

**IN THE TULAGI MAGISTRATE COURT**  
**Criminal Case 341 of 2021**

Issued  
2/07/21  
3/6/21



**REGINA**  
**V**  
**DANIEL VOHESI**

Counsel Ms. Pellie for the Crown  
Counsel Mr. Harunari for the Defendant

Date of Hearing: 1<sup>st</sup> July 2021  
Date of Judgment: 2<sup>nd</sup> July 2021

**SENTENCE**

***PM Taeburi,***

1. The accused pleaded guilty to one count of domestic violence contrary to the Family Protection Act and one count of cruelty to child contrary to the Penal Code.
2. The facts in this case are as follows;
3. The defendant went out fishing on this particular night. He came back at sometimes between 1am and 2am. His wife and children were already asleep. He woke up his wife and argued with her because there was no food reserved for him. He assaulted his wife. Their 5 year old daughter was awake at the time and witnessed the fight. She was afraid of her father and cried. The other children were also woke up. They ran out of the house in fear of their father. Their 10 months old baby was inside the bedroom. The baby was crying. The defendant went inside the room, took the baby and said that he is going to throw the baby in the well. He walked to the well and put the baby down on the ground at about a metre away from the well. The complainant quickly picked up the baby and carried him away. The defendant's aunty who lives close by came and intervened. That night the complainant and her 3 children went and slept the defendant's aunty out of fear. The complainant and accused had reconciled and are currently living together.
4. I enter criminal convictions against the accused on those facts.
5. In sentencing him I must say that the facts of this case are quite disturbing. It is unthinkable how a father can cause such terror to his own children. These innocent children were already asleep. Every child is entitled to a peaceful rest. He returned and became their nightmare.
6. I find it very serious that he threatened to throw the baby into the well and then actually put the baby down at about a metre away from that well. A baby of 10 months old cannot assess and evaluate the risks in his surroundings. The risk that the baby could crawl towards the well and fell into it was a real risk at the time.
7. The fear he caused the children that night also makes the circumstances of this case serious. I agree with the prosecutor, I can only imagine the fear that the 5 year old girl experienced when she saw her father beating up her mother. The children ran out of their own home in fear of their father. The home is the one place where children are

- supposed to feel safe, loved and free. That night, the fear these poor children felt caused them to run away from the place that should have been their safe haven.
8. It is quite unfortunate and sad that there is no assessment and no report rendered to show the psychological effects that the incident has on the children.
  9. I find that the defendant's actions that night were unprovoked and selfish. There was really no reason to be angry at his wife. His anger is unjustified in my view. He said he was cross because there was no food. Yet his lawyer submitted that he is the sole-bread winner in the family. It is laughable that the man of the house who claims to be the breadwinner now turns around and blames the lack of food on his wife and children. These are acts of a coward.
  10. I take into account that he pleaded guilty to the charges at the earliest opportunity. The charges are serious yet he accepts responsibility and admits his wrongs. He demonstrated remorse and he save time and resources.
  11. He has no previous convictions.
  12. He is 32 years old.
  13. He has reconciled with his wife and children. They are now living together as a family.
  14. I make these remarks to send the message in this society. We must all learn to respect our women and to love and protect our children. I think the prosecutor has quoted a very wise statement from His Lordship Chief Justice Palmer in the case of Ludawane, in which it was said,

*The most important gift any parent can be given is a son or a daughter. "Children are a heritage from the Lord, and the fruit of the womb is his reward" (Psalm 127:3). The word "heritage" means a blessing and a gift.... There is no perfect parent in this world but God gives his Grace to parents to enable them to discharge their parental duties.*

15. In this case, it must be made clear that people who do not appreciate the blessing and the gift of children and who abuse and violate their children, will be punished. These court will extend its arms to protect our women and children from abuse and violence.
16. The maximum penalty for the offence of domestic violence is \$30,000 fine or 3 years imprisonment or both. The maximum penalty for the offence of cruelty to a child is 5 years imprisonment.
17. In this case I am satisfied that the appropriate sentence is as follows:
18. Count 1 – 3 months imprisonment;
19. Count 2 – 10 months imprisonment;
20. Both sentences are to be served concurrently.
21. The time spent in custody is included.
22. Right to appeal within 14 days.

