

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO.: HAC 72 OF 2014

STATE

-v-

SHASHI MAHEN CHAND

Counsels : Mr. Josaia B. Niudamu for the State
Mr. Siddiq Faizal Koya for the accused

Date of Sentence : **14 October 2014**

(Name of the victim is suppressed she is referred to as SSL)

SENTENCE

1. You are charged as follows:

Statement of Offence

RAPE: Contrary to Section 207 [1] and [2] [b] and [3] of the Crimes Decree 44 of 2009.

Particulars of Offence

SHASHI MAHEN CHAND on the 28th day of May 2014 at Nadi in the Western Division, penetrated the vagina of **SSL**, aged 5 years with his finger.

2. On 24th September 2014 you pleaded guilty to the charge against you and admitted the Summary of Facts on 2nd October 2014.

3. The Summary of Facts submitted by the State Counsel states as follows:

On 28th May 2014 at Voivoi, Legalega in Nadi Shreya Shiwani Lata, 5 years, (hereinafter referred to as the "**Complainant**") was at her home with her mother, Sharmila Shareen Lata (hereinafter referred to as "**PW 2**"). On that date, Mr Shashi Mahen Chand, 59 years, unemployed (hereinafter referred to as the "**Accused**") also

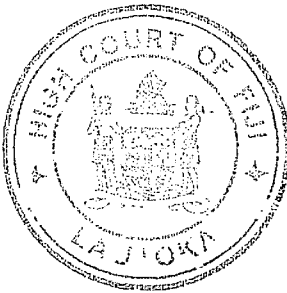
18. Considering Section 18 (1) of the Sentencing and Penalties Decree, I impose 7 years as non- parole period.

Summary

19. You are sentenced to 9 years and 1 month imprisonment. You will not be eligible for parole until you complete serving 7 years of imprisonment.

20. Having considered the nature of the relationship you had with the victim, I order a permanent **Domestic Violence Restraining Order (DVRO)** in place, identifying victim SSL as the protected person. You are hereby ordered not to have any contact with the victim directly or by any other means, unless otherwise directed by this Court.

21. 30 days to appeal to Court of Appeal.



At Lautoka

14th October 2014


Sudharshana De Silva
JUDGE

Solicitors: Office of the Director of Public Prosecutions for State
Siddiq Koya Lawyers for Accused