

**IN THE CENTRAL MAGISTRATES COURT**

**AT HONIARA**

Criminal Jurisdiction

Criminal Case No. 469 of 2018

**REGINA**

**V**

**STEVEN MENALE**

Police Prosecution: Mr. Maelanga

Defence: Mr Manebosa

Plea: 28<sup>th</sup> September 2018

Sentence: 10<sup>th</sup> October 2018

**SENTENCE**

1. Mr. Menale you appear today for sentence after you admitted the offence of Domestic violence by pleading guilty to that offence on 29<sup>th</sup> September 2018. Domestic violence, in particular, in this case, physical abuse is a criminal offence under Section 4 (1) (a) and section 58 of the Family Protection Act.
2. The offence has been particularised as follows; that you, Steven Menale of Noipe village, on 13<sup>th</sup> March 2018, at Okea Station, physically abused Joana Menale by doing a conduct that caused her harm to wit throwing a kitchen knife towards her and cut her left ring finger.
3. The facts agreed are that you are married to the Complainant, your wife for the last 26 years and have 5 children. On the 13<sup>th</sup> of March 2018, at about 19:00 hrs the victim, your wife was sharing food for dinner and whilst the family was having dinner, you told your wife to fetch you a smoke to which she responded by asking you to wait. She would do that after dinner.
4. You did not accept that and insisted several times for her to have that smoke done. This has resulted in an argument and your wife hit a plate with a spoon. You got hold of a kitchen knife and threw it to your wife which landed on her left middle ring finger and went through.
5. Your elder daughter saw what happened and picked up her little son who was sitting beside your wife and went outside. Your wife pulled out the knife from her middle finger and went outside as well with bleeding from the injury.
6. Your wife attended the clinic the same night and was attended to by a nurse. The nurse applied four stitches to the injury and was given amoxicillin for a week.
7. The facts shows that you ordered your wife to make smoke for you. You should have appreciated the fact that your wife was busy sharing food for your family as it was

dinner time. I can see why your wife was frustrated and hit the plate with a spoon. Instead of you calming the tense situation, you allowed your temper to take control of you and reacted angrily by throwing the kitchen knife, a deadly weapon, at your wife in the presence of a child who was sitting beside her. These aggravate your offending. You clearly disturbed your family's enjoyment of their dinner. As a father and the head of the family, this is the least behaviour expected of you.

8. I note you are 53 years old and have no previous convictions. You have pleaded guilty to the offence which shows remorse so the Court will give you credit for that.
9. The passing of the Family Protection Act means that domestic violence is no longer a domestic issue between husband and wife but is now a criminal offence under the Family Protection Act. It is a serious matter and the Court has a duty to send the message to you and the public that domestic violence cannot be tolerated by the Courts.
10. The courts have emphasised in the past that violence between husband and wife or within the family may lead to very serious crimes. Domestic violence is not a private matter: it is the concern of everyone. It is shameful, to be strongly condemned.
11. I consider that the principle of deterrence both specific and general deterrence to be of paramount consideration in your case.
12. Having balanced the facts, the aggravating features and the mitigating factors, I am of the view that 6 months imprisonment is warranted in this case. I impose 6 months imprisonment. I consider, however, because of your plea of guilty, a first time offender, the fact that the injury sustained was not so serious and you and your wife have sorted the issue and living together, I order suspension of the 6 months imprisonment sentence for a period of 12 months on good behaviour from today. In addition to that, and to properly reflect the need for deterrence, I will also impose a fine of \$1000.00 in default, forty days imprisonment.
13. The fine is payable by close of business on 24<sup>th</sup> October 2018.

THE COURT  
CENTRAL MAGISTRATES COURT  
Ricky Ione  
Deputy Chief Magistrate

