

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 82of 2020



REGINA
V
MARKSON WOASI

Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi
Mr. Samuel Koeto Tivosia (DPP) for the Crown
Mr. Sholto Rodney Manebosa (PSO) for Markson Woasi

Date of Judgment: 28th May 2021
Date of Sentence: 25th June 2021

SENTENCE

PM Taeburi,

1. Mr. Woasi has been convicted on one count of grievous harm contrary to section 226 of the Penal Code.
2. He has been found guilty after a trial for unlawfully causing grievous harm to Augustine Kwaenia. He is now here to be sentenced.
3. I take the following aggravating factors into account;
4. I consider the serious injuries sustained by the complainant. He has permanent scars on his face which are very visible and obvious. There is no doubt that he must have experienced a lot of pain and suffering. It was proved in evidence that he fell unconscious when he was attacked. He must be given justice for all the wrongs committed against him.
5. The facts proven reveals that the convict was a part of group that attacked the complainant. It was a violent and an unprovoked attack by a group of men on an innocent man.
6. In mitigating I consider that the convict is a first time offender. He is a young man. In my view there is good prospect of rehabilitation.
7. I take into account the minimal role that the convict played in the commission of the offence. He was not the principal offender. The evidence proved showed that the injuries on the complainant's face were inflicted by the principal offender. Mr. Woasi

was tied into the offence under section 21 of the Penal Code. His participation in the offending was that he kicked the complainant twice on the complainant's leg.

8. The maximum penalty for grievous harm is 14 years imprisonment.¹
9. In the case of *Regina v Elesia*, the Court imposed 2 years imprisonment on the accused. He pleaded guilty to the charge of grievous harm. He attacked his victim with a piece of timber. The injuries sustained are serious.²
10. In the case of *Regina v Giadei*, the court imposed a sentence of 3 ½ years imprisonment. The accused and another person attacked the complainant and caused his spleen to rupture.³
11. In this case I am satisfied that the appropriate sentence is 1 ½ years imprisonment. The time spent in custody is included.
12. Right to appeal within 14 days.

Dated this 25th Day of June 2021



Principal Magistrate Ms. Fatimah Me'ere Taeburi

¹ S.226 Penal Code Cap 26 –

Any person who unlawfully does grievous harm to another is guilty of a felony, and shall be liable to imprisonment for fourteen years.

² [2021] SBHC 25; HCSI – CRC 94 of 2019 (23 April 2021)

³ [2020] SBHC 97; HCSI – CRC 35 of 2019 (23 October 2020)