

IN THE CENTRAL MAGISTRATES COURT
AT HONIARA
Criminal Jurisdiction



Criminal Case No. 784 of 2019

REGINA
V
JOHN MARK RARABAE

Police Prosecution: Ms Irosaki
Defence: Mr Harunari

Plea: 6th November 2019
Sentence: 21st November 2019.

SENTENCE

- 1) Mr Rarabae you appear today for sentence after you admitted the offence of Domestic violence – physical abuse by pleading guilty to that offence.
- 2) The Particulars of Charge particularised the offence in the following terms; that you on 9th August 2019, at Honiara, physically abused Ponisi Rarabae by slapping his mouth using your right hand and kicked his butt using your right leg.
- 3) The facts of your offending are as per the agreed facts tendered. I do not wish to repeat the facts in this sentencing as your Lawyer had gone through the facts with you and you were aware of the facts.
- 4) It is can be deduced from the facts that the offence was committed in your family home after you arrived drunk. You shouted to your family to open the door after your realised that it was locked. It was 0300 hrs in the early hours of the morning when it is expected that most would be deep into their sleeps and homes are expected to be locked. This was exactly what happened when you arrived at your home. Your son responded ad opened the door for you. You did not thank him for that but instead assaulted him while he was having his sleep. Your action had disturbed caused pain to your son and disturbed him but also disturbed your other family members. Even if you angry with your wife, you should have controlled your anger. You failed and instead, your young son was at the receiving end of your anger. You were under the influence liquor at the time. Your wife and children depend on you as their father for protection and provision. On this instance your conduct was clearly contrary to what is expected of you.

- 5) 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.
- 6) The Courts continue to emphasise that violence between husband and wife or within the family may lead to very serious crimes. Domestic violence is not a private matter anymore. It must be the concern of everyone. It is shameful and must be condemned.
- 7) In your case, there was nothing before this court to suggest that the Complainant had suffered any kind of serious injuries as a result of your offending.
- 8) However, I consider that the principle of deterrence in particular, general deterrence is of significance consideration in this case.
- 9) I am of the view that 6 months imprisonment is warranted in this case. I impose 6 months imprisonment.
- 10) I consider, however, because of your early plea, a first time offender and the fact that you have reconciled with your son and wife and paid compensation, I order suspension of the 6 months imprisonment sentence but on the condition; you are not to commit any offence(s) punishable by imprisonment, for a period of 2 years.

