



IN THE TULAGI MAGISTRATE COURT

Criminal Case Number (yet to be assigned) 712/2020

REGINA
V
JOSEPH MARU

BEFORE PRINCIPAL MAGISTRATE MS. FATIMAH ME'ERE TAEBURI
PC SAUGARO APPEARED FOR THE CROWN
MR. HAYNIEL MAX APPEARED FOR THE DEFENDANT

Date of Hearing: 10th July 2020
Date of Judgment: 10th of July 2020

SENTENCE

1. The accused is charged with one count of threatening violence, one count of common assault and one count of malicious damage contrary to the Penal Code.
2. He pleaded guilty to threatening violence and malicious damage. He pleaded not guilty to common assault.
3. The charge of common assault was withdrawn under section 190(2)(b)(i) of the Criminal Procedure Code. I acquit him on common assault.
4. The facts of the case are as follows;
5. He claimed that the complainant gossiped about his children. She denied the allegations. He got angry and started throwing stones at the complainant's house. Some of the stones thrown damaged her properties. Some of the stones landed on the complainant.
6. He took a bush knife and threatened the complainant to leave the house that she was living in. The house belongs to the complainant.
7. The accused did not stop. He kept throwing stones at the complainant on several other occasions later. It was because of this continuous threats and abuse that the complainant reported the matter to the police.
8. The complainant is the aunty of the accused's wife. The complainant is 45 years old.
9. I convict the accused on the facts.
10. In sentencing the accused, I take into account the following factors;
11. That there was no justification in my view for the accused's actions. I am of the view that he over reacted. There was no need at all for him to continuous abuse the complainant in this way. I find that the accused is not only a bully but also a coward

who picked on the complainant because she is weaker than him. I do not think that he would have reacted in the manner he did if the complainant was a man.

12. I consider that he used stones.
13. I consider the continuous fear experienced by the complainant.
14. On behalf of the accused I take into account that he pleaded guilty to the charges.
15. He has no previous convictions.
16. He is a young man with a young family to look after.
17. I take his personal circumstances into account.
18. I must say that men in this society must know that it is wrong to abuse and violate women. The courts will always protect our women and children from these kinds of violence and abuses in our families and our villages.
19. The maximum penalty for threatening violence is 1 year imprisonment.
20. The maximum penalty for malicious damage is 2 years imprisonment.
21. In my view, the appropriate sentence in this case is as follows;
22. Count 1 – threatening violence – 3 months imprisonment;
23. Count 2 – malicious damage – 1 month imprisonment.
24. Both sentences are to be served concurrently. You are therefore sentenced to 3 months imprisonment.
25. I order that the weapon used in the commission of the offence be forfeited to the State for destruction.
26. Right to appeal within 14 days.



Principal Magistrate

Ms. Fatimah Me'ere Taeburi