

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION
CRIMINAL CASE NO. HAC 163 OF 2014LTK

STATE

vs

MOHAMMED YASIN

Counsels : Ms. L. Latu and Ms. S. Naibe for State
Ms. V. Narara and Mr. S. Kumar for Accused
Hearings : 9, 11, 12, 13 and 16 October 2017
Summing Up : 17 October 2017
Judgment : 17 October 2017
Sentence : 18 October 2017

SENTENCE

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

Statement of Offence

MURDER: Contrary to section 237 of the Crimes Act 2009.

Particulars of Offence

MOHAMMED YASIN on the 16th day of November 2014 at Wailailai, Ba in the Western Division murdered **MAIMUM NISHA**.

2. The brief facts of the case were as follows. You and your deceased wife had been married for 27 years. Initially, you two had a happy marriage. You two raised two daughters and a son and all your children are now married and

have their own families. You worked as a taxi driver and your wife was engaged in domestic duties. In 2014, your marriage went through a crisis. You and your wife argued a lot, resulting in your wife taking out a "Domestic Violence Restraining Order" (DVRO) against you in March 2014. You two also separated. Your wife began to have affairs. This upset and angered you a lot. On 16 November 2014, while your wife was visiting your mother, you stabbed her to death.

3. There is only one penalty for murder, and that is the mandatory life imprisonment. However, the court had a discretion to set a minimum term of imprisonment to be served before a pardon may be considered by His Excellency the President of the Republic of Fiji (section 237 of the Crimes Act 2009).
4. Your case today demonstrated the futility of murder as a remedy to matrimonial disagreements. You met and married your deceased wife when she was 19 years old, and you 26 years old. According to your daughter, Ms Rehana Khatoon (PW7), you and your wife had a wonderful marriage at the beginning. You two had three children, two daughters and a son. All have married and have raised their own families. In the later years of your marriage, you two began to argue. The disagreements became such that your wife took out a DVRO against you in March 2014. You two separated. Your wife began to have relationships with other men. You were angered because of the same. You decided to end her life on 16 November 2014, by stabbing her to death.
5. I note that at the age of 56, you are a first offender. You have been remanded in custody for a total of 8 months.
6. Taking the above facts into account, I sentence you to the mandatory sentence of life imprisonment. You are to serve a minimum term of 18 years imprisonment, before you can apply to His Excellency the President of the Republic of Fiji for a pardon (section 237 of the Crimes Act 2009 and section 119 of the 2013 Fiji Constitution).

7. Pursuant to Section 4(1) of the Sentencing and Penalties Act 2009, the above sentence is designed to punish you in a manner that is just in all the circumstances, to protect the community, to deter other would-be offenders and to signify that the court and the community denounce the use of murder as a remedy to domestic disputes.
8. You have 30 days to appeal to the Court of Appeal.



A handwritten signature in blue ink, appearing to be "Salesi Temo". The signature is stylized and fluid, written in a cursive-like style.

Salesi Temo
JUDGE

Solicitor for State

: Office of the Director of Public Prosecution, Suva.

Solicitor for Accused

: Legal Aid Commission, Suva