly.
3. In brief summary, together with your elder cousins, you embarked on a spate of aggravated domestic burglaries in December 2024. You burgled the premises of Ms Devi on two separate occasions, and in each case personal belongings of significant value were stolen. On 31 December 2024, you burgled Mr Prasad's house and stole items, including 10kg of dried yagona, which he had purchased for his son's wedding. In each case, the burgled premises were ransacked.
4. On 20 December 2024, between 7.30pm to 9pm, Ms Wati was at home with her 4-year-old granddaughter. The dog was barking and she opened her door to check what the commotion was about. She saw you drinking water from the tap beside the veranda and you asked about the whereabouts of her husband. Ms Wati replied that he had gone somewhere and would return shortly, at which point your accomplices emerged armed with a cane knife. They walked directly to Ms Wati and threatened to chop her and her granddaughter unless she gave you money. When she said that she had no money, you and your accomplice entered her house, ransacked the rooms, and stole various items, including a Samsung mobile phone, an I Pad and gold jewelry.
5. Having considered written and oral submissions and a pre-sentence report at a hearing on 13 June 2025, I deferred my decision on appropriate punishment until after the end of the school year so as not to disrupt your education.

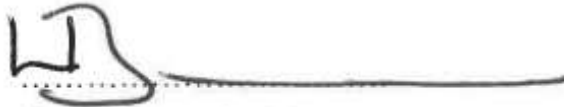
6. You now appear before me for punishment.
7. The prosecution filed comprehensive sentencing submissions outlining the relevant guideline judgments. It is submitted that the aggravated burglaries that you committed fall within the '*High*' category within the relevant guideline, with a starting point of 7 years' imprisonment and a sentencing range of 5 to 10 years' imprisonment.
8. The prosecution further submits that there are a number of factors that make your offending more serious, including the fact that you committed several offences within a short period of time, your victims' homes were ransacked, and Ms Devi's home was targeted twice.
9. The prosecution submit that your offending falls within the '*Medium*' category of the relevant guideline judgment for aggravated robbery. In light of the fact that you acted together with another and used a weapon to threaten Ms Wati, the prosecution submit that the starting point is 7 years' imprisonment and the sentencing range is 5 to 9 years' imprisonment.
10. Your counsel filed comprehensive written submissions and made further submissions on your behalf at your punishment hearing.
11. Mr Rusaqoli informs me that you were 16 years old at the time of your repeat offending. He submits that your offending was less serious because of your young age and clear record. You offended under the malign influence of your elder relatives. He also states that you are remorseful and, importantly, you pleaded guilty at the earliest opportunity, which has saved the Court's time and resources
12. In terms of the relevant guidelines, Mr Rusaqoli submits that your aggravated burglary offending falls within the '*Low*' category. He further submits that you also fall within the '*Low*' category for aggravated robbery.

## **Discussion**

13. The maximum sentence for aggravated burglary is 17 years' imprisonment. The maximum sentence for theft is 10 years' imprisonment, and the maximum sentence for aggravated robbery is 20 years' imprisonment.
14. When I sentenced your cousins for their part in your joint offending, I assessed that the harm caused to the victims of your burglary and theft falls within the '*Medium*' category of the relevant guideline. There are some factors indicating greater harm, and some factors indicating lesser harm. On balance, I am satisfied that these were medium harm burglaries.
15. The starting point for each of your burglaries, therefore, is 5 years' imprisonment.
16. Balancing the aggravating and mitigating factors, were I dealing with you as an adult, I consider that the appropriate aggregate sentence for each of your burglary and theft offences would be 4 years' imprisonment.
17. Whilst I am sure that Ms Wati would have been traumatised by your offending, in the absence of any evidence that she suffered more than minimal psychological harm, I agree with defence counsel that the appropriate category for your aggravated robbery offence is '*Low*'. The starting point is 5 years' imprisonment. Having said that, there must be an appropriate uplift to reflect the serious aggravating factor of the degree of sophistication in targeting a woman alone at home with a young child. I also view the threat to chop both Ms Wati and her granddaughter to be a very serious aggravating factor. Balancing all the factors, were I sentencing you as an adult, the appropriate sentence would be 7 years' imprisonment.
18. Sentencing principles require that I step back and make an appropriate adjustment to reflect the totality of your offending behaviour in December last year.

19. In my assessment, before discount for plea, an overall sentence of 9 years' imprisonment would be just and proportionate punishment were I sentencing you as an adult. I achieve this result by taking the aggravated robbery as the lead offence and uplifting the punishment on that count to 9 years' imprisonment to reflect the totality of your offending across all nine counts. Giving full credit for your early guilty pleas, the appropriate sentence would be 6 years' imprisonment.
20. Of course, I must punish you as a young offender. My powers of punishment are constrained by the Juveniles Act, which provides that a young person shall not be ordered to be imprisoned for more than two years.
21. In the result, I punish you as follows:
- (i) HAC 01 of 2025 - 2 years' imprisonment.
  - (ii) HAC 02 of 2025 - 2 years' imprisonment concurrent.
  - (iii) HAC 03 of 2025 - 2 years' imprisonment concurrent.
  - (iv) HAC 04 of 2025 - 2 years' imprisonment concurrent.
  - (v) HAC 05 of 2025 - 2 years' imprisonment concurrent.
22. I have given careful consideration to whether I should suspend your punishment. The factors against suspension include that you were involved in a spate of serious offending, including threats of violence in the presence of a 4-year-old child. Factors in favour of suspension include your favourable pre-sentence report, parental support for rehabilitative efforts on your part, and your immaturity in offending under the malign influence of your elder cousins. On balance, therefore, I have decided that I may properly suspend your sentence.
23. **Viliame**, for the reasons that I have explained, your punishment is 2 years' imprisonment suspended for 3 years.

24. If at any time 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 punishment that I have imposed today unless exceptional circumstances make this unjust.
25. I also consider that a period of supervision in the community would promote your rehabilitation. I, therefore, make a Community Based Corrections Order.
26. A copy of the Order will be provided to you so that you can read and understand it in your own time.
27. 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.
28. 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.
29. You may appeal to the Court of Appeal within 30 days.



Hon. Mr Justice Burney

**At Labasa**

9 January 2026

**Solicitors**

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

**Office of the Legal Aid Commission for the Accused**