

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO. HAC 196 OF 2024**

**STATE**

**v**

**ILAITIA RADRAVU**

**Counsel:** Mrs. U. Ratukalou for the State  
Ms. O. Grace for the Accused

**Date of Trial:** 3 – 6 February 2026  
**Date of NCTA Ruling:** 5 February 2026  
**Date of Judgment:** 13 February 2026  
**Date of Mitigation & Sentence Hearing:** 27 February 2026  
**Date of Sentence:** 13 March 2026

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**SENTENCE**

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**Caveat** – The victim shall herein be referred as ‘NEL’ pursuant to the name suppression order.

1. **Ilaitia Radravu**, the accused, was acquitted of Count 1: *Sexual assault* and Count 2: *Rape for no case to answer*, but convicted of Count 3: *Rape* after trial, which indictments are laid out as follows in the Information by the Acting Director of Public Prosecutions dated 14 August 2024 and filed on 15 August 2024:

**COUNT 1**

*Statement of Offence*

**SEXUAL ASSAULT:** Contrary to section 210(1)(a) of the Crimes Act 2009

*Particulars of Offence*

**ILAITIA RADRAVU** on an unknown date between 6<sup>th</sup> May 2024 and 17<sup>th</sup> May 2024 at Nakasi in the Central Division, unlawfully and indecently assaulted **NEL** by touching her breasts with his hands.

**COUNT 2**

*Statement of Offence*

**RAPE:** Contrary to section 207(1) and 2(b) of the Crimes Act 2009

*Particulars of Offence*

**ILAITIA RADRAVU** on the same occasion as in Count 1, between 6<sup>th</sup> May 2024 and 17<sup>th</sup> May 2024 at Nakasi in the Central Division, penetrated the vagina of **NEL** with his tongue, without her consent.

**COUNT 3**

*Statement of Offence*

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

*Particulars of Offence*

**ILAITIA RADRAVU** on the same occasion as in Count 1, between 6<sup>th</sup> May 2024 and 17<sup>th</sup> May 2024 at Nakasi in the Central Division, penetrated the vagina of **NEL** with his penis, without her consent.

**Brief facts of Count 3: Rape**

2. In the afternoon of that particular Monday in between 6 and 17 May 2024, the complainant PW1: NEL returned to the farm situated behind the flat to assist her uncle Ilaitia Radravu (accused) weed and plant. While weeding, the accused told NEL for them to go elsewhere to see something and then return, to which NEL obliged and followed her uncle to a big tree and it was dark under that tree. When they arrived at the big tree, NEL asked her uncle as to what they were doing there, but he told her to keep quiet, and NEL could not do anything because he was holding a cane knife. NEL's uncle then picked a big leaf, spread it on the ground, and forcefully told NEL to sit down, but NEL remained standing and he then forced her by pushing her shoulders downwards to sit down. He then took off NEL's trousers and panty despite NEL telling him not to do that, but he told her to remain quiet and not to do anything. The accused then took off his pants, and NEL tried to turn so that she can put her clothes back on and escape, but he told her to keep still with the cane knife beside him. After the accused had taken off NEL's trousers and panty and then his own pants, he then inserted his penis into NEL's vagina, which he did for some time. NEL immediately reacted by pushing his stomach and told him that what he was doing is painful as she felt pain in her vagina, but he told her to be quiet because she is not in control. While the accused was penetrating NEL's vagina with his penis, NEL kept telling him to stop as it was painful. After that, the accused then put on his clothes and told NEL to put on her clothes as well, and for her not to say anything about what had happened when they got home, and if he hears that she had said something, then she would face the consequence.

In July 2024 while attending Arya Samaj primary school as a class 8 pupil, NEL told her best

friend and desk mate PW2: Mere Usumaki *a.k.a* Mere Maikutu that she was raped by her uncle in May 2024. Subsequently on 5 July 2024 at about 1.00 pm, PW2 blurted out to their class teacher PW3: Monish Monika Chand that NEL was raped, and PW3 took NEL aside to find out, and NEL told PW3 that her uncle removed her clothes, pushed her on the ground, and had sex with her. This information was then conveyed to the Head of school who then reported the matter to the Nakasi Police Station. Ilaitia Radravu was later arrested, interviewed under caution, formally charged, tried and convicted on 13 February 2026 of Count 3: Rape in the Information by the Acting Director of Public Prosecutions dated 14 August 2024 and filed on 15 August 2024.

### **Count 3: Rape sentence analysis**

3. The maximum penalty for **Rape** contrary to section 207(1) & (2)(a) of the Crimes Act 2009 is life imprisonment.
  
4. The sentencing tariff for rape of a child including persons under 18 years is 11 to 20 years imprisonment according to Aitcheson v State [2018] FJSC 29; CAV0012.2018 (2 November 2018), and at paragraphs 24 – 25, the Supreme Court held:

*[24] The increasing prevalence of these crimes, crimes characterised by disturbing aggravating circumstances, means the court must consider widening the tariff for rape against children. It will be for judges to exercise discretion taking into account the age group of these child victims. I do not for myself believe that judicial discretion should be shackled. But it is obvious to state that crimes like these on the youngest children are the most abhorrent.*

*[25] The tariff previously set in Raj v The State [2014] FJSC 12; CAV0003.2014 (20<sup>th</sup> August 2014) should now be between 11 – 20 years imprisonment. Much will depend upon the aggravating and mitigating circumstances, considerations of remorse, early pleas, and finally time spent on remand awaiting trial for the final sentence outcome. The increased tariff represents the denunciation of the courts in the strongest terms.*

5. The complainant NEL was 13 years old [D.O.B – 13/09/2010] when she was raped by her uncle Ilaitia Radravu between 6 and 17 May 2024, thus a '*child*' pursuant to section 2 of the Juveniles Act (Cap 56) and section 2(1) of the Interpretation Act (Cap 7).
  
6. Given the sentencing tariff of 11 to 20 years imprisonment for rape of a child, for this instant, I choose a **starting point** of 13 years imprisonment.
  
7. The starting point of 13 years is enhanced by 5 years for the following **aggravating factors**:
  - a) The accused Ilaitia Radravu raped his 13 year old niece NEL, a child, by intentionally penetrating NEL's vagina with his penis, without NEL's consent.
  - b) This is an incestuous and heinous rape of a vulnerable 13 year old girl child who was in Year 8 at Arya Samaj primary school, and staying at the accused's flat and looked after by the accused and his wife who is her biological aunt being the elder sister of NEL's father. Furthermore, NEL trusted that she will not be abused, sexually or otherwise, by the accused, which trust was blatantly and unconscionably violated by the accused, a 58 year old male adult [D.O.B – 21/09/1967], deemed and obliged to uphold and enforce good morals and values including protecting and preventing vulnerable female children like his niece NEL from being raped. This rape has undoubtedly strained family relationship, in particular, between NEL's father and the accused's wife being biological siblings including NEL's extended family.
  - c) The accused had acted opportunistically and atrociously in raping NEL at her most vulnerable moment while she was assisting him on the farm and being alone with NEL, while the other adults had gone to work and elsewhere.
  - d) The complainant NEL, being raped by her uncle Ilaitia Radravu under the big tree near the farm, has undoubtedly caused her emotional and psychological trauma, and the accused and his wife's home or flat is no longer a safe haven for her from sexual predators and exploiters. In the *Victim Impact Statement* dated 3 February 2026, NEL noted at page 4,

*“1. After the crime committed I was afraid and scared, confused and I was in shocked. 2. I was constantly thinking what could have happened to me because he was carrying a knife with him. And he could have killed or injured me. 3. Re-thinking (flashback) of the worst possibilities of death or murder. 4. Sleepless night keep on thinking on what my uncle Ilaitia did to me. 5. My body was in sort of protective body that I am very sensitive on people and things around me. 6. I could not cope with my school work, and I started in class. Also I missed school a lot and did not want to continue schooling which resulted in dropping off at Year 9. 7. I did not want to attend to any family gathering. 8. I go out and do anything that I wish thinking that I am old enough to make my own decision.”*

e) Rape of female children is becoming prevalent in Fiji, thus a scourge and menace to society, compelling the need for holistic measures to properly and effectively deter and prevent such societal bane, and at the same time uphold the community’s denouncement of such horrid sexual crime. Deterrence is however highly warranted weighed together with *inter alia* the sentencing objectives of punishment, retribution and rehabilitation.

8. The 18 years is reduced by 3 years for the **mitigating factors** considering that the accused has no prior conviction, aged 58 years, married with grown up children residing in Nakasi, earning income as a grasscutter, thus arriving at the interim custodial term of 15 years.

### **Time spent in custody**

9. The 15 years imprisonment is further reduced by 2 years for **time spent in custody** pursuant to section 24 of the Sentencing and Penalties Act 2009, thus arriving at the custodial term of 13 years for **Count 3: Rape**.

### **Non-parole period**

10. Pursuant to section 18 of the Sentencing and Penalties Act 2009 and Timo v State [2019] FJSC 22; CAV0022.2018 (30 August 2019), I have decided to fix a non-parole period of 12

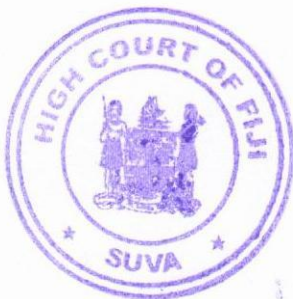
years imprisonment for the head sentence of 13 years imprisonment.

## **CONCLUSION**

11. **Ilaitia Radravu** stands convicted of Count 3: Rape contrary to section 207(1) and 2(a) of the Crimes Act 2009, and hereby sentenced to a **custodial term of 13 years with the non-parole period of 12 years imprisonment**.

### **Permanent DVRO, standard non-molestation, non-contact orders**

12. In addition to the imprisonment sentence, pursuant to the Domestic Violence Act 2009, I hereby issue a ***Permanent Domestic Violence Restraining Order*** [ s.22 ] with the standard non-molestation conditions [ s.27 ] including a non-contact order [ s.29 ] against **Ilaitia Radravu**, and the protected party being the complainant **NEL**.
13. Thirty (30) days to appeal to the Fiji Court of Appeal.



*Pita Bulamainivalu*

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**Hon. Mr. Justice Pita Bulamainivalu**  
**PUISNE JUDGE**

### **At Suva**

13 March 2026

### **Solicitors**

Legal Aid Commission for the Applicant  
Office of the Director of Public Prosecutions for the Respondent