

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO. HAC 064 OF 2011S**

**STATE**

**VS**

**RONEEL CHAND**

**Counsels** : **Mr. L. Fotofili and Mr. R. Kumar for State**  
**Mr. T. Ravuniwa for Accused**

**Hearings** : **5<sup>th</sup> to 8<sup>th</sup> and 11<sup>th</sup> to 15<sup>th</sup> November, 2013**

**Summing Up** : **18<sup>th</sup> November, 2013**

**Judgment** : **19<sup>th</sup> November, 2013**

**Sentence** : **20<sup>th</sup> November, 2013**

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**SENTENCE**

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1. In a judgment delivered yesterday, you were found guilty and convicted of murdering your wife, on 19<sup>th</sup> February 2011, at Nasinu in the Central Division, contrary to section 237 of the Crimes Decree 2009.
2. The facts were disturbing. When everyone was out of your house at Reba Circle, Nadera, on 19<sup>th</sup> February 2011, between 9 am and 10 am and thereabout, you set your wife on fire. This was after a heated domestic argument. Your wife took herself to CWM Hospital, suffering from “first degree burns to 40% of her body”. Five days later on 24<sup>th</sup> February 2011, she passed away. You certainly

did a conduct (ie. burning your wife), which conduct lead to her death, as a result of severe burn injuries (conduct caused death), and at the time, you intended to cause her death (intent to kill).

3 In State v Seremaia Naidole Momo, HAC 086 of 2011S, High Court, Suva, I said the following, “...“Murder” is a serious offence, and it is often said, to be at the top of the criminal calendar. It carries a mandatory penalty of life imprisonment. (Section 237, Crime Decree 2009). The court has the power to fix a non-parole period to be served, before a prisoner is eligible for parole. Case precedents show that the non-parole period for murder varies widely, depending on the peculiar facts of the case. In Waisale Waganivalu v The State, Criminal Appeal No. CAV 0005 of 2007, Supreme Court, Fiji, on 5 counts of murder and 1 of attempted murder, the accused was given 19 years non-parole period on each murder count, and 10 years consecutive on a pending prison sentence, total non-parole period was 26 years. In State v Niume & Others, Criminal Case No. HAC 010 of 2010, High Court, Suva, on 2 counts of murder, Accused No. 1 was given 25 years non-parole period for the murder counts. In State v Ashwin Chand, Criminal Case No. HAC 032 of 2005, High Court, Lautoka, on a count of murder, the accused was given a non-parole period of 22 years. In State v Navau Lebobu, Criminal Case No. HAC 016 of 2002, High Court, Suva, the non-parole period was 20 years. Twenty years non-parole period were also imposed in the following three cases: State v Anesh Ram, Criminal Case No. HAC 124 of 2008S, High Court, Suva; State v Bharat Lal & Others, Criminal Case No. HAC 061 of 2009S, High Court, Suva, and The State v Salesi Balekivuya, Criminal Case No. 095 of 2010S, High Court, Suva. In State v Tukana, Criminal Case No. HAC 021 of 2009, High Court, Lautoka, the non-parole period was 11 years. The non-parole period imposed will depend on the mitigating and aggravating factors...”

4 The aggravating factors, in this case, were as follows:

- (i) You have unnecessarily terminated the life of a young lady, aged 26 years at the time;
- (ii) You had no justifiable reason whatsoever to take the life of your wife;
- (iii) You planned to carry out your evil deeds when your mother and sister left the house;

- (iv) Your method of killing showed an utter disregard for human life;
- (v) By your criminal action, you have caused untold heart ache and sadness to the parents of the deceased, including her sister and relatives;
- (vi) Throughout the proceeding, you showed no remorse.

5 The mitigation factors, were as follows:

- (i) At the age of 32 years, this is your first offence;
- (ii) You have a previous good work record;
- (iii) You had been remanded in custody for approximately 35 days.

6 For murdering your wife on 19<sup>th</sup> February 2011, I sentence you to the mandatory life imprisonment.

7 For the non-parole period, I start with 16 years imprisonment. I add 5 years for the aggravating factors, making a total of 21 years. I deduct 3 years for the mitigating factors, leaving a balance of 18 years imprisonment.

8 In summary, I sentence you to life imprisonment, with a non-parole period of 18 years imprisonment, effective forthwith.

**Salesi Temo**  
**JUDGE**

**Solicitor for State** : **Office of the Director of Public Prosecutions, Suva.**  
**Solicitor for Accused** : **T. Ravuniwa, Barrister and Solicitor, Suva.**