

**IN THE CENTRAL MAGISTRATES' COURT
OF SOLOMON ISLANDS**

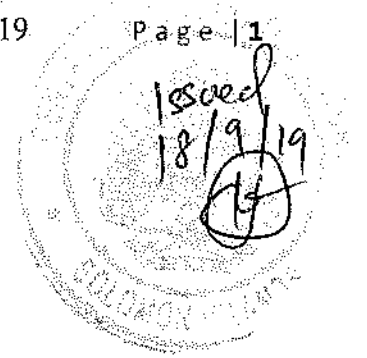
CRIMINAL JURISDICTION

CMC-CRC No. 228 of 2019

REGINA

V

ALFRED LANGONA



Date of Sentence hearing: September 13, 2019

Date of Sentence Ruling: September 18, 2019

Ms Senior Sergeant Teula for Prosecution.

Mr Kama for the Defence.

SENTENCE

Introduction

1. The Accused, Mr Alfred Langona, appeared before the court with one count of Domestic Violence contrary to section 4(1)(a) of the *Family Protection Act (FPA)* to be read with section 58 of the *FPA*.
2. He pleaded guilty to the charge and, now, I convict him accordingly.

Maximum Penalty

3. Section 58(2) of the *FPA* states that the maximum penalty of the domestic violence is 30,000 penalty units or imprisonment of 3 years or both.

Facts

4. The Offender is the Victim's husband. About midday of 16th February 2019, the Offender returned from White River Market to his house and argued with the victim. The Offender was angry because the victim did not help him to sell inkori fruit. He became so angry that he used a steel rod of 40 cm in length and hit it on the Victim's left side of her head. It immediately left an injury. The Victim suffered pain from the blow as blood came out from the injury.

Aggravating Factors

5. The Offender used a weapon. The use of a steel rod is considered dangerous in degree.
6. The place of injury on the victim is considered dangerous compared to other parts of the body. Head holds the brain, the central organ of the body. An injury to it, minor it may be, can be very harmful.

Mitigating Factors

7. Took an early plea at the first opportunity. He was remorseful. It saves everyone's time and resources.
8. First time offender. That the Accused was a law abiding citizen until he was arrested.
9. Reconciled with the victim.
10. No prior conviction.

Court Analysis

11. Domestic Violence is concern in our community. Deterrence must be factored in this sentence. Both against the Offender and generally.
12. Tariff of the lowest in scale as a discharge under section 35 of the *Penal Code* to the highest in scale as 7 months imprisonment.
13. I have carefully considered the submissions of the Defence and Prosecutions.
14. The aggravating factors, deterrence and condemnation of the Offence by the community warrants an immediate custody.
15. I consider that 4 months imprisonment is appropriate.
16. Having to consider the mitigation, I see that the Accused is now a reformed person. He is now living with his wife the victim. They reconciled and he paid a compensation. He have had some time in pre-detention to consider all his unlawful actions against the mother of his children. He expressed his remorse and is the responsible person to look after the wellbeing and welfare of his family and elderly parents. For that, I will deduct one month imprisonment and will release him at the rising of the court because he has served his time in pre-detention.
17. The Court therefore orders that:
 - i. The Offender is sentenced to 3 months imprisonment.
 - ii. The Offender is to be released at the rising of the court as he has adequately served his term in his pre-detention period of 2 months and 29 days.
 - iii. Right of Appeal to any aggrieved party within 14 days of this sentence judgement.

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THE COURT

Ishmael Kekou – Magistrate First Class

