

IN THE BUALA MAGISTRATES')
COURT OF SOLOMON ISLANDS)

(Criminal Jurisdiction)

Criminal Case No. 421 of 2019 BMC

REGINA

-v-

PAUL KATORAI



Prosecution: Mr Lekumana of Buala Police Prosecutions
Defence: Accused in person
Plea date: 27th May 2019
Sentence: 27th May 2019

SENTENCE

Background of Case

1. You, Mr Paul Katorai, appear before me today, 27th May 2019, with a charge of Common Assault contrary to section 244 of the *Penal Code*.
2. You wished to proceed on with the matter without any legal representation and was arraigned.
3. You pleaded guilty to that offence and I convict you.
4. The facts was read to you in pidgin which you informed court that you understood well. I will not repeat the facts.
5. The main facts are that you were drunk and it was night time and you punched the Victim, Barton Molaki on his face. He fell down but did not sustain any injury.

Maximum Penalty

6. The maximum penalty of common assault is as per section 244 of the *Penal Code* is one year imprisonment.

Aggravating and Mitigating factors

7. I have considered the facts and the submissions, by the Prosecutions and the Accused person in court. I also had the benefit of observing the demeanour of the Accused in court.
8. I take it that the aggravating factors are that it was night time and you were drunk during the offending.
9. The Mitigating factors are that you took an early guilty plea. You saved all of us from effort, time, resources and unnecessary delay. You were remorseful and can see you

carry the same remorse until now. You are first time offender with no previous conviction. You are a family person with children to look after.

Sentencing Consideration

10. I can assure that the sentence the court will hand down is one that is very lenient. But consider it as a opportunity to learn and grow from it. I must echo that fight belongs rightly to boxing and other fight sports as wrestling. There is nothing that you gained from hitting the victim. The only thing is that you ended up before this court with regrets. And I do hope that you, by now, your mind is racing with thoughts that you should become a better person. It is fortunate for you that the victim did not sustain any injury or as the saying goes, "*a single punch can end you up at a life sentence offence as murder*". What it means is that if the victim falls from you single punch to die because he hit his head on a rock, you will be charged with murder. Reserve your punches for a situation where you will defend your life.
11. I consider the sentence to fall at the lower end of sentence. A bound over is appropriate because I see that you can change to become a better citizen.
12. Do not come back to court for such clumsiness unless for offences that are beyond your control that you acted involuntarily or you acted out of justification of the Law.
13. The appropriate sentence in your case is 4 months imprisonment. However, I will invoke section 32 of the *Penal Code* and convert the sentence to one of bound over.

ORDERS

14. Impose a sentence of bound over for six months in the sum of \$300.
15. Right of Appeal within 14 days.

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Ishmael Kekou – Magistrate First Class

