

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Criminal Case No. HAC 96 of 2011

BETWEEN

STATE

AND

PRANEET ANAND REDDY

BEFORE: THE HON. JUSTICE PAUL K. MADIGAN

Counsel: Mr L. Fotofili with Mr.A. Dutt for the State
Mr. A. Reddy with Mr. J. Reddy for the accused

Dates of hearing: 27, 28 and 29 January 2014

Date of Sentence: 4 February 2014

SENTENCE

1. **Praneet Anand Reddy**, you were charged with Rape and Defilement of a 15 year old student of yours at Gau Secondary School where you taught. This court found you not guilty of the rape but guilty of the offence of defilement. Defilement is having sex with a girl between the ages of 13 and 16. At the time you were a young teacher aged 22 years. You had only been teaching for three weeks when it happened, having come to your first job after graduating.
2. The facts of the case are succinctly and nicely put by the State in their sentencing submissions and I repeat them here.

“The defendant was posted as a teacher at the island of Gau in February 2011. It was his first posting. He was the assistant form teacher in Form 5

where the victim “ML” was a student. The defendant was 22 years old at the time and ML was 15 years. He taught her Maths and Physics. He resided in the teachers quarters which were less than 200m away from the girls’ dormitory together with another male teacher. On 13th March 2011 which was a Sunday at around 7pm, ML together with another student went to the defendant’s quarters to get some noodles even though this was not allowed as the students were supposed to be in their dormitories at that time. Despite this, the defendant allowed the students into his quarters and took ML inside his room while the other student waited outside the room with the other male teacher. The defendant and the victim spent 5 to 10 minutes inside the room where they had sexual intercourse, with the defendant using a condom. Thereafter the victim and her friend returned to the dormitory where the victim relayed the incident to her friend. There were also “love-bite” marks on her neck which raised suspicion with the authorities at school. The victim was interviewed by the Vice Principal, counselled and then suspended. The defendant was too suspended. The matter was reported to the Police at Qarani, Gau”

3. In very detailed written and oral submissions in mitigation, counsel for the accused stresses that he was very young at the time, had been teaching for just a few weeks and was of previous good character. He has good academic qualifications and comes from a poor family, being the only provider for his ill mother. The girl had come to him and he had not actively sought her out. Counsel urges me to have regard to dicta from various cases that all efforts must be made to keep first offenders from incarceration.

4. The maximum penalty for defilement is ten years imprisonment and the normal sentencing range (or tariff) is from a suspended sentence to four years’ imprisonment. Suspended sentences are normally reserved for couples in a “virtuous relationship”, that is where there is a committed boyfriend/girlfriend relationship. Sentences at the higher end are for offenders who are older and in a position of trust. (*Kabaura* [2010] FJHC 280). In *Donumainasava* (HAA 32 of 2001) Shameem J said:

“The offence is clearly designed to protect young girls who have entered puberty and experiencing social and hormonal changes from sexual exploitation”.

5. The law was enacted to protect girls from themselves and this protection must be seen to be no stronger than at school. If a girl cannot be safe sexually at school, then that is a sad indictment on our society. Teachers all over Fiji must be reminded that they are in a position of trust and apart from educating their charges, they should set a moral example as a basis for healthy community existence. Being a new teacher is no excuse. The accused is well educated and cannot be said to have been unaware of his moral responsibilities to his female students.

6. I take as a starting point a term of two years imprisonment. For the obvious breach of trust in a teacher/student relationship I add a further one year to that sentence bringing the term up to an interim term of three years. For his strong mitigation of clear record, pathetic family circumstances and relatively young age, I deduct one year from that to arrive at a final sentence of two years imprisonment. The fact that the girl had come to him is no mitigation. Fifteen year old girls can easily get a “crush” on a young teacher and go out of their way to see the object of their desire.

7. The sentence is two years imprisonment and he will serve a minimum term of 18 months imprisonment before he is eligible for parole. The serious breach of trust precludes me from suspending the sentence.

P.K. Madigan
Judge

At Suva

4 February 2014.