

IN THE HIGH COURT OF FIJI
AT LAUTOKA
[CRIMINAL JURISDICTION]

High Court Criminal Case No. HAC 192 of 2015

BETWEEN : STATE

AND : GEETA DEVI

Counsel : Mr Tuenuku for the State
Ms Radrole and Ms N. Sharma for the Accused [LAC]

Dates of Hearing : 13, 14, 15 August 2019
Closing Speeches : 16 August 2019
Date of Summing Up : 19 August 2019
Date of Judgment : 29 August 2019
Date of Sentence : 25 September 2019

SENTENCE

1. Geeta Devi, you stand convicted for murder contrary to section 237 of the Crimes Act, 2009. The particulars of offence read as follows;
"Sundar Kaur and Geeta Devi on 1st November 2015, at Sigatoka, in the Western Division, murdered Sanjini Lata."

2. Sundar Kaur is your mother in law and both of you were charged together for murder in this case. Sundar Kaur pleaded guilty and she was sentenced to life imprisonment with 14 years minimum term, on 03 June 2016. You pleaded not guilty and after three days of hearing, the assessors returned with a unanimous opinion that you are guilty to murder. Subsequently this Court convicted you for murder on 29 August 2019.
3. The deceased, Sanjini Lata was 14 years of age at the time she was murdered. She was your sister in law and Sundar Kaur was her mother. On 01 November 2015 deceased's mother started assaulting the deceased in one of the rooms. At that time, you were living in Kulukulu, Sigatoka. The evidence revealed that you were inside that room in two occasions during the period that the deceased was assaulted. The deceased's hands were tied to a rafter and the legs were tied to a bed. Later you cut the blue colour cloth with which the deceased's hands were tied. You dragged the deceased out of the room while she was still moving and breathing heavily. You put her on the cement outside the house and thereafter you took the deceased inside the bathroom. Later you burnt her body and disposed the remains in a septic tank.
4. This is indeed a serious breach of trust as you are the sister in law of the deceased who was only 14 years old. You were supposed to guide her and protect her as an older family member. Your horrific actions demonstrate complete disregard of the norms of a civilized society.
5. This is another case where domestic violence has escalated to a level which has finally cost the life of a young child. The facts of this case clearly reveal that if the family members, neighbours and the teachers at the school took timely action this death could have been prevented. Sheer inaction and ignorance to continuous domestic violence events has finally destroyed not only the life of the deceased, but it has led to the disruption of the lives of a number of members in your family. The main witness of this case was the younger sister of the deceased. Unfortunately, she was raped by your husband, during the time Sundar Kaur and you were sentenced to prison, respectively for the first and third counts of this case. Your husband was sentenced to 18 years imprisonment for raping his own 9-year-old sister. As a result of not taking timely action to prevent domestic violence incidents at home one child lost the life, one child became a rape victim of incest and your two young children are now deprived of love and care of both parents. Their lives are irreversibly altered forever, and no sentence

will bring back the life of the deceased. If domestic violence which was taking place at your home was nipped in the bud all those unfortunate events could have been prevented.

6. Be that as it may, you have committed a gruesome and inhuman crime by not only taking part in the murder of your 14-year-old sister in law, but subsequently by burning her and disposing the remains in a septic tank to conceal the crime.
7. The punishment for murder is mandatory life imprisonment. However, the Courts have discretion to set a minimum term before pardon may be considered. Further the Court can decline to set a minimum period for reasons given.
8. I will now consider the submissions on mitigation filed on your behalf. You are 32 years of age. You are employed as a cashier. Your two children have been removed from you and now living with the husband's family. Early this year you were diagnosed with Hodgkin's Lymphoma and you were undergoing chemotherapy.
9. I have taken into account your personal circumstances, your age and your current medical condition. Although you have committed a callous and a cruel crime, I decide to exercise my discretion and decline to set a minimum term in this case after considering your personal circumstances, and specially, your medical condition.
10. Accordingly, I sentence you to mandatory life imprisonment. No minimum term is set.

30 days to appeal to the Court of Appeal.



Rangajeeva Wimalasena

Acting Judge

At Lautoka
25 September 2019

Solicitors

Solicitors for the State: Office of the Director of Public Prosecutions
Solicitors for the Accused: Office of the Legal Aid Commission