

IN THE HIGH COURT OF SOLOMON ISLANDS

Criminal Jurisdiction

CRC. No. 233 of 2025

REX -V- JOHN MARK BINGA

Date of Hearing: 15/08/25, 17/09/25.

Date of Sentence: 29/09/25

For the Crown: Mutukera M

For the Accused: Maelanga K / Houa D

Sentence

Kouhota PJ:

Introduction

The Accused John Mark Binga was charged with two counts of Indecent Assault contrary to section 138 (1) (a) (b) and one count of rape contrary to section 136 F (1) (a) (b) of the Penal Code (Amended) (sexual offences Act) 2016. The accused pleaded guilty to the three charge and convicted on his own plea.

The facts of this case show that the Accused, two times between the months of October 2024 and November 2024 did commit indecent acts on her daughter by forcing her to masturbate him until he ejaculated and on the other occasion forced her to ground and masturbate and ejaculate on her head. Then on 6th February 2025 in their house at Tumulighou forced and threatens her with a bush knife and then had sexual intercourse with her without her consent.

Counsel for the Crown in her sentencing submission at paragraph 9 outline the aggravating facts of the offence the Accused had committed, this inter-alia includes

1. Breach of trust because the Accused is the biological father of the Complainant and he breached that trust and custom and sexually abused her and raped her in their own house.
2. Disparity of age, the Accused is 32 years old and the Complainant is 19 years old at the time of incident
3. Psychological harm, Use of weapon and pre-planning all the incidents.

Counsel for the Accused in his sentencing submission at paragraph 4 outline the mitigation fact the Court must take into account in sentencing the Accused. These include the following;

1. First time offender
2. Early Guilty plea and remorse
3. Cooperation with police

I had considered the submission of counsel and noted that the counsels have not pointed any unusual mitigating of aggravating facts other than usual mitigation and usual aggravating factors.

I take into account the mitigation factors submitted on your behalf especially that you plea guilty to charges at the earliest opportunity which is a sign of remorse. I also take in your favour that you are a first-time offender and that you had cooperated with the police during their investigation.

With regard to the aggravating facts, I take into account that you are the biological father of the Complainant thus what you did to you daughter that is indecently assaulting her and raping her is disgusting. What you did is wrong in law and in custom. You use a dangerous weapon on your own daughter to achieve you shameful and selfish sexual desire is a very serious most disgusting. You rape your own daughter in your own house, a place where your daughter should feel safe and secure is very abhorrent.

In that respect, I consider that the aggravating factors far overweight the mitigation factors. After considering the submissions of counsel and the cases authorities referred to counsel, I consider starting the point of 8 years imprisonment is appropriate. After taking into account all the facts and circumstances of the case I sentence you to 9 years imprisonment. Time spend in custody to be count as part of the sentence.

Inform of right of appeal.

