

IN THE FIJI COURT OF APPEAL

Criminal Jurisdiction

Criminal Appeal No. 40 of 1984

Between:

TANIELA SOGOBULU

Appellant

and

R E G I N A M

Respondent

Appellant in person

Mr. E. Leong for the Respondent

Date of Hearing: 1st November, 1984

Delivery of Judgment: 1st November, 1984

JUDGMENT OF THE COURT

Mishra, J.A. (Orally)

The appellant was convicted by the Magistrate's Court, Suva, of rape contrary to sections 149 and 150 of the Penal Code and sent up to the Supreme Court for sentencing by the Chief Magistrate who considered his own powers inadequate for that purpose.

The appellant had pleaded guilty to this charge involving a girl about 4 years of age.

The Learned Chief Justice imposed a sentence of 8 years' imprisonment.

The appellant appeals against the sentence on the ground that, in view of his past good record and his army service in Lebanon, the sentence is excessive.

The Learned Chief Justice did take those matters into account together with the fact that no serious physical injury had been caused to the child. He, however, was fully aware of the prevalence of sexual offences of this nature in the country and considered a deterrent sentence necessary.

That being so we cannot, in the circumstances of this case, treat the sentence as being either wrong in principle or manifestly excessive.

The appeal is dismissed.

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