

IN THE HIGH COURT OF FIJI

AT SUVA

[CRIMINAL JURISDICTION]

Criminal Case No.: HAC 303 of 2019

BETWEEN : STATE

AND : VILIKESA RALAGI

Counsel : Ms S Swastika for the State
Ms S Daunivesi for the Accused

Date of Hearing : 29 – 30 June 2020

Date of Summing Up: 30 June 2020

Date of Judgment : 30 June 2020

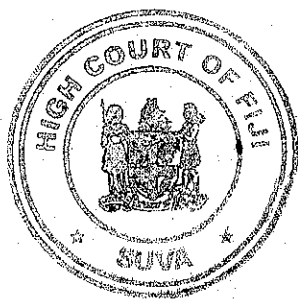
Date of Sentence : 13 July 2020

SENTENCE

[1] The offender was convicted of rape of a 14-year old girl (the victim) after trial. The victim was raised by her father and paternal grandmother after her mother left the matrimonial home when she was 2 years old.

[2] The incident occurred in November 2018 at Namata village, Tailevu. The victim was alone at home. Her father and brother had gone out to their farm. Her grandmother was at work. The offender entered her home uninvited and when he saw the victim lying on a bed, he covered her mouth with a pillow to prevent her from raising alarm and raped her. In her evidence the victim described the experience as painful and traumatic. She said he threatened to strike her with a cane knife if she complained to anyone. She felt scared and ashamed. After he had left, she sat on her bed and cried.

- [3] The offender was her father's uncle. He was her grandfather and frequently visited her home. They were neighbours. The offender breached the victim's trust and caused significant physical and emotional harm to her. Other aggravating factors are that the victim was a child, she was raped in her home, a pillow was pressed on her face to stop her from raising alarm, the offender ejaculated and did not use any protection and the offender threatened to harm the victim with a cane knife if she complained.
- [4] The offender is 58 years old and single. He does not have any previous conviction. He has expressed little remorse for his action. The only mitigating factor is that the offender has previous good character.
- [5] The offence is objectively serious. The actual conduct of the offender is also serious. The purposes of sentence applicable for this offence is denunciation and deterrence, both personal and general. Courts duty is to punish offenders to reflect the community's abhorrence towards sexual violence committed on children by adult family members.
- [6] Taking all these matters into account and the applicable tariff, I sentence the offender to 14 years' imprisonment.
- [7] The offender has spent nearly 12 months in custody on remand. This period is taken as sentence already served. The offender is to serve the remaining 13 years' imprisonment with a non-parole period of 10 years.
- [8] I issued a domestic violence restraining order with no contact and non-molestation conditions to protect the victim. The offender shall be subject to this order for the rest of his life.



Handwritten signature of Daniel Goundar

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Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State

Legal Aid Commission for the Accused