



IN THE CENTRAL MAGISTRATES' COURT)
OF SOLOMON ISLANDS AT HONIARA)
(Criminal Jurisdiction)

Criminal Case No. 356 of 2021

REGINA

-+

HANA MANGALE

Date of plea: July 6, 2021
Date of hearing: July 6, 2021
Date of sentence: July 21, 2021

Mr. Nickson Tonowane for the Crown
Mr. Bobby Harunari for the Accused

SENTENCE

- [1] Mrs. Hana Mangale, you appear before me today on a count of *unlawful wounding* contrary to section 229 of the Penal Code (Cap. 26). On July 6, 2021, you entered a guilty plea to the charge, hence, your remand in custody, after which I informed you that an imprisonment term is inevitable in your case. I had briefly informed you that, it is because of the use of weapon against a defenceless woman who simply minding her own business, and the extent of wound as demonstrated in the victim's medical report that you had to be remanded pending your sentence today. These are the reasoning for your sentence.
- [2] The facts revealed that on January 15, 2021, at Haa village, Russell Islands, the victim was walking back to her area, holding a knife, after she and other women of Haa village finished work at their rest house, when she identified you from a distance.
- [3] You came and accused the victim of having a relationship or extra-marital affair with your husband, after your husband admitted to it.
- [4] You approached the victim, took a 1 meter dead stick and strike the victim. Thus, the stick landed on the victim's left side head.
- [5] For the second time, you strike the victim again, but the victim defended herself by using her left hand. The victim sustained an injury, swollen with an open cut, on the left side of her head. The victim was treated at the Yandina clinic where the open cut was sutured with 3 stitches.
- [6] I can identify the following as the aggravating factors in your case. First, use of a weapon, you used a mangrove stick to strike it on the victim's head. The victim had to be rushed to seek medical attention. Second, it was a nasty wound on the head, which is a vulnerable part of a human body, and the medical report explained that, it is highly likely she'll suffer meningitis. She received 3 stitches from the wound. Third, the action occurred against a defenceless victim. She did not anticipate what had happened, you took her by surprise when you strike the mangrove stick on her head, and you did not withdraw, but strike again, fortunately she defended herself with her left arm. Finally, pre-planning. It's obvious that you have put some thoughts into your action before you execute it. You were angry of what your husband had confessed to you, about the extra-marital affair, and you took it upon yourself to inflict the injury on the victim's head.

- [7] For your mitigation, I consider the fact that, first, you have pleaded guilty to the offence at the earliest opportunity. Your guilty plea has saved courts-time, money and resources to be used on highly and genuinely contested cases. You appeared remorseful before this court during plea hearing. You have understood the extent of what your actions have led you into, and wholeheartedly accepts it. Second, first-offender, this is your first brush with the law, and for the past 38 years you have been a law-abiding citizen. Third, there had been a reconciliation ceremony conducted, which you gave one Losi, worth \$500, local food worth of \$300. You also shook hands with the victim, who is your cousin sister, and you both said sorry to each other. Finally, you are a mother of 5 children, youngest being 3 years old.
- [8] These two cases are highlighted for comparison purposes: *R v Tome*¹. This is a guilty plea matter. The facts stated that the victim swore and kicked the Defendant, the Defendant retaliated and stabbed him with a knife in return. The injury inflicted was not serious, the wound described as shallow and the victim recovered fully from it. The Court imposed a 24 months' imprisonment. Defendant was released at the rising of the Court having spent 17 months in remand.
- [9] In the case of *R v Gere*², the accused pleaded guilty to unlawful wounding by using a knife to stab the victim on the chest. The victim spent eight days in hospital before discharge. The court imposed 18 months' imprisonment.
- [11] Since you have taken the law on your own hands, with the use of a mangrove stick, after your husband had confessed to you of the extra-marital affair he had with the victim, I placed your criminal culpability at mid-range of unlawful wounding. I am convinced that 12 months' imprisonment is a justified starting point for your case.
- [12] I further add 6 months to consider the apparent aggravating features in your case, which brings the total to 18 months imprisonment.
- [13] I first deduct 5 months to consider your early guilty plea and remorsefulness. I also deduct 2 months to consider you being a first-offender and cooperation with police during investigation. I further deduct further 2 months to consider reconciliation between you and the victim. In total, 9 months is deducted to consider your mitigating features.
- [14] I stand back and consider the fact that, you are a married person with 5 children and the youngest being 3 years old. Any imposition of sentence that I will pass today must avoid any crushing effect on the innocent children who need their mother to support, nurture, care and love them, as they grow up. Accordingly, I give credit to reduce further 2 months.
- [15] I do not condone extra-marital affair, and I understand your hurt and pain of what the victim had done to you, the feeling of betrayal that your sister had done a huge mistake with your husband. I understand that such actions lead to the many broken marriages and homes today, but to use a mangrove stick on the victim's head is uncalled for. There are proper ways to resolve such a dispute or issue within our communities, according to custom and biblical principles. What you did in this case is utterly wrong, and you now suffer the harsh consequences that stems from it, including your children who will suffer the impact of your absence in the home.

¹ [2017] SBHC 102; HCSI-CRC 504 of 2016 (28 November 2017)

² [1981] SBHC 6

Sentence orders

[11] Upon considering what I have discussed earlier in this sentence, I make the following orders:

- 1.1. I hereby sentence you, Mrs. Hara Mangale to 7 months imprisonment.
- 1.2. The sentence to commence from date of first remand.
- 1.3. Right of appeal applies within 14 days of this sentence.
- 1.4. Conviction is entered.
- 1.5. Order accordingly.

THE COURT

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Mr. Leonard B. Chite
Principal Magistrate
Central Magistrates' Court

