

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

CRIMINAL CASE NO. HAC 329 OF 2022

BETWEEN : STATE

AND : SAIRUSI UASIRO

Counsel : Mr T Naimila for the State
Ms O Grace for the Accused

Date of Hearing : 18 November 2022

Date of Sentence : 28 November 2022

SENTENCE

- [1] The accused has pleaded guilty to a charge of arson at the first opportunity.
- [2] In the early hours of 8 May 2022 the accused returned home drunk after a night of drinking party with his friends. When his spouse woke up she noticed that the accused was preparing breakfast for himself. She spoke to him telling him to be mindful of his drinking habits. They ended up arguing and the accused got furious. He went and grabbed a bottle of fuel that was kept under the kitchen sink and threatened his spouse that he was going to burn down the house. He then kicked the bottle of fuel further inside the house and lit a fire using a gas lighter.
- [3] The accused's spouse ran out for safety with her two young children aged 9 months and 3 years. The fire quickly engulfed the house. Other family members rushed to stop the fire but they only managed to stop the fire from spreading to the neighbouring house. The accused's home and contents were completely destroyed. The home consisted of a corrugated iron and timber structure which

was an old outdoor kitchen converted into a room for the accused and his spouse and children to occupy by the accused's mother, the owner of the property.

- [4] The accused was arrested on the same day. In his police interview he admitted setting the house on fire because he was angry that he wife had refused to prepare his breakfast.
- [5] In mitigation the accused has informed the court that he is 35 years old and has reconciled with his spouse and his mother who owned the property. Currently he is employed as a welder by a private company and financially supports his family. He is also suffering from chronic hernia. He had spent 15 days in custody on remand.
- [6] The offence of arson is objectively serious. It carries the maximum penalty of life imprisonment. The tariff is from 2 to 4 years imprisonment (*Tuitokova v The State* [2005] FJHC 452; HAA067X.2005S (25 October 2005)).
- [7] The accused's early guilty plea has saved considerable court's time and resources and indicates that he is genuinely remorseful for his conduct. His guilty plea and previous good character strongly mitigates his crime.
- [8] However, the offence is domestic violence. The accused knew that his spouse and children were inside when he torched his home. With that knowledge he was extremely reckless. Simply, he did not care about his children's safety who at the time were vulnerable due to their young age. Given these aggravating factors, a deterrent sentence is inevitable. His reconciliation with his spouse and his mother or their wishes carry little mitigating value in sentencing.
- [9] I pick 2 years as my starting point, add 1 year for the aggravating factors and deduct 18 months for the mitigating factors.
- [10] The accused is convicted and sentenced to 18 months imprisonment.

[11] The interim DVRO with standard non molestation condition is made permanent.



A handwritten signature in blue ink, consisting of stylized initials and a long horizontal stroke.

.....
Hon. Mr Justice Daniel Goundar

Solicitors:

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