

IN THE MAGISTRATES COURT OF FIJI
AT SUV

Criminal Case : 1617/2024

STATE

V

RATU AISAKE NAULU

For the Prosecution: Mr.Kumar(ODPP)

The accused: In Person

Date of Judgment: 05 September 2025

Date of Sentence : 09 September 2025

(The victim is a juvenile and her name is suppressed and identified as Ms.AN in this Sentence)

SENTENCE

1. Ratu Aisake Naulu, you have been convicted following a full hearing on two counts of Defilement of a Young Person between the ages of 13 and 16, in contravention of Section 215(1) of the Crimes Act.¹
2. The prosecution proved beyond reasonable doubt that the offences occurred in December 2023 and January 2024. On the first occasion, you engaged in unlawful sexual intercourse with the complainant, Ms. AN, in the rear seat of your wife's motor vehicle. On the second occasion, the act took place in a hotel room located in Toorak. At the time of both incidents, the victim was 14 years of age.
3. The maximum penalty for the offence of Defilement of a Young Person under the Crimes Act is ten (10) years' imprisonment.
4. In Naiwau v State² the court held that the tariff is from suspended sentence to 04 years imprisonment.
5. In Laisiasa Koroivuki v the State³ the Court of Appeal of Fiji discussed the guiding principles for determining the starting point in sentencing and observed :

¹ No 44 of 2009.

² [2018] FJHC 193; HAA01.2018 (16 March 2018)

³ [2013] FJCA 15; AAU0018.2010 (5 March 2013)

"In selecting a starting point, the court must have regard to an objective seriousness of the offence. No reference should be made to the mitigating and aggravating factors at this time. As a matter of good practice, the starting point should be picked from the lower or middle range of the tariff. After adjusting for the mitigating and aggravating factors, the final term should fall within the tariff. If the final term falls either below or higher than the tariff, then the sentencing court should provide reasons why the sentence is outside the range".

6. As both offences are similar in nature, I shall impose an aggregate term of imprisonment pursuant to Section 17 of the Sentencing and Penalties Act.⁴
7. Having regard to relevant judicial precedents and the objective seriousness of the offences, I determine a starting point of twelve (12) months for the aggregate sentence.
8. I consider the following to be aggravating factors in this case:
 - I. The victim was only 14 years of age, while you were nearly 48 years old, resulting in a significant age disparity between the parties.**
 - II. You are related to the victim and, by committing these offences, breached the trust placed in you by both the victim and her guardian.**
 - III. It appears that you engaged in unprotected sexual intercourse with the victim, thereby exposing her to physical and emotional risk as well as danger of pregnancy.**
9. In light of the above aggravating factors, I increase the sentence by four (4) years, resulting in a total term of five (5) years' imprisonment.
10. In mitigation, you submitted that you are currently 48 years old and have become separated from your spouse as a consequence of this matter. These are personal circumstances which, in the context of this case, carry minimal weight and do not warrant a reduction in sentence.
11. You are not a first offender and committed this offence whilst on a suspended sentence.
⁵Hence you are not entitled for discounts for your character also.
12. You are in remand for this case for nearly 03 months and I deduct that period to reach 04 years and 09 months imprisonment.⁶
13. In **Donumainasava v The State**⁷ the court held that this offence is designed to **"to protect young girls, who have entered puberty and who are experiencing social and hormonal changes, from sexual exploitation.**

⁴ No 42 of 2009.

⁵ 12 months imprisonment suspended for 02 years on 27/04/2023 in CF 430/2022.

⁶ S 24. Sentencing and Penalties Act.

14. **Ratu Aisake Naulu, you sexually exploited the victim , who was only 14 years of age at the time of the offences. While married, you engaged in unlawful sexual conduct with the victim to satisfy your own desires, and attempted to justify your actions in court by asserting that the victim had consented. You further endangered her well being by engaging in unprotected sexual intercourse on both occasions.**
15. **Although the accepted sentencing tariff for this offence ranges from a suspended sentence to four (4) years' imprisonment, I find that the specific circumstances of this case warrant a sentence above the established range. These include the young age of the victim (14 years), the significant age disparity between you and the victim (over 30 years), the domestic relationship (you being her uncle), the physical and emotional risk posed by unprotected sexual intercourse on two occasions , and the absence of any meaningful mitigating factors.**
16. **Taken together, these aggravating elements reflect a grave breach of trust and a high level of moral culpability, thereby justifying a custodial sentence that exceeds the standard tariff.**
17. **RATU AISAKE NAULU, Accordingly, you are sentenced to four years and nine months' imprisonment for this charge with a non-parole period of 03 years.**
18. For the protection and safety of the victim, I hereby issue permanent non-molestation and non-contact orders pursuant to the provisions of the Domestic Violence Act.
19. 28 days to appeal.



⁷ [2001] FJHC 25; Haa0032j.2001s (18 May 2001)