

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 141 of 2022



REGINA
V
TINO MEWA

Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi
Prosecutor Watson Akwai (PPD) for the Crown
Ms. Delilah Eleteku Kukura (PSO) for the defendant

Date of Hearing: 26th August 2022

Date of Ruling: 31st August 2022

SENTENCE

1. The defendant is charged with one count of assault causing actual bodily harm contrary to section 245 of the Penal Code.
2. He pleaded guilty to the charge on the 26th of August 2022.
3. The parties tendered agreed facts on the same day. The facts disclose that he stabbed the complainant on her back using a small knife. He and the complainant were in a relationship for some years. She sustained injury to her back. There is no evidence before the court to describe the injury sustained. There is also no evidence to indicate whether she received any medical treatment of any sort. This is major failure on the part of the prosecution. I cannot assume facts that are not proved as evidence in court. I do however consider that the fact that she sustained injury as a result.
4. Based on the agreed facts tendered, I am satisfied that all the elements of the charge are proved and I enter criminal conviction against the accused.
5. In sentencing him, I consider that he used a knife to inflict injury.
6. I cannot say much about the complainant's injury in the absence of evidence.
7. I consider that the actions were premeditated. He was armed with the knife when he approached the complainant.
8. In his favour I take into account that he pleaded guilty to the charge. He is a first time offender. I consider his young age and circumstances. I also consider that he cooperated with the police and the court during the investigation and prosecution of this matter.

9. I take account that he was probably provoked to some extent given that the complainant swore at him sometimes before the incident.
10. The maximum penalty for the offence of assault causing actual bodily harm is 5 years imprisonment.
11. I agree with the prosecutor that the circumstances of this case attracts a custodial sentence.
12. The sentencing tariff submitted by parties range from 2 ½ years imprisonment to suspended sentences.
13. In my view, a suspended sentence is not appropriate in this case because of the use of the weapon.
14. I am satisfied that the appropriate punishment is imprisonment for 10 months. The time spent in custody is included.
15. Right to appeal within 14 days.

Dated this 31st Day of August 2022



Ms. Fatimah Me'ere Taeburi
Principal Magistrate