

IN THE MATTER of the  
Criminal Procedure Code

AND IN THE MATTER of  
Criminal Case No. 15 of  
1981 before the  
Magistrate's Court at  
Navua

REGINAM

Complainant

v.

1. Waisea Naburogo
  2. Esava Sova
  3. Loame Dravunavania
- Respondents

Mr. A. Gates for the Complainant  
Respondents in Person

ORDER ON REVISION

On 7th January, 1981 the respondents at Navua Magistrate's Court were convicted on their own pleas of shopbreaking, entering and larceny and were sentenced as follows:

First and second respondents to six months' imprisonment and  
Third respondent (who was a little over 16 years of age) to the care of the Director of Social Welfare until he reaches the age of 17.

The particulars of the offence were that on 23rd October, 1980 at Navua the respondents broke into and entered the Deuba Cooperative Store and stole two tins of corned beef, 21 tubs of ice cream and \$20 cash to the total value of \$25.

The respondents were first offenders and are all young persons.

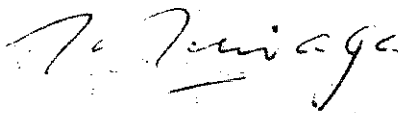
This review of the case has been sought by Crown

Counsel in the Office of the Director of Public Prosecutions who informed the Court:-

- (i) That a sum of \$25 was repaid to the Deuba Cooperative Store by third respondent's father;
- (ii) That the respondents had each received six strokes of corporal punishment from the village elders for the same incident; and
- (iii) That the respondents were all of Deuba Village and were attending school at the time of the offence.

It was submitted that if the learned Magistrate concerned had been apprised of these facts at the trial the sentences the respondents received would have been less severe.

I accept the submission and in the circumstances I will set aside the sentences passed on the respondents in the Court below and order that pursuant to section 35 of the Penal Code each of the respondents enter into a bond in his own recognizance in the sum of \$50 to keep the peace and be of good behaviour for a period of two years.

  
(T.U. Tuivaga)  
Chief Justice

Suva,  
19th March, 1981.