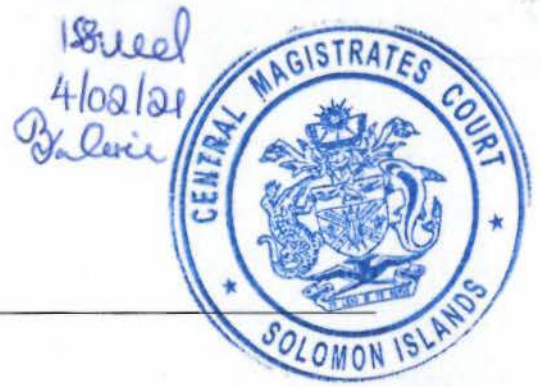


IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 986 of 2020



REGINA
v.
Michael TEREMA JUNIOR

Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi
Mr. Steward Tonowane (DPP) for the Crown
Ms. Emy Pisihanian Rusi (PSO) for the Defendant

Date of Hearing: 3rd February 2021
Date of Sentence: 4th February 2021

SENTENCE

1. The accused pleaded guilty to one count of Grievous Harm contrary to section 226 of the Penal Code.
2. He admitted that he kicked his wife and she fell to the ground. Whilst she was on the ground, he picked up a piece of firewood and hit her fingers. She sustained injuries to two of her fingers. She sustained a fracture to one of her fingers. The medical evidence is that the injury is a 'significant disabling injury'.
3. Based on the finding of the doctor I am satisfied that the injury sustained satisfies the requirement for the offence of grievous harm as provided in the Penal Code.
4. I convict the accused based on the facts.
5. In sentencing him I take into account that he used a weapon. I cannot suspend any imprisonment sentence imposed.
6. I consider the seriousness of the injury sustained and the impacts on the victim. I also consider the pain and suffering experienced by the victim.
7. I also take into account that the convict pleaded guilty to the charge. He demonstrated remorse and save time and resources.

8. He has no previous convictions.
9. He is a young man and in my view there is potential for rehabilitation.
10. In the circumstances I agree that he did not premeditate the offending. It is clear from the facts that he acted in the spur of the moment.
11. Nevertheless, no woman deserves to be treated in this manner. Violence against women in our communities must stop. Like minded offenders must learn that men who hit their wives will be punished.
12. The maximum penalty for this offence is 14 years imprisonment.
13. I consider the case authorities and submissions from counsels.
14. In my view, the appropriate sentence is 1 ½ years imprisonment.
15. The time spent in custody is included.
16. Right to appeal within 14 days.

Dated this 4th day of February 2021



Principal Magistrate Ms. Fatimah Me'ere Taeburi