

IN THE CENTRAL MAGISTRATE'S COURT  
OF SOLOMON ISLANDS AT HONIARA

CRIMINAL JURISDICTION

Criminal Case No. 237 of 2022



REGINA

V

JOANA PAROHIA

Closing Submissions: July 21, 2022

Judgement: July 28, 2022

Sentencing Submissions: August 2, 2022

Sentence: August 9, 2022

Mr. Samuel Tovosia for the Prosecution

Mr. Steven Weago for the Defendant

**SENTENCE**

1. The defendant is convicted after trial for causing unlawful wounding to Mariano Hanaipuri ("victim"). The offence, pursuant to section 229 of the Penal Code, carries 5 years maximum penalty.
2. The brief facts adduced and accepted from the trial is that, in the afternoon of 5<sup>th</sup> March 2021, the victim came to Ahusui village. This is to seek compensation for an affair involving his daughter. Having enquired, he was confronted by the defendant, who was in possession of a small knife. The victim and the defendant then had an argument. The victim moved towards the defendant and kicked her.

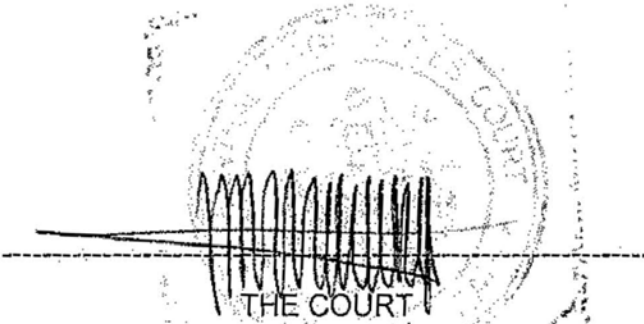
That was when the defendant began to swing the knife at him, causing him to retreat or move backwards.

3. The defendant continued to swing the knife at the victim, who was unarmed. This occurred all throughout when the victim was moving backwards from the defendant over a distance of about 10 to 15 metres. The victim, during the course of reversing fell down backwards onto the ground. It was when he was lying on the ground that the defendant inflicted the knife on his right leg above his knee. It was measured 6cm length and 6mm depth.
4. From the facts, it is clear that the defendant used a knife to inflict the wound on the victim. This is a weapon, fitted the definition of a weapon under section 83 (6) of the Penal Code and is therefore, an aggravating factor to the offending. I also consider the knife wound injury sustained by the victim as another aggravating factor. The physical discomfort and the bodily pain endured by the victim are the probable consequences of this wound/injury. I also treat the attack on the victim is repeated and intentional over a distance of about 10 to 15 meters. The facts disclosed that the defendant swung the knife at the victim about 4 times and it was the 5<sup>th</sup> swung that landed on his leg. The defendant should have stepped back and consider the consequences of her actions. Her arrogance has overtaken her, resulting in the infliction of the wound on the victim. I consider this as an aggravating factor as well.
5. To her favour, I take into account that she is a first time offender; she is very cooperative with the Marau police during the investigation of the offence and has faithfully attended to her matter even when it was transferred over from Marau to Honiara. I also consider the fact that she is a married woman with 3 children, which indicates clearly that she has a motherly responsibility to her children. Since she was convicted after trial, she is not entitled to any remorse.
6. I have decided to consider the factual matrix of this case on its own and decide to impose a sentence that fits well the circumstances of this case. Let me say that this is an unlawful wounding incident stemmed up from a confrontation between the victim and the defendant, being family members related through

marriage. As a result of that argument, the defendant used the knife and wounded the victim, being her brother in law. It must be made clear to the defendant that the using of the knife in that situation is uncalled for and unlawful. The law does not authorise her to do what she did to the victim. The law does not say that it is alright for a woman to use a knife and may do whatever she wants with that knife against an unarmed man to satisfy her personal grudges. If there is any such perceived legal information, then that is erroneous or unknown of in law.

7. What is more important to note is that, in such situation, she must learn to resolve her disagreement, whether it be a family or customary matter, in a proper and lawful way. The taking of the law into her own hand is not advisable as it may end up in committing a crime. The defendant is an adult and this notion is just simple common sense thought.
8. I have considered her culpability, the nature of the wound and the fact that she was convicted after trial. Upon weighting all these with the mitigating factors, I am of the view that the sentence that I will pass will not only reflect her mitigating and personal factors, but one that will send a message to any likeminded offender that inflicting a knife injury or injuries on others that amounted to a unlawful wounding offence is a crime punishable with a maximum penalty of 5 years imprisonment.
9. In light of those reasons, it is my considered view that a custodial sentence is the appropriate form of sentence for the defendant. The defence in its written submission also concedes to this form of penalty.
10. Since this is a contested matter, I therefore imposed a starting point of 14 months imprisonment. This term is increased by 6 months to reflect the aggravating factors. However, this term is reduced by 6 months to reflect her mitigating and personal factors.

11. The final sentence is that the defendant is sentenced to **14 months imprisonment** with immediate effect. This term is not suspended because of the use of knife, being a weapon, as required under section 44 (2) of the Penal Code.
  
12. 14 days right of appeal applies.



THE COURT

Augustine Aulanga – Principal Magistrate