

IN THE HIGH COURT OF FIJI
AT LAUFOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 151 of 2024

STATE

v

SAUKARASA RAVINASAGA

Counsel : Ms M. Lomaloma for State
Ms V. Rao with L. Taukei for Defence

Date of Judgment: 07 November 2025
Date of Submissions: 14 November 2025
Date of Sentence: 02 December 2025

(The name of the Complainant is suppressed. She is referred to as SS)

SENTENCE

1. Saukarasa Ravinasaga, on the following information filed by the Director of Public Prosecutions, you stand convicted of two counts of Indecent Assault and one count of Rape:

COUNT 1

Statement of Offence

INDECENT ASSAULT: Contrary to Section 212 (1) of the Crimes Act 2009.

Particulars of Offence

SAUKARASA RAVINASAGA on one occasion between the 1st of August, 2022 and the 31st of August, 2022 at Lautoka in the Western Division, unlawfully and indecently assaulted SS by fondling with her breasts.

COUNT 2

Statement of Offence

INDECENT ASSAULT: Contrary to Section 212 (1) of the Crimes Act 2009.

Particulars of Offence

SAUKARASA RAVINASAGA sometime between the 1st of August, 2022 and the 31st of August, 2022 on the same occasion as in Count 1, at Lautoka in the Western Division, unlawfully and indecently assaulted SS by touching her vulva above her clothing.

COUNT 3

Statement of Offence

RAPE: Contrary to Section 207 (1) and (2) (b) and (3) of the Crimes Act 2009.

Particulars of Offence

SAUKARASA RAVINASAGA sometime between the 1st of August, 2022 and the 31st of August, 2022 on the same occasion as in Count 1, at Lautoka in the Western Division, penetrated the vulva of SS with his tongue, being a child under the age of 13 years.

2. The victim was a child aged 10 years at the time of the offence. She was from a broken family and extremely vulnerable. She was under the care of her cousin who had taken her custody from her mother who had married another man. The victim ended up in your house because she had no other option but to be with her cousin's family, which had moved to your house after the COVID pandemic.
3. After coming to your house, the victim was sleeping at night on the sofa in the sitting room. She woke up when she felt you touching her. You touched her breast, then pulled her tights and took off her pantie. You touched her vagina and licked it. She pretended to be sleeping because she was scared. You were drunk and smelling beer. She did not raise alarm or complain to anyone immediately because she was scared. The matter came to light when her teacher noticed the trauma she was in. The victim eventually complained to her teacher who referred the matter to police.

4. The maximum punishment for Rape is life imprisonment. The sentencing tariff for child rape ranges from 11 years to 20 years' imprisonment¹.
5. In selecting a sentence best suited to you, I must regard the proportionality principle enshrined in the Constitution, Section 4 of the Sentencing and Penalties Act 2009 (SPA), the maximum penalty prescribed for the offence, the current sentencing practice and the applicable guidelines issued by the courts. Having regard the seriousness of the offence and harm caused to the victim, I would select the starting point. The final sentence will be picked within the tariff after making appropriate adjustments for the aggravating and the mitigating factors.
6. The rape of a child is the most serious form of sexual violence. The Constitution require the courts to protect the children who are vulnerable members of our society. Our society and the children, expect elders and relatives in a domestic setting to care and protect them. The children are entitled to live their lives free from any form of physical or emotional abuse.
7. Sexual offences involving children are on the rise in Fiji. The courts have emphasised that the increasing prevalence of this offence in our community calls for deterrent sentences. The duty of this Court is to see that the sentences are such as to operate as a powerful deterrent factor to prevent the commission of such offences. The offenders must be handed down harsher punishments to mark the society's outrage and denounce sexual abuse of children. The main purpose of your punishment is to condemn your action and to protect the children.
8. According to Section 17 of the Sentencing and Penalties Act 2009, if an offender is convicted of more than one offence founded on the same facts, or which form a series of offences of the same or a similar character, the court has the discretion to impose an aggregate sentence of imprisonment in respect of those offences. This is a fit case to impose an aggregate sentence for all offences.
9. Having taken into consideration the seriousness of the offence and the harm caused to the victim, I select a starting point of 11 years' imprisonment for the aggregate sentence.

¹ Aitcheson v [2018] FJSC 29; CAV0012.2018 (2 November 2018)]

10. I identify the following aggravating and mitigation factors:

Aggravating factors:

- (a). There is a considerable age gap between you and the victim. She was 10 years old whereas you were in your sixties at the time of the offence.
- (b). You exploited the vulnerability of a child when she was destitute and helpless.
- (c). You committed the offence under the influence of alcohol.
- (d). The Victim Impact Statement and the teacher's evidence show that the emotional and psychological harm suffered by the victim is significant and still ongoing.

Mitigating Factors:

- (a). In mitigation, your counsel informed the Court that you are 63 years old self-employed as scuba driver instructor earning \$900 a week. You are in a *de-facto* partnership. You are a father of seven children and the sole breadwinner of your family.
- (b). You are a first offender. You have maintained a clear record over 63 years of your life. The character reference tendered by *Mata ni Tikina Vacegu Waya* shows that you were actively engaged in community services, demonstrating exceptional leadership qualities.

11. I add 02 years to the starting point of 11 years for above mentioned list of aggravating factors to arrive at an interim sentence of 13 years imprisonment. I reduce 1 year for mitigating factors to arrive at an aggregate sentence of 12 years' imprisonment.

12. Taking into consideration your potential for rehabilitation and the gravity and the impact of your offence on the society, I impose a non- parole period of 10 years.

13. Summary

Saukarasa Ravinasaga, you are sentenced to an aggregate imprisonment term of 12 years with a non-parole period of 10 years. You are eligible for parole when you have served 10 years in the correction facility.

14. You have 30 days to appeal to the Court of Appeal.



Aruna Aruthge
Judge

02 December 2025

At Lautoka

Solicitors:

- Office of the Director of Public Prosecution for State
- Legal Aid Commission for Defence