

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO.: HAC 46 OF 2013

BETWEEN : **STATE**

AND : **LAISENIA KETEDROMO**

Mr. T. Qalinauci for the State
Accused in Person

Date of Hearing : 17th April, 2012.
Date of Sentence : 10th May, 2013.

SENTENCE

- [1] The accused above-named is charged with one count of Act Intended to Cause Grievous Harm punishable under Section 255(b) of the Crimes Decree.
- [2] The accused pleaded guilty to the charge and admitted to the summary of facts.
- [3] According to the Summary of facts the accused and the complainant are married. Somewhere in November 2012 due to domestic dispute the complainant left the matrimonial home and stayed at their Pastor's residence. On the 18th December 2012 when she was attending church workshop the accused came there and removed her bags. She was informed of this and she went home enquiring about the bag. There he had punched her on her mouth, and attacked her on the back of the cane knife. She received bleeding injuries and she was hospitalized. She had received injuries on the scalp and back.

[4] **Law**

Section 255(b) of the Crimes Decree prescribed imprisonment for life as maximum sentence.

[5] **Tariff**

Tariff for the offence is discussed in many cases. In **State v Mokubula** (2003) FJHC 164 the Court held the tariff is between 6 months to 5 years imprisonment.

[6] **Shiu Sami & Shiu Kumar v State** Criminal App. AAU0007 of 1995 the Court observed that the higher side of the range is reserved for pre-planned attack that results in serious injuries for the victim.

[7] In **Raj v State** Cr. App No HAA 004 of 2009 (27 May 2009) the Court stressed the following points about selecting a starting point for sentence.

“As a matter of principle, starting point should be picked up from within the range. A term outside the range should only be picked if exceptional or special circumstances are present”.

[8] Considering all factors I commence your sentence at 2 years imprisonment.

[9] Aggravating factors.

(a) Use of weapon.

(b) You attacked your wife who was defenceless.

Considering the above factors I increase your sentence by 3 months. Now your sentence is 2 years 3 months.

[10] Mitigation circumstances.

- (a) Very early plea.
- (b) Sole breadwinner.
- (c) Claims to be reconciled with the complainant.
- (d) Period in remand (2 ½ months).

Considering the above factors I reduce your sentence by 13 months.
Now your sentence is 14 months.

[11] You pray to Court that your elderly mother (80 years old) and children are struggling for food and other living supplies. I consider your age and early plea and act under Section 26(1) of the Sentencing and Penalties Decree and impose the following sentence.

You will be serving 2 months immediately and the balance 1 year will be suspended for a period of 2 years. Nature of gravity of the suspended sentence is explained to the accused.

[12] 30 days to appeal to the Court of Appeal.

S. Thurairaja
JUDGE

At Lautoka
10th May, 2013.

Solicitors: The Office of the Director of Public Prosecution for State
The Accused appeared in Person