

IN THE SUPREME COURT OF FIJI
[APPELLATE JURISDICTION]

CRIMINAL PETITION NO. CAV 0016 of 2024
[Court of Appeal No. AAU 0087 of 2021]

BETWEEN : **PAULIASI NIUSAMA SAUKURU**

Petitioner

AND : **THE STATE**

Respondent

Coram : **The Hon. Justice Salesi Temo, President of the Supreme Court**
The Hon. Justice Anthony Gates, Judge of the Supreme Court
The Hon. Justice Alipate Qetaki, Judge of the Supreme Court

Counsel : **Petitioner in person**
: **Mr. E. Samisoni for the Respondent**

Date of Hearing : **15 October 2025**

Date of Judgment : **30 October 2025**

JUDGMENT

Temo, P:

[1] I entirely agree with His Lordship Mr. Justice Gates' judgment and conclusions.

Gates, J:

[2] On 5th February 2021 the Lautoka High Court sentenced the petitioner, on his own plea of guilty to murder and theft, to an aggregate sentence of 10 years detention. The petitioner

was 16 years old on the date when he committed the offences [6th November 2015]. The sentence was passed in accordance with section 31 of the Juveniles Act. The judge ordered that the place and the circumstances of his detention was to be decided by the Minister for Social Welfare. The court registry of the Lautoka High Court and the petitioner's solicitor were both to bring this matter immediately to the attention of the Minister, and until appropriate arrangements could be made, the petitioner was to be detained at a prison.

The circumstances of the murder and theft

- [3] The petitioner was charged with one count of murder [section 237 Crimes Act] and one of theft [section 291 (1)]. The petitioner was a student of Koroyaca village, Sabeto. His co-accused was Ratubuli Nacegutuilagi aged 19 at the time, a student of Sabeto village. The theft was in relation to the deceased's Toyota car that they stole, valued at \$6,000.
- [4] The following account of the crimes is largely taken from the judge's sentencing judgment. The deceased Reginald Singh was a mechanic from Sabeto Central aged 29. On 6th November 2015 at about 5pm Mr. Singh left home in his vehicle. He informed his wife that he was going to do a private job taking passengers for hire from the Sabeto junction.
- [5] At about 8.45pm Mr. Singh's wife called her husband on his mobile. It rang for sometime, but later was switched off. His wife made subsequent calls but still the phone was switched off.
- [6] The next day, 7th November at 12.07 pm Mrs Singh lodged a complaint at the Sabeto Police Station that her husband had not returned home.
- [7] Rajnesh Singh was on his way home when he saw Reginald Singh's car being driven by an iTaukei man along Korokoro Road, Sigatoka. He with the help of George Francis was able to stop that car. Rajnesh took the keys from the driver. He then called the police. The police attended the scene and escorted the two youths from the stolen car, and the car back to the Sigatoka police station.

- [8] The youths, Pauliasi [the juvenile] and Ratubuli told Rajnesh that they had stolen the vehicle from the owner after assaulting him and that they had left him at Masimasi, Sabeto. The two youths were arrested and brought from Sigatoka to Sabeto Police Station.
- [9] The investigation being underway the deceased's body, that of Mr. Reginald Singh, was discovered at Masimasi, Sabeto and taken to Nadi Hospital.
- [10] Both youths were interviewed under caution. They voluntarily admitted that they had planned to go to Nakabuta village to meet Pauliasi's girlfriend, Bolameke Volau, but they did not have any transport. They had walked down from Sabeto village to the junction with the Queen's Highway. There they hired the deceased's vehicle to drop them at Masimasi.
- [11] Pauliasi sat in the front passenger seat while Ratubuli sat at the back behind the driver, the deceased. As they arrived at Masimasi towards M. Sadiq's depot, Ratubuli began strangling the deceased with his scarf and pinned his head to the headrest of the driver's seat. Meanwhile, Pauliasi got off from the passenger seat and went out to the driver's side. There he started searching the deceased for cash.
- [12] Ratubuli picked up some stones and started hitting the deceased's head several times. Pauliasi got hold of the scarf and pulled the deceased's head while Ratubuli continuously punched the deceased with a stone. They carried the deceased out of the vehicle. The deceased was still breathing. Pauliasi then banged the deceased's head on the road until the deceased was no longer breathing. The two of them lifted the deceased's body and placed it in a nearby sugarcane field.
- [13] They got back into the vehicle and Pauliasi drove them towards Sabeto, on the way they picked up a towel and a bottle of Fabuloso. They drove to a creek at Natalau to wash away the bloodstains inside the vehicle. After cleaning the vehicle, Pauliasi drove them to Nadi Town Total Service Station and filled the tank with \$10 worth of diesel. They then drove to Sigatoka. At the Pacific Energy Service Station, they used the coins in the coin tray of the deceased's vehicle to buy another \$5 worth of diesel fuel.

[14] Afterwards, they followed the Sigatoka valley road through Sigatoka Town. At 12.30am on 7th November 2015, they arrived at Nakabuta village. They stayed the night at a farmhouse with Pauliasi's girlfriend. The next morning, they went to dive for freshwater mussels. Whilst they were driving along the Nasau road, they were stopped by Rajnesh Singh, who took the car keys and called the police.

[15] A postmortem was performed on the deceased. Dr. James Kalougivaki gave his report and found the cause of death was severe traumatic brain injury and subarachnoid haemorrhage. The antecedent causes he said were:

1. severe traumatic head injuries.
2. blunt force.
3. alleged fatal assault.
4. multiple traumatic injuries.

[16] The judge said that the two accused [including the petitioner] understood, agreed and accepted the summary of facts to be true and correct, and had taken full responsibility for their actions. In sentencing Ratubuli, the adult, the judge referred to the fact that he had been remorseful.

[17] The judge did not refer to remorse in the case of Pauliasi. But he said he had, "considered the mitigatory factors submitted by the learned counsel on behalf of the juvenile, inclusive of his guilty plea before the conclusion of the trial". Pauliasi's counsel had filed a written submission where at paragraph 3.9 Ms. Volau had stated Pauliasi was remorseful, which was reflected in his guilty plea. She said he had co-operated with the police.

[18] Counsel went on to quote from remarks by Shameem J in Jocelyn Deo HAA0008.2005:

"The issue is not just restitution; the issue is true and sincere remorse, an early guilty plea and confession, and restitution to the victim as evidence of such remorse and apology."

[19] In view of the enormity and brutality of this murder, the President of the court asked the petitioner in the course of the hearing, why he had not acknowledged his crime fully and apologised for what he had done. The petitioner had only just got into his oral submissions. When he handed up his speaking notes, it was clear that he did acknowledge the gravity of his conduct and how it had affected the deceased's family. He had written:

“The petitioner was raised up by his grandparents and was out of hand whilst growing up and is very, very sorry for his 16 years old actions in 2015.

He takes full responsibility for what he has done in taking a life of an innocent man, a member of a family, a son, a brother, and of course a father of a family. I'm very remorseful...”

[20] At the time of pleading guilty there had been no written personal acknowledgement of the petitioner's horrific crime, no expression of sorrow for the victim's family, no apology. It might have been that his counsel did not encourage him to make a personal acknowledgment and apology. Coming only now before the Supreme Court the acknowledgment and apology comes too late to be truly significant.

[21] The judge sentenced Ratubuli to imprisonment for life, subject to his being eligible to apply for a pardon after serving 12 years imprisonment.

[22] The judge then considered sentence for Pauliasi who was 21 years old at time of sentence on 5th February 2021. His Lordship noted that Pauliasi was now married with a child. He was to be dealt with as a juvenile, pursuant to section 31 of the Juveniles Act.

[23] On Pauliasi's culpability the judge commented:

“22. Though the culpability of the Juvenile be legally less, his involvement in the offences is equivalent to the 2nd accused if not more. It is sadly noted that in his undue desire to see his girlfriend then, to whom he is happily married and having a child now, this juvenile with the assistance of the 2nd accused, brutally assaulted and took away the life of an innocent man and deprived another family of a loving husband and a father.

23. *I have duly considered the mitigatory factors submitted by the learned counsel on behalf of the Juvenile, inclusive of his guilty plea before the conclusion of the trial.”*

What is the petitioner seeking from the court?

- [24] In oral submissions, the petitioner informed us that he was not seeking to appeal his sentence. He was satisfied with the 10 year detention order of the High Court. He sought our recommendation for vocational training or further education at Fulton University.
- [25] It was clear to the court that the sentence of 10 years detention for the circumstances of this murder was a lenient sentence. It had been a senseless and horrible crime. How could he have thought of carrying out such a dreadful act?
- [26] In connection with the furtherance of his education whilst detained, the petitioner said he had been applying to the Minister of Social Welfare for almost 4 years 9 months, but had never received an answer. He had tried all avenues. Before he was sentenced, he had pursued studies at the university, but paused on those for a Bachelor of Theology degree until his case was over. It is this form of study on which he seeks the Minister's positive approval.

Jurisdiction

- [27] Mr. Samisoni, counsel for the State, submits this is the wrong forum for relief. That proposition is to be accepted. The High Court has already placed responsibility for his detention, and what is to happen during that period, in the hands of the Minister of Social Welfare. It is not for this Court to make recommendations. The Minister will have access to all the relevant information, facts, and reports to know what is best in the interests of this young person, vis-a-vis the community. I have already stated that the period of detention ordered to be served was without doubt, for this brutal crime, a lenient sentence. The conclusion is easily arrived at, that he has to complete his sentence first.

[28] After receiving his sentence from the High Court, there was no appeal against sentence to the Court of Appeal. The Supreme Court has no jurisdiction to hear an appeal against sentence, if there has been no appeal first against the High Court sentence, and a determination on that appeal in the Court of Appeal. In any event, he has made it plain in the hearing before us that he is not appealing his sentence.

[29] In a written submission filed on 8th October 2025, no doubt with the assistance as sometimes happens from suitably experienced fellow inmates, we are asked to review the lack of action by the prison authorities and the Minister with regard to the petitioner's education. This we cannot do. Additionally, as I have indicated, we should not do so, for a careful examination of facilities, logistics, detention, supervision, and appropriateness would need to be undertaken. That is not the role of the Supreme Court.

[30] This was a tragic case firstly for the extreme brutality in which the petitioner and his co-accused took the deceased's life away. Tragic too for Mr. Singh's wife and immediate family and others. Besides that, it was a reckless, pointless, unnecessary crime arising from a simple desire to reach his girlfriend's village when they had no transport and no money. No doubt, this petitioner will make more of his life when he has completed his term.

[31] For the reasons given, this petition must be declined.

Qetaki, J:

[32] I have read the judgment of Gates J, in draft and I am in full agreement with the judgment and the reasoning.

Orders of the Court:

1. *Special leave refused.*
2. *Petition dismissed.*



The Hon. Justice Salesi Temo
President of the Supreme Court



The Hon. Justice Anthony Gates
Judge of the Supreme Court



The Hon. Justice Alipate Qetaki
Judge of the Supreme Court

Solicitors:

Petitioner in person
Office of the Director of Public Prosecution for the Respondent