



In the Central Magistrate's Court
Of Solomon Islands

Criminal Case No: 565 of 2022

REGINA

V

ROBERT SAENI

Date of Hearing: 29th March 2023
Date of Ruling: 30th March 2023

Prosecutor Vildam for the Crown
Counsel Mr. Palmer for the accused

SENTENCE

PM Taeburi,

1. The defendant pleaded guilty to one count of domestic violence contrary to section 4(1) (a) and section 58(1) and (2) of the Family Protection Act. He is here to be sentenced.
2. He admitted that he hit his wife twice on her face. Prior to the assault the accused and the complainant were arguing about money. The complainant then swore at the accused.
3. In sentencing the defendant, I consider that the assault was committed on a weaker human being. As a matter of general knowledge, a woman is physically weaker compared to a man.
4. I consider that reports have shown that women in this country have always been subjected to violence and abuse. This has led our governments in the past and present to take steps to stop violence in our homes. The enactment of the Family Protection Act in 2014 is an example of the steps taken by our legislatures to stop the violence.
5. The courts must therefore also play its part when sentencing offenders to send the message in our societies that violence against women is not tolerated. We as individuals, both men and women, can also play our part to ensure that our homes are safe and free from violence.

6. To mitigate in favour of the accused I take into account that he was provoked to some extent. The swear words used by the complainant are in custom very offending. Any man in the shoes of the accused would have been provoked. I must also say that women too must learn to respect and honour their husbands. Abuse comes in many forms. Swearing is verbal abuse.
7. Having said that, I must also emphasize that there is no justification for any act of violence. In any given situation, we must all practice some form of self-control and must also learn to resolve disagreements through peaceful means. As the head of the family the accused and other husbands and fathers must take lead in ensuring that disagreements in the domestic settings are resolved amicably and peacefully.
8. I take into account that the accused pleaded guilty to the charge. A guilty plea shows that an accused person is remorseful. It also saves time and resources that would have been otherwise expended. I therefore give credit to this accused and I discount the sentence accordingly.
9. I consider the defendant's personal circumstances. He has no prior convictions. He is a young man with a young family to provide for and to protect. The accused and the complainant have a young child together. I was informed that they have resolved their issue and are now living together as a family.
10. The maximum penalty for this offence is 30,000 penalty units or 3 years imprisonment or both.
11. In the circumstances of this case I do not think that a custodial sentence is appropriate.
12. After considering all circumstances in the case, I make the following orders;

13. ORDERS;

- i. **Mr. Robert Saeni is convicted on count of domestic violence contrary to section 4(1)(a) and section 58(1) and (2) of the Family Protection Act.**
- ii. **He is sentenced to pay a fine of \$500 to the state within 14 days from today.**
- iii. **In default he is to be imprisoned for 20 days.**
- iv. **He is to enter into a bond to be of good behaviour for 1 year in his own recognisance and in the sum of \$300.**

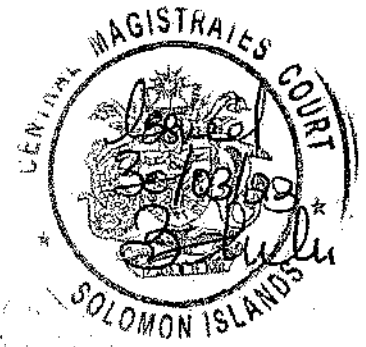
14. Right to appeal within 14 days;

Dated this 30th Day of March 2023



Principal Magistrate Ms. Fatimah Me'ere Taeburi

BOND TO BE OF GOOD BEHAVIOUR
(s. 33 Penal Code)




SOLOMON ISLANDS
IN THE HONIARA MAGISTRATE'S COURT

Criminal Case No: CRC 565/2022 CMG

I, SAENI Robert of Hatodea Village, Takwa District, Malaita Province, who have signed below, acknowledge myself to owe to our Sovereign King Charles III the sum written opposite my signature, to be raised by seizure and sale of my goods if the condition set out is not fulfilled.

Dated this 30th day of March 2023

Signature	Address	Sum.
	Hatodea Village, Takwa District, Malaita Province	\$300

The condition of this order is as follows:

If SAENI Robert keeps the public peace and is of good behaviour for 1 year then the said order shall be void, or otherwise it shall be in force. Recognisance set in the sum of \$300