

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

**Criminal Case No: HAC287 of 2012**

**BETWEEN** : **THE STATE**

**AND** : **VILIAME SAULEKALEKA**

**BEFORE** : **HON. MR. JUSTICE PAUL MADIGAN**

Counsel : Ms J. Prasad for State  
Accused in person

Dates of hearing : 28 March, 11 April 2013  
Date of sentence : 12 April 2013

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**SENTENCE**

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[1] On the 28<sup>th</sup> March in this Court, the accused entered an unequivocal plea of guilty to one charge of rape. The charge reads as follows:

**Statement of Offence**

**RAPE:** Contrary to Section 207[1] and 207[2][a] of the Crimes Decree 44 of 2009.

**Particulars of Offence**

VILIAME SAULEKALEKA on the 29<sup>th</sup> day of July 2012 at Nasinu in the Central Division, had carnal knowledge of ALESI AMUA without her consent.

- [2] On the 11<sup>th</sup> April he admitted an appropriate set of facts put to him and on that admission and on his plea he was found guilty and convicted of the offence.
- [3] The brief facts of the case were that on the 29<sup>th</sup> July 2012 at about 10pm Alesi (the victim) and two friends were strolling in the Narere area when the accused joined them. He asked Alesi if he and she could talk, so they walked together to Omkar Ground. When they got there, the accused pushed the victim to the ground and he forcefully removed her top and shorts. When she tried to shout for help, he closed her mouth tightly with his hand. He then removed his own clothing and grabbed her hands. Alesi was scared but helpless because there was nobody around she could shout to. He tried to kiss her but she evaded him but he did manage to penetrate her and raped her for about 15 minutes. When he had finished he stood up and started dressing. He asked Alesi if she wanted to do it again. She said she didn't like what he had done to her. They both dressed and walked back. Alesi said she would report it and he apologized. The police were informed and the accused admitted the offence under caution.
- [4] The accused is 23 years old and the victim 17. He worked as a delivery boy – delivering fresh fruits. He has been educated to Form 7. He is single and had been living with his brother. He expressed remorse for the deed, says he understands what he had done and apologized to the court. He says that if given the chance he would try to reconcile with the victim. He explains that he had been drinking rum and was “out of control.”
- [5] The accused is a first offender and has co-operated with the Police from the outset. He asks for leniency.

[6] The maximum penalty for rape is life imprisonment and the accepted minimum for a date rape of this kind is 7 years.

[7] I take a starting point of ten years. There are no aggravating features and the mitigating features of plea of guilty, youth, clear record, co-operation from the outset and stated remorse are compelling. I deduct three years in recognition of this mitigation meaning that the accused will serve a term of seven years imprisonment. He will serve a minimum term before being eligible for parole of five years imprisonment.

Paul K. Madigan  
**JUDGE**

At Suva  
12 April 2013