

IN THE HIGH COURT OF FIJI

AT LAUTOKA

CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 105 OF 2023

STATE

v

RAVI PRASAD

Counsel: Ms S. Swastika for the State

Mr S. Heritage with Ms F. Zahara for Defence

Date of Judgment : 18 February 2026

Dates of Sentence Submissions : 19, 27 February 2026

Date of Sentence : 12 March 2026

SENTENCE

1. Ravi Prasad, you were convicted of one count of Rape on the following information filed by the Director of Public Prosecutions (DPP):

Statement of Offence

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

Particulars of Offence

RAVI PRASAD on the 11th day of June 2023, at Nadi in the Western Division, penetrated the vagina of **LAISA VEA TOGA** with his penis, without her consent.

2. You are in your mid-forties and a driver by profession attached to a private company. You made a call to the victim and tried to make her believe that you had picked her up in the past. You lured the victim into your car. Once she got into your car, you gave her alcohol and became friendly with her. You drank with her while driving, which she thought was unsafe. She invited you to her flat to continue drinking. At the flat, you mixed whisky and rum and made her drunk. Once drunk, she fell asleep. You took advantage of the situation and penetrated her vagina with your penis without her consent.
3. The sentence must be proportional to the gravity of the offence and the degree of responsibility of the offender (moral culpability). The punishment should fit the crime, not be excessive, and reflect the seriousness of the conduct.
4. In selecting a sentence that fits the offence, I must regard the proportionality principle enshrined in the Constitution and the sentencing principles set out in Section 4 of the Sentencing and Penalties Act 2009 (SPA). I shall consider the maximum penalty prescribed for the offence, current sentencing practice and applicable sentencing guidelines in crafting your sentence. Considering the seriousness of the offence and the harm caused to the victim, I would select the appropriate starting point. The final sentence will be determined after making appropriate adjustments for aggravating and mitigating factors.
5. The maximum sentence for Rape is life imprisonment. The sentencing tariff for adult rape ranges from 7 years to 15 years' imprisonment¹. The starting point is at least seven years'

¹ Rokolaba v State [2018] FJSC 12 (26 April 2018); State v Marawa [2004] FJHC 338

imprisonment. The proper sentence may be substantially higher or lower than that starting point, depending on the circumstances of the case².

6. SPA mandates that the court must hold the offender accountable, denounce the behaviour, protect the community, deter the offender (and others), and promote rehabilitation³. Sexual offences are on the rise and are most prevalent in Fiji. The courts have emphasised that the increasing prevalence of this offence in our community calls for deterrent sentences. The offenders must receive condign punishment to mark the society's outrage and to denounce sexual abuse in our society. The courts are expected to protect our community from sex offenders.
7. Having taken into consideration the seriousness of the offence, the culpability and the harm caused to the victim, I select a starting point of 7 years from the bottom of the sentencing tariff.
8. The Counsel have filed helpful sentencing/ mitigation submissions for which I am grateful. The following aggravating and mitigation factors, which I have identified, will be used to make appropriate adjustments to the starting point.
9. It is aggravating that you committed this offence on a vulnerable victim when she was drunk and asleep. You committed the offence after having consumed alcohol. The victim invited you to drink and socialise at her flat because she trusted you. You breached that trust. After the offence, the victim had no option but to relocate to her brother's place and vacate her job. The evidence revealed that the victim is traumatised with long-lasting effects. The Victim Impact Statement (VIS)⁴ confirms that she was mentally and emotionally affected. It was not an opportunistic rape. You planned it to satisfy your lustful demands. You were in your mid-forties, and the victim was in her mid-twenties. The age gap is nearly 20 years.

² Kasim v State [1994] FJCA 25; Aau0021j.93s (27 May 1994) ; State v Marawa [2004] FJHC 338]; Rokolaba v State [2018] FJSC 12 (26 April 2018)

³ Section 4 of the SPC

⁴ VIS is a relevant consideration in sentencing : Sharma v State [2017] FJSC 5 (20 April 2017)

10. I considered the mitigating circumstances that your counsel has submitted. I am informed that you are married with two children. Your daughter is currently studying at USP for a BSc. Your son is still schooling. You are the sole breadwinner of your family. You are looking after your father, who is suffering from diabetes, heart disease and chronic kidney disease. I can understand the hardship your father and children would face when you go to prison. Unfortunately, my hands are tight. You should have thought about the consequences before committing the offence. The medical reports confirm that you have recently undergone a surgery for a hernia condition. Your personal circumstances, however, are of little mitigating value.
11. You are a first offender. You have maintained a clear record in your life until you committed this offence. The character reference letters issued by the community and religious leaders show that you were actively engaged in religious and community work. You cooperated with the police, and you beg mercy of this court.
12. Your Counsel has asked me to consider the delay in prosecution, which is nearly three years from the date of the offence, for leniency. The delay is not inordinate or unreasonable. You and your counsel have substantially contributed to the delay. According to the State, you had spent approximately 8 days in remand before the trial. I would consider your remand period as part of your sentence already served.
13. I add 3 years to the starting point of 7 years for the above-mentioned list of aggravating factors to arrive at an interim sentence of 10 years' imprisonment. I reduce 1 year for the mitigating factors and remand period to arrive at a sentence of 9 years' imprisonment.
14. You are a first offender. You have good potential for rehabilitation. To balance rehabilitation with other sentencing purposes, I impose a non-parole period of 7 years.
15. Summary

Ravi Prasad, you are sentenced to an imprisonment term of Nine (09) years with a non-parole period of seven (07) years. You are eligible for parole after serving seven (7) years in the correctional facility.

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



Aruna Aluthge

Judge

12 March 2025

At Lautoka

Solicitors:

Office of the Director of Public Prosecutions for the State
Iqbal Khan & Associates for Defence

