

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Crim. Case No: HAC 286 of 2021

BETWEEN:

STATE

PROSECUTION

AND:

SANJAY MISTRY

ACCUSED PERSON

Counsel: Mr. E. Samisoni for the State

Mr. W. Navuni for Accused

Dates of Hearing: 07th December 2023

Date of Closing Submission: 08th December 2023

Date of Sentencing: 02nd February 2024

SENTENCE

1. The Court found you guilty of one count of Attempted Murder, contrary to Sections 44 (1) and 237 of the Crimes Act, which carries a maximum penalty of life imprisonment.
2. It was proved during the hearing that you attempted to kill the Complainant by striking her on her back, hand and chest with three knives on the 04th of December 2021.
3. The punishment for Attempted Murder is a mandatory sentence of life imprisonment. However, the sentencing court has been given judicial discretion to set a minimum term to be served before a pardon may be considered. To select a minimum time to be served

for Attempted Murder, the Court is required to consider the aggravating and mitigating circumstances of the crime.

4. You suddenly went to the kitchen, got three knives, and attacked the Complainant. She was your partner and not in a position to protect herself or escape from the danger. The injuries inflicted by this assault were severe. Accordingly, I find the level of harm and culpability of this offence is significantly high.
5. The Complainant is your Partner. By committing this crime, you have breached the trust the Complainant had in you as her partner. The daughter of the Complainant and the daughter of her aunt were present in the house when you assaulted the Complainant. These are aggravating factors in this offence.
6. The Court heard no mitigation submissions as you chose not to attend the hearing. However, the Prosecution informed the Court that you are a first offender.
7. Having considered the above-discussed factors, I sentence you to life imprisonment for the offence of Attempted Murder as charged in the Information. Moreover, you must serve a minimum imprisonment period of seven (07) years before being considered for any pardon.
8. Since this incident involves domestic violence, I am satisfied that there are sufficient grounds to consider making an order under the Domestic Violence Act. I accordingly make a Permanent Domestic Violence Restraining Order against you with standard non-molestation conditions and no contact conditions according to Sections 24 and 28 of the Domestic Violence Act. The above Domestic Violence Restraining Order will be in force until this Court or any other competent Court is varied or suspended. Furthermore, if you breach this restraining order, you will be charged and prosecuted for an offence under Section 77 of the Domestic Violence Act.
9. A bench warrant is issued against you.

10. Thirty (30) days to appeal to the Fiji Court of Appeal.



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Hon. Mr. Justice R.D.R.T. Rajasinghe

At Suva

02nd February 2024

Solicitors

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