

IN THE FIJI COURT OF APPEAL

Criminal Jurisdiction

Criminal Appeal No. 55 of 1983

Between:

RAMJI LAL SHARMA  
s/o Ram Narayan Sharma

Appellant

- and -

REGINAM

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 Supreme Court, Lautoka, on two counts of Act with intent to Cause Grievous Harm contrary to section 224(a) of the Penal Code and sentenced 4 and 2 years' of imprisonment respectively to be served concurrently.

He appeals against his sentences.

According to the evidence accepted by the Court one Jodha and his wife Shakuntla Devi had been living for some years on the appellant's land in a shack owned by the appellant. He wanted them to leave so that the place could be used for some other purpose. When they

did not, he decided to pull down the shack. This led to a heated quarrel during which the appellant struck Shakuntla Devi with a cane knife severing her left forearm completely at a point below the elbow. He also attempted to strike Jodha with the same knife.

The appellant is 59 years of age and has been receiving treatment for a heart ailment. His attempts to obtain vacant possession of his property were repeatedly frustrated by Jodha and his wife. The appellant also submits that, on the day in question, they threw stones at him to prevent him from pulling down the shack and that this provocation was the cause of loss of temper on his part.

In view of these features, submits the appellant, the sentences imposed ought to be viewed as excessive.

He was represented by counsel at the trial and the record clearly shows that all these matters were fully placed before the Learned Judge in order to assist him in arriving at an appropriate sentence. We are of the view that, but for these mitigating factors, the sentence may well have been more severe.

We, therefore, find no reason for interfering with the sentences and dismiss the appeal.

*[Signature]*  
.....  
Judge of Appeal

*[Signature]*  
.....  
Judge of Appeal

*[Signature]*  
.....  
Judge of Appeal