

**IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 5 of 2021**

**REGINA
v.
Sammy WATE**

Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi
Ms. Dalcy B Oligari (DPP) for the Crown
Mr. Bobby Harunari (PSO) for the Defendant

Date of Hearing: 18th March 2021
Date of Sentence: 26th March 2021

SENTENCE

1. The accused pleaded guilty to one count of unlawful wounding contrary to section 229 of the Penal Code.
2. He hit his wife several times with a piece of iron. He was angry because the complainant admitted that she was flirting with another man. At the initial stage of the fight, the complainant bit the prisoner's hand.
3. She was taken to the hospital after the fight. The medical report showed that she sustained lacerations on her chest and forehead. It was also found that she had air in her left chest which was treated by a chest drain. The report showed that she was given morphine to relief pain. She was also given some other antibiotic.
4. The couple's families have reconciled and paid compensation in custom.¹
5. I convict the accused based on the facts.
6. In sentencing him I consider that he intentionally used the iron bar to cause harm to the victim.

¹ Refer to agreed facts filed 18 March 2021

7. I consider the injuries as serious. The head and chest are considered as vulnerable parts of the human body.
8. I consider the pain and suffering experienced by the victim. She was given morphine to relief her pain.
9. I also take into account that the convict pleaded guilty to the charge. He apologised in court. He demonstrated remorse and save time and resources.
10. He has no previous convictions.
11. He is a young man with a young family and in my view there is potential for rehabilitation.
12. I accept that the prisoner was provoked to some extent. Any man would have been provoked to learn of his wife's flirtatious acts. He was provoked even more when his wife bit his hand.
13. I also consider the reconciliation conducted between the families. Although compensation and reconciliation do not erase the wrong committed, it does repair relationships. It also demonstrates remorse on the part of the prisoner.
14. The maximum penalty for this offence is 5 years imprisonment.²
15. I consider the case authorities and submissions from counsels.
16. In my view, the appropriate sentence is 1 year imprisonment.
17. The time spent in custody is included.
18. Right to appeal within 14 days.

Dated this 26th Day of March 2021



Principal Magistrate – Ms. Fatimah Me'ere Taeburi

² Refer to Penal Code [Cap 26] section 229.