

IN THE HIGH COURT OF FIJI

AT LABASA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 043 OF 2013LAB

**STATE**

**VS**

**RAHUL RITESH CHAND**

**Counsels : Mr. S. Vodokisolomone for State  
Mr. A. Sen for Accused**

**Hearings : 2 and 3 December, 2014**

**Summing Up : 4 December, 2014**

**Judgment : 4 December, 2014**

**Sentence : 10 December, 2014**

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**SENTENCE**

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1. In a judgment delivered on 4 December 2014, the court found you guilty and convicted you on the following information:



### **Statement of Offence**

**RAPE:** Contrary to section 207 (1), (2) (a) of the Crimes Decree 44 of 2009.

### **Particular of Offence**

**RAHUL RITESH CHAND** on the 17<sup>th</sup> day of June 2013 at Vuniuto, Nasarawaqa, Bua in the Northern Division, had sexual intercourse with **A. R. R** without her consent.

2. The brief facts were as follows. The complainant was 23 years, with two young children. On 16 June 2013, she went to stay with her in-laws. The in-law's house was not far from their house. The accused aged 22 years old, and single also lived in the neighbourhood. Early in the morning of 17 June 2013, you sneaked into the complainant's bedroom, forced yourself on her, and unlawfully had sexually intercourse with her without her consent. At the time, you forcefully subdued her, closed her mouth with your hand, and you well knew she was not consenting to sex with you, at the material time. The matter was reported to police. You were charged and convicted of raping her.
  
2. In **State v Eroni Tavatavanawai**, Criminal Case HAC 056 of 2013S, I said the following, "... "Rape", as a sexual offence, had always been viewed seriously by society and the law makers of this country. It carried a maximum sentence of life imprisonment. It is a serious invasion of a person's privacy and dignity. The tariff for the rape of an adult is a sentence between 7 to 15 years imprisonment. For the rape of a child, the tariff is between 10 to 15 years imprisonment: **Mohammed Kasim v The State**, Criminal Appeal No. 21 of 1993, **Viliame Tamani v The State**, Criminal Appeal No. AAU 0025 of 2003, **Mark Mutch v The State**, Criminal Appeal No. AAU 0060 of 1990; **Anand Abhay Raj v The State**, Criminal Appeal No. AAU 0038 of 2010 – all Court of Appeal decisions; and **State v Savenaca Turagakece**, Criminal Case No. HAC 252 of 2012S, High Court, Suva. The final sentence will depend on the aggravating and mitigating factors".



4. In this case, the aggravating factors, were as follows:
- (i) By offending against the young mother, you showed no regard to her right to privacy as a human being, and no regard whatsoever for her dignity;
  - (ii) You offending against her had impacted on her self-confidence, and she now is forced to refrain from socialising with relatives and neighbours;
  - (iii) Being neighbours, you have ruined the trust she had in you.
5. The mitigating factors are as follows:
- (i) At the age of 23 years, this is your first offence;
  - (ii) You have been remanded in custody for 6 days.
6. I start with a sentence of 7 years imprisonment. For the aggravating factors, I added 3 years, making a total of 10 years imprisonment. For the mitigating factors, I deduct 2 years, leaving a balance of 8 years imprisonment.
7. Rahul Ritesh Chand, for raping the complainant on 17 June 2013, at Nasarawaqa, Bua, I sentence you to 8 years imprisonment, with a non-parole period of 6 years imprisonment, effective forthwith.
8. The name of the complainant is permanently suppressed, to protect her privacy.



**Salesi Temo**  
**JUDGE**



**Solicitor for the State** : **Office of the Director of Public Prosecution, Labasa.**  
**Solicitor for the Accused** : **Maqbool & Company, Solicitors, Labasa**